AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

1-14-94
Vol. 59 No. 10

federal register

Friday
January 14, 1994

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

OFFICIAL BUSINESS
Penalty for private use, $300

SECOND CLASS NEWSPAPER

Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

1-14-94
Vol. 59 No. 10
Pages 2281-2518

federal register

Friday
January 14, 1994

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the **Federal Register** as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and 24x microfiche format. The annual subscription price for the **Federal Register** paper edition is $444, or $490 for a combined **Federal Register**, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $403. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $6.00 for each issue, or $6.00 for each group of pages as actually bound; or $1.50 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA or MasterCard. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 59 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–783–3238**
Assistance with public subscriptions	**512–2303**

Single copies/back copies:

Paper or fiche	**783–3238**
Assistance with public single copies	**512–2457**

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	**523–5243**
Assistance with Federal agency subscriptions	**523–5243**

For other telephone numbers, see the Reader Aids section at the end of this issue.

Printed on recycled paper containing 100% post consumer waste

Contents

Federal Register
Vol. 59, No. 10
Friday, January 14, 1994

Agriculture Department
See Animal and Plant Health Inspection Service
See Commodity Credit Corporation
See Farmers Home Administration
See Food Safety and Inspection Service
See Forest Service
See Soil Conservation Service
PROPOSED RULES
Milk; excessive manufacturing (make) allowances in State marketing orders, 2307

Animal and Plant Health Inspection Service
RULES
Exportation and importation of animals and animal products:
Rinderpest and foot-and-mouth disease; disease status change—
Belgium, 2285–2286
Plant-related quarantine, domestic:
Mediterranean fruit fly, 2281–2283
PROPOSED RULES
Interstate transportation of animals and animal products (quarantine):
Brucellosis surveillance; MCI reactor prevalence rates, 2312–2316

Antitrust Division
NOTICES
National cooperative research notifications:
EHC Technologies Consortium, 2438–2439
Petroleum Environmental Research Forum, 2439
Southwest Research Institute, 2439
Spinal Implant Manufacturers Group, 2439

Army Department
See Engineers Corps
NOTICES
Environmental statements; availability, etc.:
Woodbridge Research Facility, VA; electromagnetic pulse (EMP) simulators relocation, 2362

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Blind or Severely Disabled, Committee for Purchase From People Who Are
See Committee for Purchase From People Who Are Blind or Severely Disabled

Centers for Disease Control and Prevention
NOTICES
Meetings:
Childhood lead poisoning prevention program grantee workshop, 2412

Children and Families Administration
NOTICES
Agency information collection activities under OMB review, 2412–2413

Commerce Department
See Export Administration Bureau
See Minority Business Development Agency
See National Oceanic and Atmospheric Administration

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Procurement list; additions and deletions, 2359–2360

Commodity Credit Corporation
RULES
Loan and purchase programs:
Shorn wool, wool on unshorn lambs, and mohair, 2283–2285

Commodity Futures Trading Commission
RULES
Contract market rules; review procedures, 2286–2292
NOTICES
Contract market proposals:
New York Cotton Exchange—
Currency rate futures and future option contracts, 2360–2361

Customs Service
RULES
Petitions by domestic interested parties:
Frozen produce packages; country of origin marking Correction, 2292

Defense Department
See Army Department
See Engineers Corps
NOTICES
Committees; establishment, renewal, termination, etc.:
Special Operations Policy Advisory Group, 2361

Education Department
PROPOSED RULES
Grants and cooperative agreements to State and local governments:
Direct grant and State-administered programs, 2480–2483
Postsecondary education:
Family education loan program, 2486–2501
NOTICES
Agency information collection activities under OMB review, 2362–2363
Grants and cooperative agreements; availability, etc.:
Law school clinical experience program; technical assistance workshop, 2363
Postsecondary education:
Direct Student Loan Regulations Negotiated Rulemaking Advisory Committee, meeting, 2363–2364

Employment and Training Administration
NOTICES
Adjustment assistance:
Penetrators, Inc., 2440–2441
Plains Petroleum Operating Co., 2441
Nonimmigrant aliens employed as registered nurses; attestations by facilities; list, 2441–2445

Employment Standards Administration
NOTICES
Minimum wages for Federal and federally-assisted construction; general wage determination decisions, 2439–2440

Energy Department
See Federal Energy Regulatory Commission

Engineers Corps
NOTICES
Environmental statements; availability, etc.:
Sisquoc and Santa Maria Rivers, CA; coast rock products mining and reclamation plan, 2361–2362

Environmental Protection Agency
NOTICES
Environmental statements; availability, etc.:
Agency statements—
Comment availability, 2406
Weekly receipts, 2405–2406
Municipal solid waste landfill permit programs; adequacy determinations:
Ohio, 2406–2409
Water pollution; discharge of pollutants (NPDES):
Placer mining in Alaska; general permit, 2504–2518

Export Administration Bureau
NOTICES
Export privileges, actions affecting:
Martin Brothers International, 2357

Farmers Home Administration
PROPOSED RULES
Program regulations:
Direct operating, farm ownership, soil and water, and emergency loans; collateral requirements revisions, 2307–2312

Federal Aviation Administration
PROPOSED RULES
Class D airspace, 2316–2317
Class E airspace; correction, 2454

Federal Communications Commission
RULES
Radio stations; table of assignments:
California, 2302–2303
Maine, 2301–2302
Minnesota, 2302
Wisconsin, 2302
PROPOSED RULES
Radio stations; table of assignments:
Kentucky, 2343–2344
Washington, 2344–2345
Wisconsin, 2344
NOTICES
Agency information collection activities under OMB review, 2409

Federal Deposit Insurance Corporation
NOTICES
Financial institutions in receivership; insufficiency of assets to satisfy all claims; determinations, 2410
Meetings; Sunshine Act, 2453

Federal Emergency Management Agency
NOTICES
Agency information collection activities under OMB review, 2410–2411
Disaster and emergency areas:
Missouri, 2411

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulations filings:
Niagara Mohawk Power Corp. et al., 2364–2379
Electric rate and corporate regulation filings:
Southern California Edison Co., et al., 2379–2381
Wisconsin Electric Power Co. et al., 2381–2382
Environmental statements; availability, etc.:
Appalachian Power Co., 2382
Hydroelectric applications, 2382–2386
Natural gas certificate filings:
Equitrans, Inc., et al., 2386–2387
NUI Corp. et al., 2387–2389
Natural Gas Policy Act:
Self-implementing transactions, 2389–2405
State jurisdictional agencies tight formation recommendations; preliminary findings—
Oklahoma Corporation Commission, 2405
Applications, hearings, determinations, etc.:
Colorado Interstate Gas Co.; correction, 2454
Texas Eastern Transmission Corp., 2405

Federal Highway Administration
PROPOSED RULES
Highway safety programs; effectiveness determinations:
Speed control; priority program area, 2337–2343
State highway safety programs:
Speed control, occupant protection, and roadway safety; guidelines, 2320–2337
NOTICES
Environmental statements; notice of intent:
Asotin County, WA, 2447–2448
Contra Costa and Solano Counties, CA, 2448–2449
Johnson County, KS, 2449
Miller County, AR, 2449–2450
Multiple counties, AL, 2450
Pitt County, NC, 2450–2451

Federal Railroad Administration
NOTICES
Traffic control systems; discontinuance and removal:
Buffalo & Pittsburgh Railroad, Inc., et al., 2451

Federal Reserve System
NOTICES
Meetings; Sunshine Act, 2453
Applications, hearings, determinations, etc.:
Bankers Trust New York Corp. et al., 2411
First Virginia Banks, Inc. et al., 2411–2412

Fish and Wildlife Service
NOTICES
Environmental statements; availability, etc.:
Incidental take permits—
Sport fish and wildlife restoration programs; Federal aid, 2420–2421
Meetings:
Klamath Fishery Management Council, 2421

Food and Drug Administration
RULES
Food additives:
Paper and paperboard components—
Aromatic petroleum hydrocarbon resin, 2293–2294
PROPOSED RULES
Human drugs:
Skin protectant products (OTC)—
Talc; consumer uses and health perspectives; meetings, 2319–2320
NOTICES
Meetings:
Drug master file system; workshop, 2413–2414

Food Safety and Inspection Service
NOTICES
Meetings:
Microbiological Criteria for Foods National Advisory Committee, 2350

Forest Service
NOTICES
Environmental statements; availability, etc.:
East Shore Project, Washoe County, et al., NV, 2350–2352
Exxon Valdez oil spill area; Prince William Sound, Gulf of Alaska and Alaska Peninsula, AK, 2352–2353
Kootenai National Forest, MT, 2353–2356
Meetings:
Newberry National Volcanic Monument Advisory Council, 2356

General Accounting Office
NOTICES
Meetings:
Federal Accounting Standards Advisory Board, 2412

General Services Administration
PROPOSED RULES
Acquisition regulations:
Small business subcontracting program, 2345–2347

Health and Human Services Department
See Centers for Disease Control and Prevention
See Children and Families Administration
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health
See Public Health Service

Health Resources and Services Administration
See Public Health Service
NOTICES
Meetings:
Infant Mortality Advisory Committee, 2414

Housing and Urban Development Department
RULES
Manufactured home construction and safety standards:
Wind standards, 2456–2471
NOTICES
Grants and cooperative agreements; availability, etc.:
Facilities to assist homeless—
Excess and surplus Federal property, 2420

Indian Affairs Bureau
NOTICES
Tribal-State Compacts approval; Class III (casino) gambling:
Quechan Indian Tribe, AZ, 2478

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See Land Management Bureau
See National Park Service
See Reclamation Bureau
See Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Assistance programs; administrative and audit requirements and cost principles, 2343

Interstate Commerce Commission
RULES
Motor carriers:
Household goods shippers; annual performance reports, 2304–2306
Tariffs and schedules:
Payment of discounts by motor carriers of property to nonpayer of freight charges, 2303–2304
PROPOSED RULES
Tariffs and schedules:
Payment of discounts by motor carriers of property to nonpayer of freight charges, 2347
NOTICES
Motor carriers:
Compensated intercorporate hauling operations, 2436
Railroad operation, acquisition, construction, etc.:
Broe, Patrick D., 2436–2437
Gilbertson, Peter A., et al., 2437
Summit View Corp., 2437
Warren & Trumbull Railroad Co., 2438
Railroad services abandonment:
Consolidated Rail Corp., 2437

Justice Department
See Antitrust Division
NOTICES
Pollution control; consent judgments:
Wauconda Sand & Gravel Co., 2438

Labor Department
See Employment and Training Administration
See Employment Standards Administration
See Occupational Safety and Health Administration

Land Management Bureau
RULES
Public land orders:
Montana, 2301
NOTICES
Environmental statements; availability, etc.:
Twin Falls County Solid Waste Facility, ID, 2421–2422
Motor vehicle use restrictions:
Oregon; correction, 2422
Oil and gas leases:
Wyoming, 2422
Realty actions; sales, leases, etc.:
Alaska, 2422–2423
Arizona, 2423
Montana, 2423–2424
Nevada, 2424
New Mexico; correction, 2454
Utah, 2433–2435
Withdrawal and reservation of lands:
New Mexico; correction, 2454

Minority Business Development Agency
NOTICES
Business development center program applications:
Nevada, 2357–2358

National Foundation on the Arts and the Humanities
NOTICES
Meetings:
Humanities Panel, 2445–2446

National Highway Traffic Safety Administration
PROPOSED RULES
Highway safety programs; effectiveness determinations:
Speed control; priority program area, 2337–2343
State highway safety programs:
Speed control, occupant protection, and roadway safety; guidelines, 2320–2337

National Institutes of Health
NOTICES
Meetings:
Human Embryo Research Panel, 2414
National Institute of Mental Health, 2414–2416
National Institute on Alcohol Abuse and Alcoholism, 2416
National Library of Medicine, 2417
Patent licenses; non-exclusive, exclusive, or partially exclusive:
Cell stress transcriptional factors, 2417

National Oceanic and Atmospheric Administration
PROPOSED RULES
Environmental statements; availability, etc.:
Gulf of Mexico and South Atlantic coral and coral reefs, 2347–2349
NOTICES
Meetings:
Mid-Atlantic Fishery Management Council, 2358–2359
Pacific Fishery Management Council, 2359

National Park Service
NOTICES
Boundary establishment, descriptions, etc.:
Big Thicket National Preserve, TX, 2424–2433
Chickasaw National Recreation Area, NM; correction, 2435

Nuclear Regulatory Commission
NOTICES
Applications, hearings, determinations, etc.:
North Atlantic Energy Service Corp., 2446

Occupational Safety and Health Administration
RULES
State plans; development, enforcement, etc.:
Utah, Arizona, and Puerto Rico, 2294–2295

Pension Benefit Guaranty Corporation
RULES
Multiemployer plans:
Late premium payments and employer liability underpayments and overpayments; interest rates, 2295–2296
Valuation of plan benefits and plan assets following mass withdrawal—
Rates; amendments, 2296–2299
Withdrawal liability; notice and collection; interest rates, 2299–2300

Public Health Service
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health
NOTICES
Agency information collection activities under OMB review, 2418
National toxicology program:
Toxicology and carcinogenesis studies—
Acetaminophen, 2418–2419
Furan, 2419
o-Nitroanisole, 2419
Pentachloroanisole, 2420

Railroad Retirement Board
RULES
Railroad Retirement Act:
Railroad employers' reports and responsibilities, 2292–2293
PROPOSED RULES
Public information availability; fee schedule, 2317–2318
Railroad Unemployment Insurance Act:
Debt collection; interest, penalties, and administrative costs assessment or waiver, 2318–2319

Reclamation Bureau
NOTICES
Environmental statements; availability, etc.:
Riverside and Imperial Counties, CA, 2435–2436

Securities and Exchange Commission
NOTICES
Applications, hearings, determinations, etc.:
Gradison U.S. Government Trust, 2446–2447

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
Cane-Mussacuna Creeks Watershed, MS, 2356–2357

Surface Mining Reclamation and Enforcement Office
RULES
Permanent program and abandoned mine land reclamation plan submissions:
Oklahoma, 2300–2301

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Federal Railroad Administration
See National Highway Traffic Safety Administration
NOTICES
Aviation proceedings:
Agreements filed; weekly receipts, 2447
Certificates of public convenience and necessity and foreign air carrier permits; weekly applications, 2447

Treasury Department
See Customs Service
NOTICES
Bonds, Treasury:
8½ percent bonds of 1994–1999; redemption calls, 2451–2452

United States Information Agency
NOTICES
Art objects; importation for exhibition:
Degas Landscapes, 2452

Veterans Affairs Department
NOTICES
Poverty threshold, 2452

Separate Parts In This Issue

Part II
Department of Housing and Urban Development, 2456–2471

Part III
Department of Interior, Bureau of Indian Affairs, 2478

Part IV
Department of Education, 2480–2483

Part V
Department of Education, 2486–2501

Part VI
Environmental Protection Agency, 2504–2518

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

Electronic Bulletin Board
Free **Electronic Bulletin Board** service for Public Law numbers and **Federal Register** finding aids is available on 202–275–1538 or 275–0920.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
301 2281
1468 2283
Proposed Rules:
13 2307
1941 2307
1943 2307
1945 2307
1951 2307

9 CFR
94 2285
Proposed Rules:
78 2312

14 CFR
Proposed Rules:
71 (2 documents) 2316, 2454

17 CFR
1 2286
5 2286

19 CFR
175 2292

20 CFR
209 2292
Proposed Rules:
200 (2 documents) 2317, 2318

21 CFR
176 2293
Proposed Rules:
347 2319

23 CFR
Proposed Rules:
1204 2320
1205 2337

24 CFR
3280 2456
3282 2456

29 CFR
1952 2294
2610 2295
2619 2296
2622 2295
2644 2299
2676 2296

30 CFR
936 2300

34 CFR
Proposed Rules:
75 2480
76 2480
682 2486

43 CFR
Public Land Orders:
7025 2301
Proposed Rules:
12 2343

47 CFR
73 (4 documents) 2301, 2302
Proposed Rules:
73 (3 documents) 2343, 2344

48 CFR
Proposed Rules:
519 2345
552 2345

49 CFR
1051 2303
1053 2303
1056 2304
1312 2303
Proposed Rules:
1312 2347

50 CFR
Proposed Rules:
638 2347

Rules and Regulations

Federal Register
Vol. 59, No. 10
Friday, January 14, 1994

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket 91-155-11]

Mediterranean Fruit Fly; Addition to the Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Mediterranean fruit fly regulations by adding a new portion of Los Angeles County, CA, to the list of quarantined areas. This action is necessary on an emergency basis to prevent the spread of the Mediterranean fruit fly into noninfested areas of the United States.

DATES: Interim rule effective January 10, 1994. Consideration will be given only to comments received on or before March 15, 1994.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 91-155-11. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are encouraged to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Michael B. Stefan, Operations Officer, Domestic and Emergency Operations, Plant Protection and Quarantine, APHIS, USDA, room 640, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8247.

SUPPLEMENTARY INFORMATION:

Background

The Mediterranean fruit fly, *Ceratitis capitata* (Wiedemann), is one of the world's most destructive pests of numerous fruits and vegetables. The Mediterranean fruit fly (Medfly) can cause serious economic losses. Heavy infestations can cause complete loss of crops, and losses of 25 to 50 percent are not uncommon. The short life cycle of this pest permits the rapid development of serious outbreaks.

We established the Mediterranean fruit fly regulations (7 CFR 301.78 through 301.78-10; referred to below as the regulations), and quarantined the Hancock Park area of Los Angeles County, CA, in an interim rule effective on November 5, 1991, and published in the **Federal Register** on November 13, 1991 (56 FR 57573-57579, Docket No. 91-155). The regulations impose restrictions on the interstate movement of regulated articles from quarantined areas in order to prevent the spread of the Medfly to noninfested areas of the United States. We have published a series of interim rules amending these regulations by adding or removing certain portions of Los Angeles, Santa Clara, Orange, San Bernardino, and San Diego Counties, CA, from the list of quarantined areas. Amendments affecting California were made effective on September 10, and November 12, 1992; and on January 19, July 16, August 3, September 22, October 14, November 23, and December 22, 1993 (57 FR 42485-42486, Docket No. 91-155-2; 57 FR 54166-54169, Docket No. 91-155-3; 58 FR 6343-6346, Docket No. 91-155-4; 58 FR 39123-39124, Docket No. 91-155-5; 58 FR 42489-42491, Docket No. 91-155-6; 58 FR 49186-49190, Docket No. 91-155-7; 58 FR 53105-53109, Docket No. 91-155-8; 58 FR 63027-63031, Docket No. 91-155-9; and 58 FR 67627-67630, Docket No. 91-155-10).

Recent trapping surveys by inspectors of California State and county agencies and by inspectors of the Animal and Plant Health Inspection Service (APHIS) have revealed that additional infestations of Medfly have been discovered in the Wilmington area in Los Angeles County, CA.

The regulations in § 301.78-3 provide that the Administrator of APHIS will list as a quarantined area each State, or each portion of a State, in which the Medfly has been found by an inspector, in which the Administrator has reason to believe that the Medfly is present, or that the Administrator considers necessary to regulate because of its inseparability for quarantine enforcement purposes from localities in which the Medfly has been found.

In accordance with these criteria and the recent Medfly findings described above, we are amending § 301.78-3 by expanding the area that extends through Los Angeles and Orange Counties with the addition of a Los Angeles County area of approximately 101 square miles. The new quarantined area is as follows:

Los Angeles County

That portion of Los Angeles County bounded by a line drawn as follows: Beginning at the intersection of State Highway 91 and Crenshaw Boulevard; then south along Crenshaw Boulevard to its intersection with North Palos Verdes Drive; then east along North Palos Verdes Drive to its intersection with Palos Verdes Drive East; then south along Palos Verdes Drive East to its intersection with 25th Street; then east along 25th Street to its intersection with Gaffey Street; then north along Gaffey Street to its intersection with 22nd Street; then east along 22nd Street to its intersection with Pacific Avenue; then south along Pacific Avenue to its intersection with Bluff Place; then south from this intersection along an imaginary line to its intersection with the Pacific Ocean coastline; then east along the Pacific Ocean coastline to its intersection with the San Pedro Breakwater; then east along the San Pedro Breakwater to the Los Angeles Harbor Light Station; then east from the Los Angeles Harbor Light Station along an imaginary line to the Los Angeles Harbor Entrance East Light; then northeast from the Los Angeles Harbor Entrance East Light along the Middle Breakwater to the Long Beach Harbor Light Station; then north from the Long Beach Harbor Light Station along an imaginary line to the intersection of Harbor Scenic Way and Harbor Scenic Drive; then northwest along Scenic Harbor Drive to its intersection with Queen's Way; then north along Queen's Way to its intersection with Ocean

Boulevard; then east along Ocean Boulevard to its intersection with Alamitos Avenue; then northeast along Alamitos Avenue to its intersection with State Highway 1; then east along State Highway 1 to its intersection with Cherry Avenue; then north along Cherry Avenue to its intersection with Willow Street; then east on Willow Street to its intersection with Lakewood Boulevard; then north on Lakewood Boulevard to its intersection with Carson Street; then west on Carson Street to its intersection with Paramount Boulevard; then north on Paramount Boulevard to its intersection with State Highway 91; then West on Highway 91 to the point of beginning.

Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency exists that warrants publication of this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent the Mediterranean fruit fly from spreading to noninfested areas of the United States.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon signature. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866.

For this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

This interim rule affects the interstate movement of regulated articles from the Wilmington area of Los Angeles County, CA. There are approximately 223 small entities that could be affected, including 122 fruit sellers, 21 nurseries, 6 distributors, 7 growers, 50 vendors, 6 food banks, 1 farmers' market, and 10 swapmeets.

These small entities comprise less than 1 percent of the total number of similar small entities operating in the State of California. In addition, most of these small entities sell regulated articles primarily for local intrastate, not interstate, movement, and the sale of these articles would not be affected by this interim regulation.

In the new quarantined area in Los Angeles County, the effect on those few small entities that do move regulated articles interstate from parts of the quarantined areas will be minimized by the availability of various treatments that, in most cases, will allow these small entities to move regulated articles interstate with very little additional cost. Also, many of these entities sell other items in addition to the regulated articles so that the effect, if any, of this regulation on these entities should be minimal. Further, the number of affected entities is small compared with the thousands of small entities that move these articles interstate from nonquarantined areas in California and other States.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this rule. The assessment provides a basis for our conclusion that implementation of integrated pest management to achieve eradication of the Medfly would not have a significant impact on human health and the natural environment.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381–50384, August 28, 1979, and 44 FR 51272–51274, August 31, 1979).

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Paperwork Reduction Act

The information collection and recordkeeping requirements contained in subpart 301.78 have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) under OMB control number 0579–0088.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 7 CFR part 301 is amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for 7 CFR part 301 continues to read as follows:

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff; 161, 162, and 164–167; 7 CFR 2.17, 2.51, and 371.2(c).

2. In § 301.78–3, paragraph (c), the designation of the quarantined areas are amended by revising the entry for Los Angeles and Orange Counties, as follows:

§ 301.78–3 Quarantined areas.

* * * * *

(c) * * *

California

* * * * *

Los Angeles and Orange Counties. That portion of the counties beginning at the intersection of the Angeles National Forest boundary and Sage Hill Road; then north from the intersection along an imaginary line to its intersection with Brown Mountain Road at Millard Campground; then west along Brown Mountain Road to its intersection with El Prieto Road; then southwest along El Prieto Road to its intersection with the Pasadena City Limits; then north and west along the Pasadena City limits to its intersection with the La Canada Flintridge City Limits; then west and south along the La Canada Flintridge City Limits to its intersection with Foothill Boulevard; then northwest along Foothill Boulevard to its intersection with La Crescenta Avenue; then

south along La Crescenta Avenue to its intersection with Shirley Jean Street; then southwest from this intersection along an imaginary line to the end of Allen Avenue; then southwest along Allen Avenue to its intersection with Mountain Street; then northwest along Mountain Street to its intersection with Sunset Canyon Drive; then northwest along Sunset Canyon Drive to its intersection with Olive Avenue; then southwest along Olive Avenue to its intersection with Barham Boulevard; then south along Barham Boulevard to its intersection with State Highway 101; then southeast along State Highway 101 to its intersection with Highland Avenue; then south along Highland Avenue to its intersection with Sunset Boulevard; then west along Sunset Boulevard to its intersection with La Cienega Boulevard; then south along La Cienega Boulevard to its intersection with Washington Boulevard; then southwest along Washington Boulevard to its intersection with Culver Boulevard; then southwest along Culver Boulevard to its intersection with Vista Del Mar; then southeast along Vista Del Mar to its intersection with Rosecrans Avenue; then east along Rosecrans Avenue to its intersection with Prairie Avenue; then south along Prairie Avenue to its intersection with State Highway 91; then east along State Highway 91 to its intersection with Crenshaw Boulevard; then south along Crenshaw Boulevard to its intersection with North Palos Verdes Drive; then east along North Palos Verdes Drive to its intersection with Palos Verdes Drive East; then south along Palos Verdes Drive East to its intersection with 25th Street; then east along 25th Street to its intersection with Gaffey Street; then north along Gaffey Street to its intersection with 22nd Street; then east along 22nd Street to its intersection with Pacific Avenue; then south along Pacific Avenue to its intersection with Bluff Place; then south from this intersection along an imaginary line to its intersection with the Pacific Ocean coastline; then east along the Pacific Ocean coastline to its intersection with the San Pedro Breakwater; then east along the San Pedro Breakwater to the Los Angeles Harbor Light Station; then east from the Los Angeles Harbor Light Station along an imaginary line to the Los Angeles Harbor Entrance East Light; then northeast from the Los Angeles Harbor Entrance East Light along the Middle Breakwater to the Long Beach Harbor Light Station; then north from the Long Beach Harbor Light Station along an imaginary line to the intersection of Harbor Scenic Way and Harbor Scenic Drive; then northwest along Scenic Harbor Drive to its intersection with Queen's Way; then north along Queen's Way to its intersection with Ocean Boulevard; then east along Ocean Boulevard to its intersection with Alamitos Avenue; then northeast along Alamitos Avenue to its intersection with State Highway 1; then east along State Highway 1 to its intersection with Cherry Avenue; then north along Cherry Avenue to its intersection with Willow Street; then east on Willow Street to its intersection with Katella Avenue; then east along Katella Avenue to its intersection with Valley View Street; then, south along Valley View Street to its intersection with Bolsa Chica Road; then, south along Bolsa Chica Road to its intersection with Bolsa Chica Street; then, south along Bolsa Chica Street to its intersection with Los Patos Avenue; then, southeast from this intersection along an imaginary line to the intersection of East Garden Grove Wintersburg Channel and the Bolsa Chica Ecological Reserve boundary; then, southeast along the Bolsa Chica Ecological Reserve boundary to its intersection with Ellis Avenue; then, east along Ellis Avenue to its intersection with Edwards Street; then, south along Edwards Street to its intersection with Garfield Avenue; then, east along Garfield Avenue to its intersection with North Golden West Street; then, south along North Golden West Street to its intersection with Yorktown Avenue; then, east along Yorktown Avenue to its intersection with Main Street; then, south along Main Street to its intersection with Adams Avenue; then, east along Adams Avenue to its intersection with Fairview Road; then, north along Fairview Road to its intersection with Interstate Highway 405; then, east and south along Interstate Highway 405 to its intersection with Culver Drive; then, northeast along Culver Drive to its intersection with Walnut Avenue; then, northwest along Walnut Avenue to its intersection with Jamboree Road; then, northeast along Jamboree Road to its intersection with Chapman Avenue; then north from this intersection along an imaginary line to the intersection of Serrano Avenue and Nohl Ranch Road; then northwest along Nohl Ranch Road to its intersection with the Imperial Highway; then north on the Imperial Highway to its intersection with State Highway 91; then west along State Highway 91 to its intersection with Western Avenue; then north on Western Avenue to its intersection with Commonwealth Avenue; then east on Commonwealth Avenue to its intersection with Beach Boulevard; then north on Beach Boulevard to its intersection with La Mirada Boulevard; then northwest and north on La Mirada Boulevard to its intersection with Colima Road; then northeast on Colima Road to its intersection with Azusa Avenue; then north along Azusa Avenue to its intersection with Amar Road; then east along Amar Road to its intersection with Temple Avenue; then northeast along Temple Avenue to its intersection with the Walnut City Limits; then north and northeast along the Walnut City Limits to the Forest Lawn Memorial Park, Covina Hills, boundary; then northeast along that boundary to Interstate Highway 10; then east along Interstate Highway 10 to its intersection with Interstate Highway 210; then northwest along Interstate Highway 210 to its intersection with San Dimas Avenue; then east and north along San Dimas Avenue to its intersection with Foothill Boulevard; then west along Foothill Boulevard to its intersection with Alosta Avenue; then west along Alosta Avenue to its intersection with Foothill Boulevard; then west along Foothill Boulevard to its intersection with Azusa Avenue; then north along Azusa Avenue to its intersection with San Gabriel Canyon Road; then due north from the intersection along an imaginary line to its intersection with the Angeles National Forest boundary; then west along the boundary to the point of beginning.

Done in Washington, DC, this 10th day of January 1994.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 94–993 Filed 1–13–94; 8:45 am]

BILLING CODE 3410–34–P

Commodity Credit Corporation

7 CFR Part 1468

RIN 0560–AC65

Support Prices for Shorn Wool, Wool on Unshorn Lambs, and Mohair for the 1993 Marketing Year

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: On July 14, 1993, the Commodity Credit Corporation (CCC) issued a proposed rule (58 FR 37876) with respect to the support prices for shorn wool, wool on unshorn lambs, and mohair for the 1993 marketing year. The support level for wool on unshorn lambs has been determined by taking 80 percent of the difference between the 1993 support price for shorn wool and the 1993 national average market price for shorn wool, multiplied by 5 pounds (the amount of wool on an average 100-pound unshorn lamb). The mohair support level has been determined to be $4.738, which is equal to 85 percent of the comparable percentage of parity at which shorn wool is supported for the 1993 marketing year. These actions are required by section 703 of the National Wool Act of 1954, as amended (Wool Act).

EFFECTIVE DATE: January 14, 1994.

FOR FURTHER INFORMATION CONTACT: Janise A. Zygmont, Fibers and Rice Analysis Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture (USDA), room 3756–S, PO Box 2415, Washington, DC 20013–2415 or call 202–720–6734.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule is issued in conformance with Executive Order 12866 and has been determined to be a "significant regulatory action." Based on information compiled by USDA, it has been determined that this final rule:

(1) Would have an annual effect on the economy of more than $100 million;

(2) Would not adversely affect in a material way the economy, a sector of

the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(3) Would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(4) Would not alter the budgetary impact of entitlements, grants, user fees, or loan programs or rights and obligations of recipients thereof; and

(5) Would not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or principles set forth in Executive Order 12866.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of these determinations.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will not have a significant impact on the quality of the human environment. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies are: National Wool Act Payments—10.059.

Executive Order 12778

This final rule has been reviewed in accordance with Executive Order 12778. The provisions of this final rule do not preempt State laws, are not retroactive, and do not involve administrative appeals.

Executive Order 12372

This program/activity is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Paperwork Reduction Act

The amendments to 7 CFR part 1468 set forth in this final rule will not result in any change in the public reporting burden. Therefore, the information collection requirements of the Paperwork Reduction Act are not applicable to this amendment.

Final Regulatory Impact Analysis

The Final Regulatory Impact Analysis describing the options considered in developing this final rule and the impact of the implementation of each option is available on request from the above-named individual.

Background

This final rule amends 7 CFR part 1468 to set forth determinations with respect to the support prices for shorn wool, wool on unshorn lambs, and mohair for the 1993 marketing year. A general description of the statutory basis for such determinations in this final rule was set forth at 58 FR 37876 (July 14, 1993).

A total of seven comments were received during the 30-day public comment period that ended August 13, 1993. Three respondents recommended that no changes be made to current support rates. Three respondents recommended that the price support programs be eliminated. In response to these 6 comments, it should be noted that although the proposed rule will be adopted without change, the wool and mohair programs will cease to exist after December 31, 1995.

One respondent suggested that full payment for wool on unshorn lambs should be made only on unshorn lambs up to 125 pounds, liveweight, and that no payments should be made on any weight exceeding 125 pounds. The respondent cited a problem with the current payment method which prorates payments based on the amount of weight gained while the lamb is owned first by the producer and later, a lamb feeder. The respondent noted that prorating payments encourages the production of over-fat lambs—a product that is not wanted by the American consumer—resulting in low lamb prices to the detriment of producers. This comment has not been adopted because it would increase recordkeeping requirements significantly for both ASCS and program participants, and it would require ASCS to make major revisions to the current procedure for calculating unshorn lamb payments. The potential savings resulting from lower payments would not be sufficient to justify such an increase in the administrative burden.

After considering these comments, the following determinations have been made with respect to the wool and mohair price support programs for the 1993 marketing year.

Support Price—Wool on Unshorn Lambs

In accordance with section 703 of the Wool Act, the support price for wool on unshorn lambs shall be determined by taking 80 percent of the difference between the 1993 support price for shorn wool and the 1993 national average market price for shorn wool, multiplied by 5 pounds (the amount of wool pulled from the pelt of an average 100-pound unshorn lamb).

Support Price—Mohair

In accordance with section 703 of the Wool Act, the support price for mohair for the 1993 marketing year shall be $4.738, which is equal to 85 percent of the comparable percentage of parity at which shorn wool is supported for the 1993 marketing year.

The support programs conducted pursuant to the Wool Act are subject to the provisions of the Balanced Budget and Deficit Reduction Act of 1985, as amended. As a result, the price support levels announced in this rule may be recalculated to comply with this Act.

List of Subjects in 7 CFR part 1468

Assistance grant programs—agriculture, Livestock, Mohair, Reporting and recordkeeping requirements, Wool.

Accordingly, 7 CFR part 1468 is amended as follows:

PART 1468—WOOL AND MOHAIR

1. The authority citation for 7 CFR part 1468 continues to read as follows:

Authority: 7 U.S.C. 1781–1787; 15 U.S.C. 714b and 714c.

2. Section 1468.4 is amended by revising paragraph (b) to read as follows:

§ 1468.4 Eligibility for payments.

* * * * *

(b)(1) The shorn wool support price for the 1991 through 1995 marketing years shall be 77.5 percent of an amount which is determined by multiplying 62 cents (the support price in 1965) by the ratio of:

(i) The average of the parity index (the index of prices paid by farmers, including commodities and services, interest, taxes, and farm wage rates) for the three calendar years immediately preceding the calendar year in which such support price is being determined and announced to:

(ii) The average parity index for the three calendar years 1958, 1959, and 1960, rounding the result to the nearest full cent. The shorn wool support price shall be as follows:

(A) 1991—$1.88 per pound.

(B) 1992—$1.97 per pound.

(C) 1993—$2.04 per pound.

(2) The payment rate for wool on unshorn lambs for the 1991 through 1995 marketing years shall be 80 percent of the difference between the national average price received by producers for shorn wool during a specified marketing year and the shorn wool support price multiplied by 5 (the average grease wool yield per hundredweight of live, unshorn lambs marketed). The payment rate for wool on unshorn lambs shall be as follows:

(i) 1991—$5.32 per hundredweight.

(ii) 1992—$4.92 per hundredweight.

(iii) 1993—an amount equal to 80 percent of the difference between the national average price received by producers for shorn wool for the 1993 marketing year and the 1993 shorn wool support price, multiplied by 5.

(3) The mohair support price for the 1991 through 1995 marketing years shall be established at such level, in relationship to the support price for shorn wool, which is determined necessary to maintain approximately the same percentage of parity for mohair as for shorn wool. The mohair support price shall be set within a range of 15 per centum above or below the comparable percentage of parity at which shorn wool is supported, as determined and announced by CCC. The support price for mohair shall be as follows:

(i) 1991—$4.448 per pound.

(ii) 1992—$4.613 per pound.

(iii) 1993—$4.738 per pound.

* * * * *

Signed at Washington, DC, on January 6, 1994.

Grant Buntrock,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 94–943 Filed 1–13–94; 8:45 am]

BILLING CODE 3410–05–P

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 93–103–3]

Change in Disease Status of Belgium Because of Rinderpest and Foot-and-Mouth Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are declaring Belgium free of rinderpest and foot-and-mouth disease. Rinderpest has not existed in Belgium since 1920 and there have been no outbreaks of foot-and-mouth disease since 1976. This action removes the prohibition on the importation from Belgium into the United States of ruminants and fresh, chilled, and frozen meat from ruminants, and relieves restrictions on the importation from Belgium of milk and milk products from ruminants. This action does not relieve restrictions on the importation from Belgium of swine and fresh, chilled, and frozen meat from swine, because Belgium has not been declared free of hog cholera and swine vesicular disease.

We also are adding Belgium to a list of countries that, although declared free of rinderpest and foot-and-mouth disease, are subject to restrictions on the importation of their meat and other animal products into the United States. Finally, we also are adding Belgium to the list of countries from which the importation into the United States of llamas and alpacas is restricted.

EFFECTIVE DATE: January 31, 1994.

FOR FURTHER INFORMATION CONTACT: Dr. Marolo Garcia, Senior Staff Veterinarian, National Center for Import-Export, Veterinary Services, APHIS, USDA, room 757, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–7830.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as "the regulations") govern the importation into the United States of specified animals and animal products to prevent the introduction into the United States of various diseases, including rinderpest, foot-and-mouth disease (FMD), bovine spongiform encephalopathy, African swine fever, hog cholera, and swine vesicular disease (SVD). These are dangerous and destructive communicable diseases of ruminants and swine.

On September 13, 1993, we published in the **Federal Register** (58 FR 47834–47836, Docket No. 93–103–1) a proposal to amend the regulations by adding Belgium to the list in § 94.1(a)(2) of countries that are declared to be free of rinderpest and FMD.

We solicited comments concerning our proposal for a 30-day period ending on October 13, 1993. During that period, we received one comment from a national dairy association requesting that we reopen and extend the comment period so that its members would have ample time to prepare and submit comments. In response, on October 28, 1993, we published in the **Federal Register** (58 FR 57971–57972, Docket No. 93–103–2) a document reopening and extending the comment period until November 29, 1993. We considered all comments received following the date of publication of the proposed rule and on or before the new comment period closing date. We received only one comment by the new comment period closing date, from a national dairy cattle breed association, which fully supported our proposed rule.

Therefore, based on the rationale set forth in the proposed rule, we are adopting the provisions of the proposal as a final rule without change.

Effective Date

This is a substantive rule that relieves restrictions and, pursuant to the provisions of 5 U.S.C. 553, may be made effective less than 30 days after publication in the **Federal Register**. This rule removes the prohibition on the importation into the United States, from Belgium, of ruminants and fresh, chilled, and frozen meat from ruminants and relieves restrictions on the importation, from Belgium, of milk and milk products from ruminants. We have determined that approximately 2 weeks are needed to ensure that Animal and Plant Health Inspection Service personnel at ports of entry receive official notice of this change in the regulations. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be made effective 15 days after publication in the **Federal Register**.

Executive Order 12866 and Regulatory Flexibility Act

This final rule has been reviewed under Executive Order 12866.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

We are adding Belgium to the list in part 94 of countries declared to be free of rinderpest and FMD. This action removes the prohibition on the importation into the United States, from Belgium, of ruminants and fresh, chilled, and frozen meat from ruminants, and relieves restrictions on the importation, from Belgium, of milk and milk products from ruminants. This action does not relieve restrictions on the importation of live swine and fresh, chilled, and frozen meat of swine from Belgium because Belgium is still considered to be affected with hog cholera and SVD.

Based on available information, the Department does not anticipate a major increase in exports of ruminants and fresh, chilled, or frozen meat of ruminants from Belgium into the United States as a result of this rule.

The value of total U.S. imports of cattle in 1991 was $951.6 million, and

the value of total U.S. imports of sheep in 1991 was about $1.6 million. The United States did not import any cattle or sheep from Belgium during 1991. In fact, no cattle or sheep were imported into the United States from any country in Western Europe during 1991 [USDA, Economic Research Service (ERS), "Foreign Agricultural Trade of the United States: Calendar Year 1991 Supplement," 1992). Western Europe is not a source of ruminants for the United States; any increase in the import of ruminants from Belgium as a result of this rule will have a negligible impact on existing trade patterns.

Currently, due to APHIS restrictions, the United States does not import uncooked meat or meat products from Belgium. In 1991, total meat production in the United States (excluding pork) was just under 10.7 million metric tons, while total meat production in Belgium (excluding pork) was 385,000 metric tons, less than four percent of United States production. It is improbable that Belgium will begin to export any significant portion of its meat products to the United States as a result of this rule. Therefore, we estimate that the effect of this rule on domestic meat prices or supplies will be insignificant.

Similarly, we do not anticipate a major increase in exports of milk and milk products from Belgium into the United States as a result of this rule. Importation into the United States of all dairy products, except for casein and other caseinates, is restricted by quotas. Furthermore, while the United States imports more than half of the casein produced in the world and the regulations allow casein and other caseinates to be imported from countries where rinderpest or FMD exists (if the importer has applied for and obtained written permission from the Administrator), Belgium does not currently export casein to the United States. Consequently, we believe that declaring Belgium free of rinderpest and FMD will have no significant effect on the amount of casein imported into the United States.

The effect of declaring Belgium free of rinderpest and FMD on the trade in bovine embryos and semen will probably also be minimal. The United States is a net exporter of bovine embryos and semen; in 1991, the value of bovine embryo and semen exports totalled $46.5 million and $10.2 million, respectively, while imports amounted to only $2.7 million and $89,000, respectively. Though similar trade data was not available for Belgium, we believe that due to the relatively small size of the Belgium market, any increase in the export of bovine embryos and semen from Belgium will have a minimal impact on the United States market.

Five United States importers, all of whom are considered small entities by Small Business Administration standards (they have fewer than 100 employees), have expressed interest in importing bovine embryos and semen from Belgium. APHIS expects the value of the anticipated imports to be minimal in comparison to the domestic production of these entities.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule have been submitted and approved by the Office of Management and Budget (OMB), and there are no new requirements. The assigned OMB control number is 0579–0015.

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 94 is amended as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), VELOGENIC VISCEROTROPIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, and 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331, 4332; 7 CFR 2.17, 2.51, and 371.2(d).

§ 94.1 [Amended]

2. Section 94.1, paragraph (a)(2), is amended by adding "Belgium," immediately after "Barbados,".

3. Section 94.1, paragraph (d)(1), is amended by adding "Belgium," immediately before "Chile,".

§ 94.11 [Amended]

4. In § 94.11, paragraph (a), the first sentence is amended by adding "Belgium," immediately after "The Bahamas,".

Done in Washington, DC, this 10th day of January 1994.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 94–995 Filed 1–13–94; 8:45 am]

BILLING CODE 3410–34–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1 and 5

Contract Market Rule Review Procedures

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is amending Regulation 1.41 to revise the Commission's requirements with respect to the number of copies of rule change proposals that an exchange must provide to the Commission. The Commission also is adopting amendments that would revise certain of the procedures and standards set forth in the Commission's expedited approval rules, Regulations 1.41(h) through 1.41(t), to reflect recent innovations by the exchanges as well as miscellaneous amendments to the procedural aspects of the expedited approval rules. Other proposed amendments include miscellaneous clarifying amendments to the Commission's Guideline No. 1.

EFFECTIVE DATE: February 14, 1994.

FOR FURTHER INFORMATION CONTACT: Richard A. Shilts, Supervisory Economist, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone: (202) 254–7303.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 5a(a)(12) of the Commodity Exchange Act ("Act"), 7 U.S.C. 7a(12),

provides that all rules[1] of a contract market which relate to terms and conditions[2] in futures or option contracts traded on or subject to the rules of a contract market must be submitted to the Commission for its prior approval. Section 5a(a)(12) further requires that contract markets submit all other rules to the Commission. Such other rules may be made effective ten days after Commission receipt unless, within the ten-day period, the Exchange requests Commission approval or the Commission notifies the Exchange that it intends to review the rules for approval.

Commission Regulation 1.41 sets forth procedures for submitting proposed exchange rules for Commission approval, permitting certain exchange rules to go into effect without Commission approval, and dealing with exchange emergency rules. All proposed exchange rules relating to the terms and conditions of a commodity futures or option contract must, and any other rule may, be submitted for prior Commission approval, under Section 5a(a)(12) of the Act, pursuant to procedures set forth in Regulation 1.41(b). Regulation 1.41(c) sets forth the submission requirements for rules that do not relate to terms and conditions and which may be placed into effect without Commission approval ten days after receipt by the Commission. Regulation 1.41(d) sets forth the submission requirements for rules that are exempt from the requirements of Section 5a(a)(12) of the Act. Regulations 1.41(h) through (t) set forth conditions under which, in lieu of submission under Regulation 1.41(b), certain types of exchange rule proposals relating to terms and conditions requiring Commission approval may be deemed approved either upon adoption by the exchange or within a specified number of days of Commission receipt, which ranges from one to ten days.[3]

In submitting rules to the Commission under any of Regulations 1.41(b), 1.41(c), or 1.41(h) through (t), an exchange is required to furnish three copies of the proposal to the Commission's Washington, DC headquarters and one copy to the regional office of the Commission having local jurisdiction over that exchange. For rules submitted under the provisions of Regulation 1.41(d), an exchange is required to furnish one copy of the proposal to the Commission's Washington, DC headquarters and one copy to the regional office of the Commission having local jurisdiction over that exchange.

Commission Regulation 1.41a sets forth procedures delegating to the Directors of the Divisions of Trading and Markets (T&M) and Economic Analysis (DEA) the authority to make certain decisions regarding rule submissions. Specifically, this regulation delegates to the Directors of T&M and DEA the authority to determine: (1) Whether to remit and not accept for review rules submitted under Regulations 1.41(b), (c) or (d) that do not comply with the applicable submission requirements of those regulations; (2) whether a rule submission submitted under Regulation 1.41(c) or (d) relates to terms and conditions thus requiring prior Commission approval pursuant to the provisions of Regulation 1.41(b); (3) whether rules submitted under Regulation 1.41(c) do not require prior approval under Section 5a(a)(12) of the Act and Regulation 1.41(b) and whether such rules may become effective prior to the expiration of the ten-day period following receipt for such rules by the Commission; and (4) whether proposals submitted under any of the expedited procedures of Regulations 1.41(h) through (t) comply with the applicable provisions of these regulations and, if not, to notify the contract market that the submission is subject to the provisions of Regulation 1.41(b).

II. Amendments to Regulation 1.41

The Commission is adopting amendments to Regulation 1.41 that would revise the requirements of Regulations 1.41(b), 1.41(c) and 1.41(h) through (t) to reduce to one from three the number of copies of rule change proposals that an exchange must furnish to the Commission at its Washington, DC headquarters for rule changes submitted under these regulations. However, with respect to applications for contract market designation, under the amendments the exchanges would continue to be required to submit three copies of the application, including the proposed rules, to the Commission at its Washington, DC headquarters. Amendments to appendix A to part 5 of the Commission's regulations reflect this continuing requirement.

Also, the Commission is eliminating the requirement that exchanges must submit one copy of rules submitted under Regulations 1.41(d) and 1.41(h) through (t) to the regional office of the Commission having local jurisdiction over that exchange. The exchanges would continue to be required to submit one copy of rule proposals submitted under Commission Regulations 1.41(b) and 1.41(c) to the regional office of the Commission having local jurisdiction over that exchange.

The Commission has reviewed its procedures for processing rule submissions under Regulations 1.41(b), 1.41(c), and 1.41(h) through (t), and, as a result of that review, the Commission has determined that the submission of more than one copy of a rule change proposal to the Washington, DC headquarters is not necessary. Moreover, the Commission has determined that, for rule change proposals submitted under Regulations 1.41(d) and 1.41(h) through (t), the submission of a copy of such rule to the regional office of the Commission having local jurisdiction over that exchange also is not necessary.[4] Further, these amendments would diminish the paperwork burden on the exchanges and would reduce costs associated with filing submissions under these regulations.

The Commission also is adopting amendments that would clarify and

[1] Commission Regulation 1.41(a)(1) defines "rule" of a contract market as follows:

* * * any constitutional provision, article of incorporation, bylaw, rule, regulation, resolution, interpretation, stated policy, or instrument corresponding thereto, in whatever form adopted, and any amendment or addition thereto or repeal thereof, made or issued by a contract market, or by the governing board of thereof or any committee thereof.

[2] Commission Regulation 1.41(a)(2) defines "terms and conditions" as follows:

Any definition of the trading unit or the specific commodity underlying a contract for the future delivery of a commodity or commodity option contract, specification of settlement or delivery standards and procedures, and establishment of buyers' and sellers' rights and obligations under the contract. Terms and conditions shall be deemed to include provisions relating to the following:

(i) Quality or quantity standards for a commodity and any applicable exemptions or discounts;

(ii) Trading hours, trading months and the listing of contracts;

(iii) Minimum and maximum price limits and the establishment of settlement prices;

(iv) Position limits and position reporting requirements;

(v) Delivery points and locational price differentials;

(vi) Delivery standards and procedures, including alternatives to delivery and applicable penalties or sanctions for failure to perform;

(vii) Settlement of the contract; and

(viii) Payment or collection of commodity option premiums or margins.

[3] Regulations 1.41(e) and 1.41(f), respectively, set forth the submission requirements for exchange membership and contract market rules relating to temporary emergencies. These regulations are not affected by the amendments proposed in this notice.

[4] These changes would not affect the current submission requirements under paragraph (f) of Regulation 1.41 regarding temporary emergency rules, where the exchange is required to notify the Commission at its Washington, DC headquarters by the fastest available means of communication. A written copy of the emergency rule shall be furnished to the Commission at its Washington, DC headquarters and two copies of the rule shall be furnished to the regional office of the Commission having local jurisdiction over that exchange.

update the standards set forth in the expedited approval procedures in paragraphs (h), (l), (o), (p), and (q) of Regulation 1.41. Paragraph (h) establishes an expedited review procedure for changes to the composition, computation, or method of stock selection of a stock index in which a contract market is designated to trade futures contracts, or options on such futures contracts. Currently, such changes are deemed approved upon adoption by the contract market if: (i) The index is compiled for commercial purposes by an independent third party; (ii) the change is consistent with a rule of the contract market which has been approved by the Commission for this purpose which specifically defines, or establishes standards governing, the composition of the stock index upon which the designated futures contracts are authorized to trade; (iii) the contract market provides the Commission with written notice of the change within five days after the change is adopted by the contract market; and (iv) the contract market labels the written notice as being submitted under Regulation 1.41(h). This expedited procedure was established because routine changes to an index to maintain its continuity were not expected to require detailed review by the Commission under paragraph (b) of Regulation 1.41.

Based on approximately 10 years of experience in administering the provisions of Regulation 1.41(h), the Commission has determined that the submission to the Commission on a routine basis of changes which relate to maintaining the continuity of a stock index is not necessary. Further, deleting this requirement would reduce the paperwork burden on the exchanges.

Accordingly, the amendment to Regulation 1.41(h) would delete items (iii) and (iv) above, so that a contract market no longer would be required to submit routinely to the Commission a written notice of a change in the composition, computation, or method of stock selection that is made to maintain the continuity of a stock index in which that contract market is designated to trade futures or futures option contracts. In order for such a change to be deemed approved by the Commission pursuant to Regulation 1.41(h) as amended, the index must continue to be compiled for commercial purposes by an independent third party, and the change must be consistent with a rule of the contract market which has been approved by the Commission for this purpose which defines, or establishes standards governing, the composition of the stock index. Under the amended regulation, however, such changes would not routinely be required to be submitted to the Commission following adoption by the exchange. As currently provided, contract markets would continue to be required to submit to the Commission for review and approval under Regulation 1.41(b) all changes to the composition, computation, or method of stock selection that are for purposes other than the continuity of the index.

Further, under amended Regulation 1.41(h), contract markets would be required to provide to the Commission, upon special call to the contract market, information regarding the composition, computation, or method of stock selection of the index, including any change or changes related to the continuity of the index, or any other issues relating to the index, as instructed, and within the time, and for the period, specified in the call. Such a special call would provide the Commission with information, as requested, to assure that the contract market continued to meet its regulatory obligations.

Paragraph (l) of Regulation 1.41 establishes an expedited procedure for changes in trading months. Such changes are deemed approved 10 days after the Commission receives written notification of the proposal, provided certain conditions are satisfied. The amendment to paragraph (l) would clarify that this paragraph applies to exchange proposals to delist contract months without open interest as well as to exchange proposals to list new months. In that regard, the division directors or their delegees routinely process requests to delist contact months under Regulation 1.41(l), as long as the months to be delisted have no open interest. The amendment simply clarifies the division directors' delegated authority in this regard.

Paragraph (o) establishes an expedited procedure for changes in strike price listing procedures. Such changes are deemed approved 10 days after the Commission receives written notification of the proposal, provided certain conditions are satisfied. The amendment to paragraph (o) would clarify that this paragraph applies to exchange proposals to amend strike price listing procedures for listed options without open interest, as well as for options not listed, at the time the rule goes into effect.

Paragraph (p) establishes an expedited procedure for changes in the last trading day of an option contract. Such changes are deemed approved 10 days after the Commission receives written notification of the proposal, provided certain conditions are satisfied. One amendment to paragraph (p) would clarify that this paragraph applies to listed options without open interest, as well as to options not listed, at the time the rule goes into effect. Another amendment is non-substantive and would correct a typographical error in section (3) of that paragraph. Specifically, the amendment would clarify that the Commission will, within 10 days after receipt of a submission regarding a change in option last trading day specifications, notify the contract market if the change appears to not be consistent with the provisions of this paragraph.

Paragraph (q) of Regulation 1.41 provides that changes related to "cabinet trade" provisions for options may be approved under expedited procedures. A cabinet trade currently is defined as an option trade that represents a closing transaction for both parties to the trade and which is specifically identified as such in the contract market's rules. The amendments to paragraph (q) revise the expedited approval standard to remove the requirement that option cabinet trade rules eligible for treatment under this paragraph must involve closing transactions exclusively. This revision in the expedited approval standard reflects recent innovations by the exchanges with respect to cabinet trade provisions. An amendment to section (3) of that paragraph is non-substantive and corrects a typographical error. Specifically, the amendment clarifies that the Commission will, within 10 days after receipt of a submission regarding a change in the cabinet trade provisions of an option contract, notify the contract market if the change appears to not be consistent with the provisions of this paragraph.

III. Amendments to Regulation 1.41a

In connection with the foregoing amendments to Regulation 1.41, the Commission is adopting amendments to paragraph (a)(5) of Regulation 1.41a. Currently, as noted above, this regulation delegates to the Director of the Division of Trading and Markets and to the Director of the Division of Economic Analysis, or their respective delegees, authority to determine whether changes submitted under paragraphs (h)–(t) of Regulation 1.41 are inconsistent with the relevant provisions of those paragraphs and to notify contract markets if such submissions are to be subject to the usual review procedures under Section 5a(a)(12) of the Act and Regulation 1.41(b).

One amendment to Regulation 1.41a provides that the Director of the

Division of Trading and Markets and the Director of the Division of Economic Analysis, or their respective delegees, have the delegated authority to give notice that rules submitted pursuant to §§ 1.41(k)–(t) comply with the provisions of §§ 1.41(k)–(t), as applicable, and therefore shall be deemed approved prior to the end of the period specified in the applicable rule. Such period commences on the day the rule is received by the Commission at its Washington, DC headquarters. The Commission has received requests from exchanges for notice that rules submitted under the expedited procedures of §§ 1.41(k)–(t) are deemed approved prior to the end of the specified period in order to provide for timely implementation of rules to respond to rapidly changing market conditions or to avoid a market problem.

Another amendment to Regulation 1.41a would expand the delegated authority of the Director of the Division of Trading and Markets and the Director of the Division of Economic Analysis, or their respective delegees, to notify a contract market that a rule submitted under Section 5a(a)(12) of the Act and § 1.41(b) will be treated as if submitted pursuant to §§ 1.41(h)–(t), as applicable, if the rule submitted pursuant to the provisions of § 1.41(b) complies with any of the provisions of §§ 1.41(h)–(t). Current procedures can delay processing of the proposal and impede timely implementation of the rule.

IV. Amendments to Commission Guideline No. 1

Guideline No. 1 sets forth the Commission's economic and public interest requirements for initial and continuing designation of a contract market in a particular commodity. The Commission is proposing to revise this guideline to correct an improper rule reference. Specifically, item 5 in column 2 of the "Option Designation Checklist For Options On Futures Contracts" (option on futures checklist) and the "Option Designation Checklist For Options on Physicals" (option on physicals checklist) regarding the option expiration criteria cites Commission Regulation 33.4(d)(1) as the applicable Commission regulation for these criteria. However, as a result of substantive revisions to the Commission's option regulations adopted in September 1991 (56 FR 43694), many of the Commission's option regulations were renumbered, including Regulation 33.4(d)(1) which was renumbered as 33.4(b)(2). Therefore, the Commission hereby is amending the option checklists to replace 33.4(d)(1) with 33.4(b)(2) as the cited Commission regulation for the option expiration criteria in each of those checklists.

Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, requires that agencies, in adopting rules, consider their impact on small businesses. The Commission has previously determined that contract markets are not small entities for purposes of the Regulatory Flexibility Act. 47 FR 18618 (April 30, 1982). Moreover, no additional regulatory burdens are imposed by these amendments. Therefore, the Acting Chairman on behalf of the Commission hereby certifies, pursuant to 5 U.S.C. 605(b), that the action taken herein will not have a significant economic impact on a substantial number of small entities.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1980 (PRA), 44 U.S.C. 3501 et seq., imposes certain requirements on federal agencies (including the Commission) in connection with their conducting or sponsoring any collection of information as defined by the Paperwork Reduction Act. In compliance with the Act, the Commission has submitted these amended rules and their associated information collection requirements to the Office of Management and Budget.

While these amended rules result in no increased burden, the group of rules (OMB control # 3038–0007) of which they are a part has the following burden:

Average Burden Hours per Response: 50.34.

Number of Respondents: 10,727,182.

Frequency of Response: Monthly.

Persons wishing to comment on the estimated paperwork burden associated with these amended rules should contact Gary Waxman, Office of Management and Budget, room 3228, NEOB, Washington, DC 20503. Copies of the information collection submission to OMB are available from Joe F. Mink, CFTC Clearance Officer, 2033 K Street, NW., Washington, DC 20581, (202) 254–9735.

C. Notice and Comment

Section 553(b) of the Administrative Procedure Act, 5 U.S.C. 553(b), requires in most instances that a notice of proposed rulemaking be published in the **Federal Register** and that opportunity for comment be provided when an agency promulgates new regulations. Section 553(b) sets forth an exception, however, for rules of agency organization, procedure, or practice. The instant amendments provide expedited procedures for the approval of certain contract market rules. The Commission has determined that these amendments, which will reduce the burden on the exchanges, relate to Commission procedure and practice and therefore that notice and comment is not required.

Section 553(b) also sets forth an exception to the requirement of notice and opportunity for public comment when the Commission for good cause finds such notice and public comment are unnecessary or contrary to the public interest. The Commission finds that notice and public comment on the rule changes announced herein are unnecessary because the changes are procedural in nature and do not establish any new obligations under the Act.

List of Subjects in 17 CFR Parts 1 and 5

Commodity futures, Contract market rules, Consumer protection, Rule review procedures, Reporting and recordkeeping requirements.

In consideration of the foregoing and pursuant to the authority contained in the Commodity Exchange Act and, in particular, sections 4c, 5a, and 8a thereof, 7 U.S.C. 6c, 7a and 12a, the Commission hereby amends parts 1 and 5 of chapter I of title 17 of the Code of Federal Regulations as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. The authority citation for part 1 continues to read as follows:

Authority: 7 U.S.C. 2, 2a, 4, 4a, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6j, 6k, 6l, 6m, 6n, 6o, 6p, 7, 7a, 7b, 8, 9, 12, 12a, 12c, 13a, 13a–1, 16, 16a, 19, 21, 23, and 24, unless otherwise stated.

2. Section 1.41 is amended by revising paragraphs (b) introductory text, (c)(1), (d)(2) and (h), by redesignating (l)(1)(iii) as (l)(1)(iv) and adding a new (l)(1)(iii), and by revising (o)(1)(ii), (p)(2)(ii), (p)(3), and (q) to read as follows:

§ 1.41 Contract market rules; submission of rules to the Commission; exemption of certain rules.

* * * * *

(b) *Submission of rules for prior Commission approval.* Except as provided herein and in paragraph (f) of this section, all proposed contract market rules that relate to terms and conditions and any other rules that the Commission has determined pursuant to

paragraph (c) of this section require prior approval must, and any other rule may, be submitted to the Commission for approval pursuant to section 5a(a)(12) of the Act prior to their proposed effective dates. One copy of each such rule submitted under this section shall be furnished to the Commission at its Washington, DC headquarters, and, excluding submissions under paragraphs (h) through (t) of this section, one copy shall be furnished to the regional office of the Commission having local jurisdiction over the contract market. Provided, however, that for submissions under appendix A to part 5 of the Commission's Regulations with respect to contract market designation applications, three copies of such submissions shall be furnished to the Commission at its Washington, DC headquarters. Each submission under this paragraph (b) shall, in the following order:

* * * * *

(c) *Rules that do not relate to terms and conditions.* (1) Except as provided in paragraphs (d) and (f) of this section (exempt or temporary emergency rules), one copy of any rule which does not relate to terms and conditions or which a contract market proposes to place into effect without submission to the Commission for approval under section 5a(a)(12) of the Act and paragraph (b) of this section shall be furnished to the Commission at its Washington, DC headquarters at least ten days prior to its proposed effective date. One copy also shall be transmitted by the contract market to the regional office of the Commission having local jurisdiction over the contract market. Each such submission shall be labeled as being submitted pursuant to paragraph (c) of this section and include the information required by paragraphs (b)(2) through (b)(5) of this section.

* * * * *

(d) * * *

(2) Rules that are exempt from the requirements of section 5a(a)(12) of the Act in accordance with the provisions of this paragraph (d) shall nonetheless be submitted to the Commission pursuant to the provisions of section 5a(a)(1) of the Act. Each such submission shall be labeled as being submitted pursuant to section 5a(a)(1) of the Act and paragraph (d) of this section. One copy of each such submission shall be furnished to the Commission at its Washington, DC headquarters.

* * * * *

(h) *Stock index contracts.* (1) Notwithstanding the provisions of paragraph (b) of this section, all changes in the composition, computation, or method of stock selection of a stock index in which a contract market is designated to trade futures contracts, or options on such futures contracts, shall be deemed approved by the Commission at the time such changes are adopted by a contract market if:

(i) The index is compiled for commercial purposes by an independent third party; and

(ii) The change is consistent with a rule of the contract market which has been approved by the Commission for this purpose which specifically defines, or establishes standards governing, the composition of the stock index upon which the designated futures contracts are authorized to trade.

(2) The contract market must provide to the Commission, upon special call, information regarding the composition, computation, or method of stock selection of the index, including any change or changes, or any other issues relating to the index, as instructed, and within such time, and for such a period, specified in the call.

* * * * *

(l) * * *

(1) * * *

(iii) For proposals to delist previously listed futures or option contract months, the months to be delisted have no open interest at the time of delisting.

* * * * *

(o) * * *

(1) * * *

(ii) The amended rule does not affect any option with open interest at the time the rule goes into effect.

* * * * *

(p) * * *

(2) * * *

(ii) The amended last trading day rule does not apply to any option with open interest at the time the rule goes into effect.

* * * * *

(3) The Commission will, within 10 days after receipt by the Commission of notice of a change in the last trading day specification of an option contract, notify the contract market making the submission if it appears that the change is not consistent with the provisions of this paragraph. Upon such notification by the Commission to the contract market, the change will be subject to the usual procedures under section 5a(a)(12) of the Act and paragraph (b) of this section.

(q) *Option cabinet trade provisions.* (1) For purposes of this paragraph, a cabinet trade is defined as an option trade that represents a transaction whereby the per-contract value of the cabinet trade is less than the per-contract value associated with a trade at the existing minimum premium fluctuation specified in the contract market's rules for that option contract.

(2) Notwithstanding the provisions of paragraph (b) of this section, all initial specifications of, and changes to, option cabinet trade provisions shall be deemed approved by the Commission 10 days after written notice of such change is received by the Commission if:

(i) The initial specification of a cabinet trade rule or a change thereto provides that the per-contract value (or values) of the cabinet trade is (are) less than the per-contract value associated with a trade at the existing minimum premium fluctuation specified in the contract market's rules for that option contract.

(ii) The contract market labels the written notice as being submitted pursuant to paragraph (q) of this section.

(3) The Commission will, within 10 days after receipt by the Commission of notice of a change in the cabinet trade provisions of an option contract, notify the contract market making the submission if it appears that the change is not consistent with the provisions of this paragraph. Upon such notification by the Commission to the contract market, the change will be subject to the usual procedures under section 5a(a)(12) of the Act and paragraph (b) of this section.

* * * * *

3. Section 1.41a is amended by revising paragraph (a)(5) to read as follows:

§ 1.41a Delegation of authority to the Directors of the Division of Trading and Markets and the Division of Economic Analysis to process certain contract market rules.

(a) * * *

(5) Pursuant to §§ 1.41(h) through (t) to determine:

(i) Whether contract market rules submitted pursuant to Section 5a(a)(12) of the Act and the provisions of §§ 1.41(h) through (t) comply with the provisions of §§ 1.41(h) through (t), as applicable;

(ii) To give notice that rules submitted pursuant to §§ 1.41(k) through (t) comply with the provisions of §§ 1.41(k) through (t), as applicable, and therefore shall be deemed approved prior to the end of the period specified in the applicable rule, commencing on the day the rule is received by the Commission at its Washington, DC headquarters;

(iii) If contract market rules submitted pursuant to the provisions of §§ 1.41(h) through (t) do not comply with the applicable provisions of these

regulations, to notify the submitting contract market that such rules are therefore subject to the procedures specified in Section 5a(a)(12) of the Act and § 1.41(b); and

(iv) If contract market rules submitted pursuant to the provisions of § 1.41(b) comply with any of the provisions of §§ 1.41(h) through (t), to notify the contract market that such rules will be treated as if submitted pursuant to §§ 1.41(h) through (t) as applicable.

* * * * *

PART 5—DESIGNATION OF AND CONTINUING COMPLIANCE BY CONTRACT MARKETS

4. The authority citation for part 5 continues to read as follows:

Authority: 7 U.S.C. 6c, 7, 7a, 8 and 12a, unless otherwise noted.

5. Appendix A to part 5, Commission Guideline No. 1, is amended by revising the introductory text of the appendix and by revising the option designation checklists in paragraph (b)(2) and paragraph (c)(5) to read as follows:

Appendix A to Part 5—Guideline No. 1; Interpretive Statement Regarding Economic and Public Interest Requirements for Contract Market Designation

For purposes of a board of trade seeking designation as a contract market and thereafter for the purpose of demonstrating continued compliance with the requirements of sections 4c, 5 and 5a of the Commodity Exchange Act, and regulations thereunder, the following shall be provided to the Commission. The board of trade shall furnish to the Commission at its Washington, DC headquarters three copies of the application including the proposed rules.

* * * * *

(b) * * *

(2) * * *

OPTION DESIGNATION CHECKLIST FOR OPTIONS ON FUTURES CONTRACTS

Criteria	Applicable Commission Rule, 17 CFR	Standard	Met by exchange rule number
1. Speculative limits	1.61	Combined net position in futures and options on a futures-equivalent basis at the futures position levels, with inter-month spread exemptions that are consistent with those of the futures contracts.	
2. Aggregation rule	1.61(g)	Same as section 1.61(g) of this chapter or previously approved language.	
3. Reporting level	15.00(b)(2)	50 contracts or fewer.	
4. Strike prices	33.4(b)(1)	Procedures for listing strikes are specified and automatic.	
5. Option expiration	33.4(b)(2)	Options, except for options on cash-settled futures contracts, expire not less than one business day before the earlier of the last trading day or the first notice day of the underlying futures contract.	
6. Minimum tick	33.4(d)	Tick is equal to, or less than, the underlying futures tick.	
7. Daily price limit, if specified	33.4(d)	Price limit, if any, is equal to, or greater than, underlying futures price limit.	

* * * * *

(c) * * *

(5) * * *

OPTION DESIGNATION CHECKLIST FOR OPTIONS ON PHYSICALS

Criteria	Applicable Commission Rule, 17 CFR	Standard	Met by exchange rule number
1. Speculative limits	1.61	If there is a futures contract in the same commodity on the same exchange, combined futures and options on a futures-equivalent basis at the futures position levels, with inter-month spread exemptions that are consistent with those of the futures contracts.	
2. Aggregation rule	1.61(g)	Same as Section 1.61(g) of this chapter or previously approved language.	
3. Reporting level	15.00(b)(2)	50 contracts or fewer.	
4. Strike prices	33.4(b)(1)	Procedures for listing strikes are specified and automatic.	
5. Option expiration	33.4(b)(2)	Options expire not less than one business day before the earlier of the last trading day or the first notice day of any futures contract in the same or a related commodity, except for cash-settled futures contracts.	

* * * * *

Issued in Washington, DC on January 10, 1994, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 94–962 Filed 1–13–94; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 175

[T.D. 94–5 Correction]

Decision Following Petition by Domestic Interested Party—Location of Country of Origin Marking for Frozen Produce Packages

AGENCY: Customs Service, Treasury.

ACTION: Final interpretive rule; correction.

SUMMARY: This document corrects a previously published decision of Customs by adding Headquarters Ruling HQ 735085 (June 4, 1993), to the list of previous determinations affected by the decision.

EFFECTIVE DATE: The decision regarding the marking of frozen produce articles published in the **Federal Register** on December 29, 1993, and this correction of that decision become effective as to merchandise entered, or withdrawn from warehouse, for consumption, on or after February 11, 1994. Parties adversely affected by any compliance obligations of the December 29 decision or this correction shall have until May 8, 1994, to bring their frozen produce packaging into conformity with these requirements. After that date, all packaged frozen produce articles entered for consumption or withdrawn from warehouse for consumption and not marked to indicate the country of origin in accordance with this decision and other marking requirements of the Tariff Act and Customs Regulations shall be assessed marking duties.

FOR FURTHER INFORMATION CONTACT: Robert Cascardo, Value and Marking Branch, (202) 482–7010.

SUPPLEMENTARY INFORMATION:

Background

On December 29, 1993, Customs published a decision in the **Federal Register** (58 FR 68743) concerning the country of origin marking requirements for imported frozen produce. The decision implemented a new Customs interpretation of section 304 of the Tariff Act of 1930, as amended (19 U.S.C. 1304). Under the decision, packages of imported frozen produce will be required to be marked with their country of origin on the front side of the packaging in specified types and styles. However, the decision's section entitled: "Previous Decisions Affected" should have made clear that HQ 735085 (June 4, 1993) was being modified accordingly. This section on page 68747, second column, is corrected to read, in its entirety, as follows:

Previous Decisions Affected

HRL 731830 (November 21, 1988), is revoked. HQ 735085 (June 4, 1993), and a related determination, HRL 735222 (June 28, 1993), are modified such that the rendering of the required marking shall be in accordance with this decision. T.D. 91–48 (May 28, 1991), is modified. Conspicuous marking within the meaning of T.D. 91–48 shall be limited to marking which complies with the specifications set forth in this decision.

Dated: January 10, 1994.

Harvey B. Fox,

Director, Office of Regulations and Rulings.

[FR Doc. 94–880 Filed 1–13–94; 8:45 am]

BILLING CODE 4820–02–P

RAILROAD RETIREMENT BOARD

20 CFR Part 209

RIN 3220–AB04

Railroad Employers' Reports and Responsibilities

AGENCY: Railroad Retirement Board.

ACTION: Interim final rule.

SUMMARY: The Railroad Retirement Board (Board) hereby amends its regulations to increase the amount of gross earnings required to be reported by employers. This amendment is necessary to reflect increases in the tax and benefit bases.

DATES: Effective Date: This rule is effective January 14, 1994. Comments: The Board will consider comments received by the public up to February 14, 1994.

ADDRESSES: Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Thomas W. Sadler, Assistant General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751–4513, TDD (312) 751–4701.

SUPPLEMENTARY INFORMATION: Benefits under the Railroad Retirement Act (RRA) are financed by an employment tax imposed under the Railroad Retirement Tax Act (RRTA) upon wages paid by railroad employers. The tax has two components, a tier I level and a tier II level. The tier I level is the same as the tax imposed by the Federal Insurance Contributions Act (FICA) and is used to finance what are the equivalent of social security benefits payable under the RRA. The amount of compensation subject to tax is based upon the contribution and benefit base as defined in section 230 of the Social Security Act (see 26 U.S.C. 3231(e)(2)(B)). The contribution base generally rises each year to reflect increases in the national wage rate. In order to estimate future revenues the Board has required employers to report gross earnings, up to $300,000, of a one-percent sample of their employees (20 CFR 209.12). However, the Omnibus Budget Reconciliation Act of 1993 eliminated the wage cap base for the Hospital Insurance Program (Medicare) portion of the tier I tax. Consequently, the $300,000 cap is no longer adequate for making computations with respect to the financial interchange between the railroad retirement and social security/medicare trust funds. Railroad retirement beneficiaries are covered under Medicare by virtue of section 7(d) of the RRA.

Consequently, the Board is amending its regulations to require employers to report gross wages, not just wages up to $300,000.

In order for the amendment increasing the amount of reportable earnings to be effective with respect to the 1993 reports, due by March 1, 1994, the Board is publishing this rule as an interim final rule. However, the Board does invite comments on the change.

The information collections associated with these amendments have been approved by the Office of Management and Budget under Control Number 3220–0132.

List of Subjects in 20 CFR Part 209

Railroad employees, Railroad retirement, Railroads.

PART 209—RAILROAD EMPLOYERS' REPORTS AND RESPONSIBILITIES

1. The authority citation for part 209 continues to read as follows:

Authority: 45 U.S.C. 231f.

2. Section 209.12(b) is amended by revising the first sentence to read as follows:

§ 209.12 Employers' gross earnings reports.

* * * * *

(b) Employers shall report for employees in the gross earnings sample

the employee's gross earnings in a year, including both taxable and non-taxable compensation for the year. * * *

Dated: January 5, 1994.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 94–935 Filed 1–13–94; 8:45 am]

BILLING CODE 7905–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 176

[Docket No. 92F–0056]

Indirect Food Additives: Paper and Paperboard Components

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to expand the safe use of aromatic petroleum hydrocarbon resin hydrogenated, as a component of wax polymer blend coatings for paper and paperboard in contact with fatty foods. This action responds to a food additive petition filed by Arakawa Chemical Industries, Ltd.

DATES: Effective on January 14, 1994; written objections and requests for a hearing by February 14, 1994.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Andrew J. Zajac, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–254–9500.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of March 17, 1992 (57 FR 9260), FDA announced that a food additive petition (FAP 2B4315) had been filed by Arakawa Chemical Industries, Ltd., c/o 1001 G St. NW., suite 500 West, Washington, DC 20001. The petition proposed that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended to provide for the safe use of hydrogenated aromatic petroleum hydrocarbon resin in coatings on paper and paperboard in contact with fatty foods.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed expanded use of the additive is safe. The agency further concludes that § 176.170 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before February 14, 1994, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 176

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 176 is amended as follows:

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

1. The authority citation for 21 CFR part 176 continues to read as follows:

Authority: Secs. 201, 402, 406, 409, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 346, 348, 379e).

2. Section 176.170 is amended in the table in paragraph (a)(5) by revising the entry for "Aromatic petroleum hydrocarbon resin, hydrogenated (CAS Reg. No. 88526–47–0)" to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(a) * * *

(5) * * *

List of Substances	Limitations
* * * * *	
Aromatic petroleum hydrocarbon resin, hydrogenated (CAS Reg. No. 88526–47–0), produced by the catalytic polymerization of aromatic substituted olefins from low boiling distillates of cracked petroleum stocks with a boiling point no greater than 220 °C (428 °F), and the subsequent catalytic reduction of the resulting aromatic petroleum hydrocarbon resin. The resin meets the following specifications: softening point 85 °C (185 °F) minimum, as determined by ASTM Method E 28–67 (Reapproved 1982), "Standard Test Method for Softening Point by Ring-and-Ball Apparatus," and aniline point 70 °C (158 °F) minimum, as determined by ASTM Method D 611–82, "Standard Test Methods for Aniline Point and Mixed Aniline Point of Petroleum Products and Hydrocarbon Solvents," which are incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the American Society for Testing and Materials, 1916 Race St., Philadelphia, PA 19103, or may be examined at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.	For use only as modifiers in wax polymer blend coatings for paper and paperboard at a level not to exceed 50 weight-percent of the coating solids under conditions of use E, F, and G identified in Table 2 of paragraph (c) of this section.
* * * * *	

* * * * *

Dated: January 4, 1994.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 94–897 Filed 1–13–94; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1952

Approved State Plans for Enforcement of State Standards Approval of Supplements to the Utah, Arizona, and Puerto Rico State Plans

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Final rule.

SUMMARY: This document gives notice of Federal approval of State Plan supplements concerning the Utah, Arizona and Puerto Rico Voluntary Protection Programs (VPP). These programs are modeled on the OSHA VPP, which recognize excellence in worksite safety and health. Employers participating in VPP can realize lower workers' injury rates, lower workers' compensation costs and greater employee productivity.

EFFECTIVE DATE: January 14, 1994.

FOR FURTHER INFORMATION CONTACT: James Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, room N3647, 200 Constitution Avenue, NW., Washington, DC, 20210, Telephone (202) 219–8148.

SUPPLEMENTARY INFORMATION:

A. Background

The Utah Occupational Safety and Health Plan was approved under section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(c)) (hereinafter referred to as the Act) and Part 1902 of this chapter on January 10, 1973 (38 FR 1178). A determination of final approval was made under section 18(e) of the Act on July 16, 1985 (50 FR 28770).

The Arizona Occupational Safety and Health Plan was approved under section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(c)) (hereinafter referred to as the Act) and Part 1902 of this chapter on October 29, 1974 (39 FR 39037). A determination of final approval was made under section 18(e) of the Act on June 20, 1985 (50 FR 25571).

The Puerto Rico Occupational Safety and Health Plan was approved under section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(c)) (hereinafter referred to as the Act) and 29 CFR Part 1902 on August 30, 1977 (42 FR 43629).

Part 1953 of this chapter provides procedures for the review and the approval of State change supplements by the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary).

B. Description of Supplements

On June 18, 1992, Jay W. Bagley, Administrator, Utah Occupational Safety and Health Division, submitted a plan change supplement concerning Utah's Voluntary Protection Programs (VPP). After Federal review of the Utah VPP and subsequent modifications made by the State, Utah's program was found to be generally identical to the Federal Voluntary Protection, as described in the **Federal Register** on July 2, 1982 (47 FR 29025).

On August 30, 1993, Cathy Neville, Assistant Director, Arizona Division of Occupational Safety and Health, submitted a plan change supplement concerning Arizona's Voluntary Protection Program (VPP). After Federal review of the Arizona VPP, Arizona's program was found to be generally identical to the Federal Voluntary Protection Programs, with the exception that the State's VPP is limited to the Star Program in general industry, excludes the Merit and Demonstration Programs and excludes the construction industry.

On January 10, 1993, Yazminnie Vazquez, Director, Voluntary Program, Puerto Rico submitted a plan change supplement concerning Puerto Rico's Voluntary Protection Programs (VPP). The Puerto Rico program also was found to be generally identical to the Federal VPP with the exception of changes to reflect different structure and exclusion of the Demonstration Program.

C. Location of Supplement for Inspection and Copying

A copy of the State plan supplement on the Utah VPP may be inspected and copied during normal business hours at the following locations: U.S. Department of Labor, Occupational Safety and Health Administration, Office of the Regional Administrator, room 1554, Federal Building, 1961 Stout Street, Denver, Colorado 80202; the Industrial Commission of Utah, UOSHA Offices at 160 East 300 South, 3rd Floor, P.O. Box 146600, Salt Lake City, Utah 84114–6600.

A copy of the State plan supplement on the Arizona VPP may be inspected and copied during normal business hours at the following locations: U.S. Department of Labor, Occupational Safety and Health Administration, Office of the Regional Administrator, 71 Stevenson Street, 4th Floor, San Francisco, California 94105; Industrial Commission of Arizona, Division of

Occupational Safety and Health, 800 W. Washington, Phoenix, Arizona 85007.

A copy of the State plan supplement on the Puerto Rico VPP may be inspected and copied during normal business hours at the following locations: U.S. Department of Labor, Occupational Safety and Health Administration, Office of the Regional Administrator, 201 Varick Street, room 670, New York, New York 10014; Puerto Rico Department of Labor and Human Resources, Prudencio Rivera Martinez Building, 505 Munoz Rivera Avenue, Hato Rey, Puerto Rico 00918.

Copies of the Utah, Arizona and Puerto Rico supplements also are available at the U.S. Department of Labor, Occupational Safety and Health Administration, Directorate of Federal-State Operations, 200 Constitution Avenue, NW., room N3700, Washington, DC 20210.

D. Public Participation

Under 29 CFR 1953.2(c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that Utah's, Arizona's and Puerto Rico's Voluntary Protection Programs are generally identical to the Federal Voluntary Protection Programs, meet Federal requirements and were adopted by the States in accordance with State procedural requirements. Good cause is therefore found for approval of these supplements and further public participation would be unnecessary.

E. Decision

After careful consideration and review by the Regional and National Offices, the Utah, Arizona and Puerto Rico plan supplements described above are found to meet OSHA requirements and are hereby approved under part 1953 of this chapter. The decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

Signed at Washington, DC this 30th day of December, 1993.

Joseph A. Dear,

Assistant Secretary of Labor.

Accordingly, for the reasons set forth in the preamble, 29 CFR part 1952 is hereby amended as follows:

PART 1952—[AMENDED]

1. The authority citation for part 1952 continues to read as follows:

Authority: Sec. 18, 84 Stat. 1608 (29 U.S.C. 657); 29 CFR part 1902, Secretary of Labor's Order No. 1–90 (55 FR 9033).

2. Subpart E—Utah, § 1952.117 is amended by adding paragraph (b) to read as follows:

§ 1952.117 Changes to approved plans.

* * * * *

(b) *The Voluntary Protection Program.* On December 30, 1993, the Assistant Secretary approved Utah's plan supplement, which is generally identical to the Federal Voluntary Protection Program.

3. Subpart CC—Arizona is amended by adding § 1952.357 to read as follows:

§ 1952.357 Changes to approved plans.

(a) *The Voluntary Protection Program.* On December 30, 1993, the Assistant Secretary approved Arizona's plan supplement, which is generally identical to the Federal Voluntary Protection Programs with the exception that the State's VPP is limited to the Star Program in general industry, excludes the Merit and Demonstration Programs and excludes the construction industry.

4. Subpart FF—Puerto Rico is amended by adding § 1952.385 to read as follows:

§ 1952.385 Changes to approved plans.

(a) *The Voluntary Protection Programs.* On December 30, 1993, the Assistant Secretary approved Puerto Rico's plan supplement, which is generally identical to the Federal Voluntary Protection Program with the exception of changes to reflect different structure and exclusion of the Demonstration Program.

[FR Doc. 94–837 Filed 1–13–94; 8:45 am]

BILLING CODE 4510–26–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 2610 and 2622

Late Premium Payments and Employer Liability Underpayments and Overpayments; Interest Rate for Determining Variable Rate Premium; Amendments to Interest Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This document notifies the public of the interest rate applicable to late premium payments and employer liability underpayments and overpayments for the calendar quarter beginning January 1, 1994. This interest rate is established quarterly by the Internal Revenue Service. This document also sets forth the interest rates for valuing unfunded vested benefits for premium purposes for plan years beginning in November 1993 through January 1994. These interest rates are established pursuant to section 4006 of the Employee Retirement Income Security Act of 1974, as amended. The effect of these amendments is to advise plan sponsors and pension practitioners of these new interest rates.

EFFECTIVE DATE: January 1, 1994.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024 (202–326–4179 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: As part of title IV of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), the Pension Benefit Guaranty Corporation ("PBGC") collects premiums from ongoing plans to support the single-employer and multiemployer insurance programs. Under the single-employer program, the PBGC also collects employer liability from those persons described in ERISA section 4062(a). Under ERISA section 4007 and 29 CFR 2610.7, the interest rate to be charged on unpaid premiums is the rate established under section 6601 of the Internal Revenue Code ("Code"). Similarly, under 29 CFR 2622.7, the interest rate to be credited or charged with respect to overpayments or underpayments of employer liability is the section 6601 rate. These interest rates are published by the PBGC in appendix A to the premium regulation and appendix A to the employer liability regulation.

The Internal Revenue Service has announced that for the quarter beginning January 1, 1994, the interest charged on the underpayment of taxes will be at a rate of 7 percent. Accordingly, the PBGC is amending appendix A to 29 CFR part 2610 and appendix A to 29 CFR part 2622 to set forth this rate for the January 1, 1994, through March 31, 1994, quarter.

Under ERISA section 4006(a)(3)(E)(iii)(II), in determining a single-employer plan's unfunded vested benefits for premium computation purposes, plans must use an interest rate equal to 80% of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid. Under § 2610.23(b)(1) of the premium regulation, this value is determined by reference to 30-year Treasury constant maturities as reported in Federal Reserve Statistical Releases G.13 and H.15. The PBGC publishes

these rates in appendix B to the regulation.

The PBGC publishes these monthly interest rates in appendix B on a quarterly basis to coincide with the publication of the late payment interest rate set forth in appendix A. (The PBGC publishes the appendix A rates every quarter, regardless of whether the rate has changed.) Unlike the appendix A rate, which is determined prospectively, the appendix B rate is not known until a short time after the first of the month for which it applies. Accordingly, the PBGC is hereby amending appendix B to part 2610 to add the vested benefits valuation rates for plan years beginning in November 1993 through January 1994.

The appendices to 29 CFR parts 2610 and 2622 do not prescribe the interest rates under these regulations. Under both regulations, the appendix A rates are the rates determined under section 6601(a) of the Code. The interest rates in appendix B to part 2610 are prescribed by ERISA section 4006(a)(3)(E)(iii)(II) and § 2610.23(b)(1) of the regulation. These appendices merely collect and republish the interest rates in a convenient place. Thus, the interest rates in the appendices are informational only. Accordingly, the PBGC finds that notice of and public comment on these amendments would be unnecessary and contrary to the public interest. For the above reasons, the PBGC also believes that good cause exists for making these amendments effective immediately.

The PBGC has determined that none of these actions is a "significant regulatory action" under the criteria set forth in Executive Order 12866, because they will not have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for these amendments, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 2610

Employee benefit plans, Penalties, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 2622

Business and industry, Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements, Small businesses.

In consideration of the foregoing, part 2610 and part 2622 of chapter XXVI of title 29, Code of Federal Regulations, are hereby amended as follows:

PART 2610—PAYMENT OF PREMIUMS

1. The authority citation for part 2610 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1306, 1307.

2. Appendix A to part 2610 is amended by adding a new entry for the quarter beginning January 1, 1994, to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix A to Part 2610—Late Payment Interest Rates

The following table lists the late payment interest rates under § 2610.7(a) for the specified time periods:

From—	Through—	Interest rate (percent)
* * *	* *	*
Jan. 1, 1994	Mar. 31, 1994 ..	7

3. Appendix B to part 2610 is amended by adding to the table of interest rates new entries for premium payment years beginning in November of 1993 through January of 1994, to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix B to Part 2610—Interest Rates for Valuing Vested Benefits

The following table lists the required interest rates to be used in valuing a plan's vested benefits under § 2610.23(b) and in calculating a plan's adjusted vested benefits under § 2610.23(c)(1):

For premium payment years beginning in—	Required interest rate [1]
* * *	*
Nov. 1993	4.75
Dec. 1993	4.97
Jan. 1994	5.00

[1] The required interest rate listed above is equal to 80% of the annual yield for 30-year Treasury constant maturities, as reported in Federal Reserve Statistical Release G.13 and H.15 for the calendar month preceding the calendar month in which the premium payment year begins.

PART 2622—EMPLOYER LIABILITY FOR WITHDRAWALS FROM AND TERMINATIONS OF SINGLE-EMPLOYER PLANS

4. The authority citation for part 2622 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1362–1364, 1367–68.

5. Appendix A to part 2622 is amended by adding a new entry for the quarter beginning January 1, 1994, to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix A to Part 2622—Late Payment and Overpayment Interest Rates

The following table lists the late payment and overpayment interest rates under § 2622.7 for the specified time periods:

From—	Through—	Interest rate (percent)
* * *	* *	*
Jan. 1, 1994	Mar. 31, 1994 ..	7

Issued in Washington, DC, this 11th day of January 1994.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 94–1031 Filed 1–14–94; 8:45 am]

BILLING CODE 7708–01–M

29 CFR Parts 2619 and 2676

Valuation of Plan Benefits in Single-Employer Plans; Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal; Amendments Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This final rule amends the Pension Benefit Guaranty Corporation's ("PBGC's") regulations on Valuation of Plan Benefits in Single-Employer Plans (29 CFR part 2619) and Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal (29 CFR part 2676).

Part 2619 contains the interest assumptions that the PBGC uses to value benefits under terminating single-employer plans. Part 2676 contains the interest assumptions for valuations of multiemployer plans that have undergone mass withdrawal. The amendments set out in this final rule adopt the interest assumptions applicable to single-employer plans with termination dates in February 1994, and to multiemployer plans with valuation dates in February 1994.

EFFECTIVE DATE: February 1, 1994.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024 (202–326–4179 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: This rule adopts the February 1994 interest assumptions to be used under the Pension Benefit Guaranty Corporation's ("PBGC's") regulations on Valuation of Plan Benefits in Single-Employer Plans (29 CFR part 2619, the "single-employer regulation") and Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal (29 CFR part 2676, the "multiemployer regulation").

Part 2619 sets forth the methods for valuing plan benefits of terminating single-employer plans covered under title IV of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"). Under ERISA section 4041(c), all single-employer plans wishing to terminate in a distress termination must value guaranteed benefits and "benefit liabilities", i.e., all benefits provided under the plan as of the plan termination date, using the formulas set forth in part 2619, subpart C. (Plans terminating in a standard termination may, for purposes of the Standard Termination Notice filed with PBGC, use these formulas to value benefit liabilities, although this is not required.) In addition, when the PBGC terminates an underfunded plan involuntarily pursuant to ERISA section 4042(a), it uses the subpart C formulas to determine the amount of the plan's underfunding. Part 2676 prescribes rules for valuing benefits and certain assets of multiemployer plans under sections 4219(c)(1)(D) and 4281(b) of ERISA.

Appendix B to part 2619 sets forth the interest rates and factors under the single-employer regulation. Appendix B to part 2676 sets forth the interest rates and factors under the multiemployer regulation. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

The PBGC issues two sets of interest rates and factors, one set to be used for the valuation of benefits to be paid as annuities and one set for the valuation of benefits to be paid as lump sums. The same assumptions apply to terminating single-employer plans and to multiemployer plans that have undergone a mass withdrawal. This amendment adds to appendix B to parts 2619 and 2676 sets of interest rates and factors for valuing benefits in single-employer plans that have termination dates during February 1994 and multiemployer plans that have undergone mass withdrawal and have valuation dates during February 1994.

For annuity benefits, the interest rates will be 5.90% for the first 25 years following the valuation date and 5.25% thereafter. For benefits to be paid as lump sums, the interest assumptions to be used by the PBGC will be 4.50% for the period during which benefits are in pay status and 4.0% during the period preceding the benefit's placement in pay status. (ERISA section 205(g) and Internal Revenue Code section 417(e) provide that private sector plans valuing lump sums under $25,000 must use interest assumptions at least as generous as those used by the PBGC for valuing lump sums (and for lump sums exceeding $25,000 are restricted to 120% of the PBGC interest assumptions).) These annuity and lump sum interest assumptions are unchanged from the January 1994 interest assumptions.

Generally, the interest rates and factors under these regulations are in effect for at least one month. However, the PBGC publishes its interest assumptions each month regardless of whether they represent a change from the previous month's assumptions. The assumptions normally will be published in the **Federal Register** by the 15th of the preceding month or as close to the date as circumstances permit.

The PBGC has determined that notice and public comment on these amendments are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest rates and factors promptly so that the rates and factors can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation of benefits in single-employer plans whose termination dates fall during February 1994, and in multiemployer plans that have undergone mass withdrawal and have valuation dates during February 1994, the PBGC finds that good cause exists for making the rates and factors set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866, because it will not have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; create a serious inconsistency or otherwise interfere with an action taken or planned agency; materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 2619

Employee benefit plans, Pension insurance, Pensions.

29 CFR Part 2676

Employee benefit plans, Pensions.

In consideration of the foregoing, parts 2619 and 2676 of chapter XXVI, title 29, Code of Federal Regulations, are hereby amended as follows:

PART 2619—[AMENDED]

1. The authority citation for part 2619 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

2. In appendix B, Rate Set 4 is added to Table I, and a new entry is added to Table II, as set forth below. The introductory text of both tables is republished for the convenience of the reader and remains unchanged.

Appendix B to Part 2619—Interest Rates Used to Value Lump Sums and Annuities

Lump Sum Valuations

In determining the value of interest factors of the form $v^{0,n}$ (as defined in § 2619.43(b)(1)) for purposes of applying the formulas set forth in § 2619.43 (b) through (i) and in determining the value of any interest factor used in valuing benefits under this subpart to be paid as lump sums (including the return of accumulated employee

contributions upon death), the PBGC shall employ the values of i_t set out in Table I hereof as follows:

(1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply.

(2) For benefits for which the deferral period is y years (y is an integer and $0<y\leq n_1$), interest rate i_t shall apply from the valuation date for a period of y years; thereafter the immediate annuity rate shall apply.

(3) For benefits for which the deferral period is y years (y is an integer and $n_1<y\leq n_1$), interest rate i_2 shall apply from the valuation date for a period of $y-n_1$ years, interest rate i_1 shall apply for the following n_1 years; thereafter the immediate annuity rate shall apply.

(4) For benefits for which the deferral period is y years (y is an integer and $y>n_1+n_2$), interest rate i_3 shall apply from the valuation date for a period of $y-n_1-n_2$ years, interest rate i_2 shall apply for the following n_2 years, interest rate i_1 shall apply for the following n_1 years; thereafter the immediate annuity rate shall apply.

TABLE I

[Lump Sum Valuations]

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
* * *		*		*		*		*
4	2–1–94	3–1–94	4.50	4.00	4.00	4.00	7	8

Annuity Valuations

In determining the value of interest factors of the form $v^{0,n}$ (as defined in § 2619.49(b)(1)) for purposes of applying the formulas set forth in § 2619.49 (b) through (i) and in determining the value of any interest factor used in valuing annuity benefits under this subpart, the plan administrator shall use the value of i_t prescribed in Table II hereof.

The following table tabulates, for each calendar month of valuation ending after the effective date of this part, the interest rates (denoted by i_1, i_1, * * *, and referred to generally as i_t) assumed to be in effect between specified anniversaries of a valuation date that occurs within that calendar month; those anniversaries are specified in the columns adjacent to the rats. The last listed rate is assumed to be in effect after the last listed anniversary date.

TABLE II

[Annuity Valuations]

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t=	i_t	for t=	i_t	for t=
* * * *		*		*		*
February 1994	.0590	1–25	.0525	>25	N/A	N/A

PART 2676—[AMENDED]

3. The authority citation for part 2676 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1399(c)(1)(D), 1441 (b)(1).

4. In appendix B, Rate Set 4 is added to Table I, and a new entry is added to Table II, as set forth below. The introductory text of both tables is republished for the convenience of the reader and remains unchanged.

Appendix B to Part 2676—Interest Rates Used to Value Lump Sums and Annuities

Lump Sum Valuations

In determining the value of interest factors of the form $v^{0,n}$ (as defined in § 2676.13(b)(1)) for purposes of applying the formulas set forth in § 2676.13 (b) through (i) and in determining the value of any interest factor used in valuing benefits under this subpart to be paid as lump sums, the PBGC shall use the values of i_t prescribed in Table I hereof. The interest rates set forth in Table I shall be used by the PBGC to calculate benefits payable as lump sum benefits as follows:

(1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply.

(2) For benefits for which the deferral period is y years (y is an integer and $0<y\leq n_1$), interest rate i_1 shall apply from the valuation date for a period of y years; thereafter the immediate annuity rate shall apply.

(3) For benefits for which the deferral period is y years (y is an integer and $n_1<y\leq n_1+n_2$), interest rate i_2 shall apply from the valuation date for a period of $y-n_1$ years, interest rate i_1 shall apply for the following n_1 years; thereafter the immediate annuity rate shall apply.

(4) For benefits for which the deferral period is y years (y is an integer and $y>n_1+n_2$), interest rate i_3 shall apply from the valuation date for a period of $y-n_1-n_2$ years, interest rate i_2 shall apply for the following n_2 years, interest rate i_1 shall apply for the following n_1 years; thereafter the immediate annuity rate shall apply.

TABLE I

[Lump Sum Valuations]

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
* * *		*		*		*		*
4	2–1–94	3–1–94	4.50	4.00	4.00	4.00	7	8

Annuity Valuations

In determining the value of interest factors of the form $V^{0,n}$ (as defined in § 2676.13(b)(1)) for purposes of applying the formulas set forth in § 2676.13 (b) through (i) and in determining the value of any interest factor used in valuing annuity benefits under this subpart, the plan administrator shall use the value of i_t prescribed in the table below.

The following table tabulates, for each calendar month of valuation ending after the effective date of this part, the interest rates (denoted by i_1, i_2, * * *, and referred to generally as i_t) assumed to be in effect between specified anniversaries of a valuation date that occurs within that calendar month; those anniversaries are specified in the columns adjacent to the rates. The last listed rate is assumed to be in effect after the last listed anniversary date.

TABLE II

[Annuity Valuations]

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* * * *		*		*		*
February 1994	.0590	1–25	.0525	>25	N/A	N/A

Issued in Washington, DC, on this 11th day of January 1994.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 94–1032 Filed 1–13–94; 8:45 am]

BILLING CODE 7708–01–M

---

29 CFR Part 2644

Collection of Withdrawal Liability; Adoption of New Interest Rate

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Notice and Collection of Withdrawal Liability. That regulation incorporates certain interest rates published by another Federal agency. The effect of this amendment is to add to the appendix of that regulation a new interest rate to be effective from January 1, 1994, to March 21, 1994.

EFFECTIVE DATE: January 1, 1994.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024 (202–326–4179 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: Under section 4219(c) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), the Pension Benefit Guaranty Corporation ("the PBGC") promulgated a final regulation on Notice and Collection of Withdrawal Liability. That regulation, codified at 29 CFR part 2644, deals with the rate of interest to be charged by multiemployer pension plans on withdrawal liability payments that are overdue or in default, or to be credited by plans on overpayments of withdrawal liability. The regulation allows plans to set rates, subject to certain restrictions. Where a plan does not set the interest rate, § 2644.3(b) of the regulation provides that the rate to be charged or credited for any calendar quarter is the average quoted prime rate on short-term commercial loans for the fifteenth day (or the next business day if the fifteenth day is not a business day) of the month preceding the beginning of the quarter, as reported by the Board of Governors of the Federal Reserve System in Statistical Release H.15 ("Selected Interest Rates").

Because the regulation incorporates interest rates published in Statistical Release H.15, that release is the authoritative source for the rates that are to be applied under the regulation. As a convenience to persons using the regulation, however, the PBGC collects the applicable rates and republishes them in an appendix to part 2644. This amendment adds to this appendix the interest rate of 6 percent, which will be effective from January 1, 1994 through March 31, 1994. This rate represents no change from the rate in effect for the fourth quarter of 1993. This rate is based on the prime rate in effect on December 15, 1993.

The appendix to 29 CFR part 2644 does not prescribe interest rates under the regulation; the rates prescribed in the regulation are those published in Statistical Release H.15. The appendix merely collects and republishes the rates in a convenient place. Thus, the interest rates in the appendix are informational only. Accordingly, the PBGC finds that notice of and public comment on this amendment would be unnecessary and contrary to the public interest. For the above reasons, the PBGC also believes that good cause exists for making this amendment effective immediately.

The PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866, because it will not have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; create a serious

inconsistency or otherwise interfere with an action taken or planned by another agency; materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of receipients thereof; or raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 2644

Employee benefit plans, Pensions.

In consideration of the foregoing, part 2644 of Subchapter F of Chapter XXVI of Title 29, Code of Federal Regulations, is amended as follows:

PART 2644—NOTICE AND COLLECTION OF WITHDRAWAL LIABILITY

1. The authority citation for part 2644 continues to read as follows:

Authority: 29 U.S.C. 1302(b)(3), 1399(c)(6).

2. Appendix A to part 2644 is amended by adding to the end of the table a new entry to read as follows:

Appendix A to part 2644—Table of Interest Rates

* * * * *

From	To	Date of quotation	Rate (percent)
* * * * *	*		*
01/01/94	03/31/94	12/15/93	6

Issued in Washington, DC, on this 11th day of January 1994.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 94–1033 Filed 1–13–94; 8:45 am]

BILLING CODE 7708–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

Oklahoma Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Notice of informal conference.

SUMMARY: On January 19, 1981, the Secretary of the Interior approved Oklahoma's program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) (see 46 FR 4902). On November 12, 1993, OSM notified the Governor of Oklahoma that it had reason to believe that serious problems exist that are adversely affecting the effective implementation, administration, maintenance and enforcement of Oklahoma's approved regulatory program (see **SUPPLEMENTARY INFORMATION** below).

Under the provisions of OSM's regulations at 30 CFR 733.12(c), OSM will hold an informal conference to discuss the facts surrounding such a notification if an informal conference is requested by the State. By letter dated December 22, 1993, the Oklahoma Department of Mines (ODM) requested an informal conference. Accordingly, OSM hereby notifies Oklahoma and the public that it will hold an informal conference. All interested persons may attend the informal conference.

DATES: OSM has scheduled an informal conference on January 27, 1994, beginning at 10 a.m.

ADDRESSES: The conference will be held in room 911 of the Federal Building, 200 NW 5th, Oklahoma City, Oklahoma 73102.

Copies of Administrative Record documents referenced in this notice are available for public inspection and copying during normal business hours at: Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 5100 East Skelly Drive, Suite 550, Tulsa, Oklahoma 74135.

FOR FURTHER INFORMATION CONTACT: Mr. James H. Moncrief, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, suite 550, Tulsa, Oklahoma 74135, Telephone: (918) 581–6430.

SUPPLEMENTARY INFORMATION: On January 19, 1981, the Secretary of the Interior conditionally approved the Oklahoma program (46 FR 4902–4911).

On November 12, 1993, OSM notified the Governor of Oklahoma that it had reason to believe that serious problems exist that are adversely affecting the effective implementation, administration, maintenance, and enforcement of Oklahoma's approved permanent regulatory program under SMCRA (OK–945).

Since the approval of Oklahoma's program, and in keeping with its policy of working closely with the State, OSM has had numerous discussions with ODM officials about the State's performance. Recent discussions and investigations have centered on inadequacies of ODM's implementation of the approved program in the areas set forth below.

1. *Citing Violations:* ODM has not cited all violations as the State program requires.

2. *Unreasonable Extensions of Abatement of Violations:* Failure to abate cessation orders have not been issued in cases where such would have been appropriate. Instead, ODM has repeatedly extended abatement periods of violations. Contrary to the approved program, ODM has routinely extended the period for abatement of violations cited in NOV's beyond 90 days without compelling reasons.

3. *Civil Penalty Reductions:* After appropriate initial assessments, ODM has frequently reduced penalties without appropriate justification when those penalties were challenged in assessment conferences and settlement agreements.

4. *Applicant Violator System Not Updated:* ODM has not properly updated the applicant violator system, which negates the use of the system to block approval of permits and revisions for entities that have outstanding violations.

5. *Reclamation and Bonding Failure:* ODM has allowed mine operators to create a disturbed area that is larger than the acreage specified in the approved

mine plan, thereby leading to inadequate bond.

6. *Permit Defects:* ODM has approved permits and permit revisions that allow practices that do not comply with the Oklahoma program.

7. *Failure to Enact Program Amendments:* Oklahoma has failed to promulgate rules approved in amendments to the Oklahoma program that were required for the program to be no less stringent than SMCRA and no less effective than the Federal regulations.

8. *Inadequate Allowance for Public Participation:* ODM has not maintained or made available inspection and enforcement files in the county of the mining as required by the State program. ODM has not thoroughly investigated and acted on citizen's comments on permitting actions. ODM discouraged public participation through an improper decision that awarded attorney's fees to a mine operator.

In the November 12, 1993, notification, OSM specified a date for ODM to present a plan to correct the deficiencies in the implementation of its program.

Section 733.12(c) of 30 CFR requires OSM to provide the State regulatory authority an opportunity for an informal conference. On December 22, 1993, the Chief Counsel of ODM requested that OSM hold such an informal conference. (OK-945.02)

The informal conference may pertain to the facts of the deficiencies or the time period for accomplishing remedial actions.

Conference Rules: The informal conference is an opportunity for OSM to discuss the status of the implementation of Oklahoma's program with Oklahoma officials.

No testimony from the public will be taken but a verbatim transcript of the meeting will be kept.

Dated: January 10, 1994.

Ed Kay,

Acting Deputy Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 94-895 Filed 1-13-94; 8:45 am]

BILLING CODE 4310-05-M

Bureau of Land Management

43 CFR Public Land Order 7025

[MT-930-4210-06; MTM 40730]

Partial Revocation of Secretarial Order Dated February 16, 1909; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes a Secretarial order insofar as it affects 35 acres of public lands withdrawn for the Bureau of Reclamation's Yellowstone Project. The lands are no longer needed for reclamation purposes, and the revocation is needed to permit disposal of the lands through competitive sale under section 203 of the Federal Land Policy and Management Act of 1976. This action will open the land to surface entry. The minerals are held in trust for the Crow Tribe by the United States under the Act of August 14, 1958 (Pub. L. 85-628, 72 Stat. 575). The lands have been and remain open to mineral leasing.

EFFECTIVE DATE: February 14, 1994.

FOR FURTHER INFORMATION CONTACT: Sandra Ward, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406-255-2949.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Secretarial Order dated February 16, 1909, which withdrew public lands for the Bureau of Reclamation's Yellowstone Project, is hereby revoked insofar as it affects the following described lands:

Principal Meridian, Montana

T. 2 N., R. 27 E.,
Sec. 35, NE¼NE¼SE¼, SE¼NW¼NE¼SE¼, SW¼NE¼SE¼, and S½SE¼NW¼SE¼;
Sec. 36, NE¼SW¼SW¼NW¼ and S½SW¼SW¼NW¼.

The area described aggregates 35 acres in Yellowstone County.

2. At 9 a.m. on February 14, 1994, the lands shall be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on February 14, 1994, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. All mineral interests in the above described lands are owned by the United States in trust for the Crow Tribe, and shall be leased or otherwise disposed of under the laws and regulations relating to Indian trust lands as provided by the Act of August 14, 1958 (Pub. L. 85-628, 72 Stat. 575).

Dated: January 3, 1994.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 94-978 Filed 1-13-94; 8:45 am]

BILLING CODE 4310-DN-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93-203; RM-8245, RM-8340]

Radio Broadcasting Services; Islesboro and Winter Harbor, ME

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 288B1 to Islesboro, Maine, in response to a petition filed by Islesboro Broadcasting Company. See 58 FR 39722, July 26, 1993. There is a site restriction 16.7 kilometers (10.4 miles) south of the community. The coordinates for Channel 288B1 are 44-09-31 and 68-53-03. In response to a counterproposal filed by Winter Harbor Wireless Associates we will allot Channel 249A to Winter Harbor, Maine, at coordinates 44-23-42 and 68-05-06. Canadian concurrence has been obtained for both allotments. The applicants for Channel 288B1 at Islesboro must conform with the technical requirements of § 73.1030(c)(1)-(5) of the Rules regarding protection to the Commission's monitoring station at Belfast, Maine. With this action, this proceeding is terminated.

DATES: Effective February 14, 1994. The window period for filing applications for Channel 288B1 at Isleboro, Maine, and Channel 249A at Winter Harbor, Maine, will open on February 15, 1994, and close on March 17, 1994.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 93-203, adopted December 9, 1993, and released December 30, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (room 239), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contactors, International Transcription Services, Inc., 2100 M Street NW., suite 140, Washington, DC 20037, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

47 CFR PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Maine, is amended by adding Channel 288B1, Islesboro and Channel 249A, Winter Harbor.

Federal Communications Commission.

John A. Karousu,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 94–953 Filed 1–13–94; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 93–219; RM–8290]

Radio Broadcasting Services; Staples, MN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In response to a petition for reconsideration filed by NorMin Broadcasting Company, this document rescinds the allotment of Channel 234C3 at Staples, Minnesota. The Report and Order in MM Docket No. 93–219 allotted Channel 234C3 to Staples, Minnesota, and modified the construction permit for Station KSKK(FM), Channel 234A, to specify operation on Channel 234C3. See 58 FR 59375 (1993). NorMin Broadcasting Company has filed an application seeking to take advantage of the Commission's new Rules permitting an upgrade in facilities by the application process rather than the rule making process (BMPH–931102IE). See FM Channel and Class Modifications by Application, 58 FR 38534, July 19, 1993. With this action, this proceeding is terminated.

EFFECTIVE DATE: February 14, 1994.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Memorandum Opinion and Order, MM Docket No. 93–219, adopted December 8, 1993, and released December 30, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., suite 140, Washington, DC 20037, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

47 CFR PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.20 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Minnesota, is amended by removing Channel 234C3 and adding Channel 234A at Staples.

Federal Communications Commission.

Douglas W. Webbink,

Chief, Policy and Rules Division, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 94–954 Filed 1–13–94; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 89–486; RM–6913, RM–7253]

Radio Broadcasting Services; Kaukauna and Cleveland, WI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document dismisses petitions for reconsideration filed by WinCom Wisconsin Limited Partnership and Sheboygan County Broadcasting Co., Inc. See 56 FR 64210 (December 9, 1991). With this action, the proceeding is terminated.

EFFECTIVE DATE: December 30, 1993.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Memorandum Opinion and Order, MM Docket No. 89–486, adopted December 9, 1993, and released December 30, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, NW., suite 140, Washington, DC 20037, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154,303.

Federal Communications Commission.

Douglas W. Webbink,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 94–955 Filed 1–13–94; 8:45 am]

BILLING CODE 6712–01–M

---

47 CFR Part 73

[MM Docket No. 93–236; RM–8306]

Radio Broadcasting Services; Tulelake, CA

AGENCY: Federal Communications Commission.

SUMMARY: This document substitutes Channel 243C for Channel 243C2 at Tulelake, California, and modifies the permit for Station KFLS–FM to specify operation on the higher powered channel, as requested by Wynne Broadcasting Company, Inc. See 58 FR 46152, September 1, 1993. Coordinates for Channel 243C at Tulelake are 42–05–50 and 121–37–59. With this action, the proceeding is terminated.

EFFECTIVE DATE: February 14, 1994.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 93–236, adopted December 21, 1993, and released, December 30, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 243C2 and adding Channel 243C at Tulelake.

Federal Communications Commission.

John A. Karousos,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 94–952 Filed 1–13–94; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1051, 1053 and 1312

[Ex Parte No. MC–180 (Sub-No. 3)]

Regulations Implementing Section 7 of the "Negotiated Rates Act of 1993"

AGENCY: Interstate Commerce Commission (ICC).

ACTION: Final rule.

SUMMARY: The "Negotiated Rates Act of 1993" amends the Interstate Commerce Act by adding section 10767. Section 10767 requires that the Commission establish regulations to prohibit, except for certain services, motor common and contract carriers of property from providing a reduction in a tariff rate or contract rate to a person who is a nonpayer of freight charges. This proceeding establishes, as set forth below, the regulations required by the statute.

EFFECTIVE DATE: February 13, 1994.

FOR FURTHER INFORMATION CONTACT: Charles E. Langyher (202) 927–5160 or Ronald A. Hall (202) 927–5595; TDD for hearing impaired: (202) 927–5721.

SUPPLEMENTARY INFORMATION: By a Notice of Proposed Rulemaking (NPR) in Ex Parte No. MC–180 (Sub-No. 2), Rulemaking—Payment of Discounts by Motor Carriers of Property to the Nonpayer of Freight Charges (not printed) served June 4, 1993 (58 FR 32340, June 9, 1993), the Commission instituted a proceeding to determine whether off-bill discounting where it does or may result in a misrepresentation of shipping charges should be found to be an unreasonable practice or otherwise unlawful. However, the "Negotiated Rates Act of 1993" (Pub. L. 103–180) since has been enacted and amends subchapter IV of chapter 107 of title 49, United States Code, by adding section 10767, which requires that the Commission issue regulations by April 2, 1994, that will:

(1) *Prohibit*, except as described in (4) below, motor common and contract carriers of property from providing a reduction in a tariff or contract rate to any party other than the person directly responsible to the carrier for payment of the transportation service according to the bill of lading, receipt, or contract, or an agent of the person paying for the transportation. 49 U.S.C. 10767(a).

(2) *Require* a motor common carrier of property to disclose, either by a shipping document or an electronic transmission, the actual tariff rate, charge, or allowance to the person directly responsible for payment for the transportation service. 49 U.S.C. 10767(b).

(3) *Prohibit* any person from causing a motor common carrier of property to present a document to any party of the transaction, which contains false or misleading information about the actual tariff rate, charge, or allowance. 49 U.S.C. 10767(b).

(4) *Permit* motor common and contract carriers of property to make actual tariff or contract payments or allowances to a party to the transaction, when such party performs a transportation service that would otherwise be performed by the carrier, such as a loading and unloading service, provided that the payment or allowance is reasonably related to the cost that such party knows or has reason to know would otherwise be incurred by the motor carrier if it had performed the service. 49 U.S.C. 10767(c).

Because section 10767 supersedes the NPR, the Ex Parte No. MC–180 (Sub-No. 2) proceeding is discontinued.

The Commission does not believe this revision requires notice and comment rulemaking under section 553 of the Administrative Procedure Act (5 U.S.C. 553) because it establishes regulations mandated by Congress.

This decision will not affect significantly either the quality of the human environment or the conservation of energy resources.

List of Subjects

49 CFR Part 1051

Buses, Freight, Motor carriers, Reporting and recordkeeping requirements.

49 CFR Part 1053

Motor contract carriers.

49 CFR Part 1312

Motor carriers, Moving of household goods, Pipelines, Tariffs.

Decided: December 30, 1993.

By the Commission, Chairman McDonald, Vice Chairman Simmons, Commissioners Phillips, and Philbin.

Sidney L. Strickland, Jr.,

Secretary.

For the reasons set forth in the preamble, the Commission amends chapter X of title 49 of the Code of Federal Regulations as follows:

PART 1051—RECEIPTS AND BILLS

1. The authority citation for part 1051 is revised to read as follows:

Authority: 5 U.S.C. 553; 49 U.S.C. 10321, 10767 and 11144.

2. In § 1051.2, paragraph (a) introductory text and paragraphs (a)(1) through (a)(11) are redesignated as paragraph (a)(1) introductory text and paragraphs (a)(1)(i) through (a)(1)(xi), respectively, and new paragraphs (a)(2) and (a)(3) are added to read as follows:

§ 1051.2 Expense bills.

(a) Property. (1) * * *

(2) A documents for payment that is presented or transmitted electronically by a motor carrier to the person directly responsible to the motor carrier for payment, or to an agent of such responsible person, must:

(i) Disclose the actual rates, charges, or allowances for the transportation service.

(ii) Indicate that a reduction, allowance, or other adjustment may apply when the actual rate, charge, or allowance is dependent upon the performance of a service by a party to the transportation arrangement, such as tendering a volume of freight over a stated period of time.

(3) No person shall cause a motor carrier to present false or misleading information on a document for payment about the actual rate, charge, or allowance to any party to the transaction.

* * * * *

3. A new part 1053 is added to read as follows:

PART 1053—LIMITATION ON CONTRACT CARRIER RATE REDUCTIONS

Sec. 1053.1 Rate reduction limitations.

Authority: 5 U.S.C. 553; 49 U.S.C. 10321 and 10767.

§ 1053.1 Rate reduction limitations.

(a) Except as provided in paragraph (b) of this section, a motor contract carrier of property shall not establish or maintain contracts providing a reduction in a rate set forth in its contract to any person other than:

(1) The person directly responsible to the motor carrier for payment for the transportation service, according to the bill of lading, receipt or contract; or

(2) An agent of the person directly responsible to the motor carrier.

(b) The provisions of paragraph (a) of this section shall not prohibit a motor contract carrier of property from making contractual payments or allowances to a party to the transaction for services that would otherwise be performed by the motor carrier, *e.g.* loading or unloading service, if the payments or allowances are reasonably related to the cost that such party knows or has reason to know would otherwise be incurred by the motor carrier.

PART 1312—REGULATIONS FOR THE PUBLICATION, POSTING AND FILING OF TARIFFS, SCHEDULES AND RELATED DOCUMENTS

4. The authority citation for part 1312 is revised to read as follows:

Authority: 5 U.S.C. 553; 49 U.S.C. 10321, 10762 and 10767.

5. In § 1312.14, a new paragraph (a)(4) is added to read as follows:

§ 1312.14 Statement of rates and fares.

(a) * * *

(4)(i) Except as provided in paragraph (a)(4)(ii) of this section, a motor common carrier of property shall not establish or maintain tariffs providing a reduction in a rate to any person other than:

(A) The person directly responsible to the motor carrier for payment for the transportation service, according to the bill of lading or receipt; or

(B) An agent of the person directly responsible to the motor carrier. See also, § 1051.2(a) of this chapter.

(ii) The provisions of paragraph (a)(4)(i) of this section shall not prohibit a motor carrier from making tariff specified payments or allowances to a party to the transaction for services that would otherwise be performed by the motor carrier, *e.g.* as loading or unloading service, if the payments or allowances are reasonably related to the cost that such party knows or has reason to know would otherwise be incurred by the motor carrier. See also, § 1312.28.

* * * * *

[FR Doc. 94–1010 Filed 1–13–94; 8:45 am]

BILLING CODE 7035–01–P

49 CFR Part 1056

[Ex Parte No. MC–19 (Sub-No. 42)]

Practices of Motor Common Carriers of Household Goods; Performance Reports

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The Commission is adopting modifications to the Annual Performance Report, Form OCP–101 (OCP–101), which sets forth requirements that relate to carrier performance information given to prospective individual shippers of household goods. This proceeding was instituted to address concerns expressed by consumer groups and the moving industry regarding the quality and reliability of the information provided by household goods carriers in the OCP–101. The modified OCP–101 requires objective disclosure by carriers of their performance to prospective shippers and verification of accuracy of the data contained in the reports.

EFFECTIVE DATE: The revised rules are effective February 13, 1994.

FOR FURTHER INFORMATION CONTACT: Charles E. Wagner (202) 927–5530 or John Fristoe, (202) 927–5520. (TDD for hearing impaired: (202) 927–5721.)

SUPPLEMENTARY INFORMATION: Currently, the Commission's rules require household goods common carriers that transport 100 or more shipments to individual shippers, as defined in the Commission's rules, to provide information annually to the Commission about their previous year's performance by filing an *Annual Performance Report* (Form OCP–101). Under the new rules adopted in this decision, *all* household goods common carriers will be required to file the OCP–101 annually. However, only carriers that deliver 100 or more individual C.O.D. shipments will be required to complete the major portion of the form (Part B) and provide copies of it to prospective shippers. Part B of the OCP–101 shows a carrier's performance in the areas of estimating, on-time performance, and claims handling in a calendar year for C.O.D. shippers only. The OCP–101 must be filed with the Commission's Office of Compliance and Consumer Assistance by March 31 of the following calendar year.

A notice of proposed rulemaking was published on February 3, 1993, at 58 FR 6912. Additional information is contained in the Commission's decision. To obtain a copy of the full decision, write to, call, or pick up in person from Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

Energy and Environmental Consideration

We conclude that modification of the regulations governing Form OCP–101 will not significantly affect either the quality of the human environment or the conservation of energy resources.

Regulatory Flexibility Analysis

Pursuant to 5 U.S.C. 605(b), we conclude that our action in this proceeding will not have a significant economic impact on a substantial number of small entities. We are modifying the OCP–101 requirements that relate to a carrier's performance information given to prospective individual shippers of household goods by motor common carriers of household goods transporting 100 or more C.O.D. individual-type shipments. The modified form will require verification of the data in the report by a company official. The regulations will have some impact on the administrative costs of preparing and duplicating the OCP–101 for smaller carriers (*i.e.*, Class II and III carriers) of household goods. The information required for completing that form is the type of information already kept by such entities and the time required to compile the data for that form should be minimal and vary proportionately with the number of shipments transported by the carrier. Although transportation consumers should benefit from the availability of this information, the cost to small carriers should be relatively minimal. Accordingly, it is unlikely that the economic impact on these small entities will be significant within the meaning of the Regulatory Flexibility Act.

List of Subjects in 49 CFR Part 1056

Advertising, Consumer protection, Freight, Insurance, Motor carriers, Moving of household goods, Reporting and recordkeeping requirements.

Decided: January 4, 1994.

By the Commission, Chairman McDonald, Vice Chairman Simmons, Commissioners Phillips and Philbin.

Sidney L. Strickland, Jr.,

Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1056 of the Code of Federal Regulations is amended as follows:

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

1. The authority citation for part 1056 continues to read as follows:

Authority: 49 U.S.C. 10321, 11109, 11110 and 5 U.S.C. 553.

2. In § 1056.2, paragraph (a)(3) is revised to read as follows:

§ 1056.2 Information for shippers.

(a) * * *

(3) A copy of Form OCP–101, *Annual Performance Report*, most recently filed with the Commission, as prescribed in §§ 1056.18, if the carrier is required to complete part B of that form.

* * * * *

3. Section 1056.18 is revised to read as follows:

§ 1056.18 Preparation and filing of annual performance report.

(a) Filing requirement. Each motor common carrier for household goods as defined in § 1056.1(b) that delivers interstate shipments to individual C.O.D. shippers, during any calendar year *shall*, on or before March 31 of the following year, file with the Office of Compliance and Consumer Assistance, Interstate Commerce Commission, Washington, DC 20423–0001, a report of the service performed during the report year. The report shall be submitted on Form OCP–101, and its accuracy must be verified by an official of the carrier. All carriers must complete part A of Form OCP–101, and those carriers transporting 100 or more shipments also must complete part B.

(b) Prescribed Annual Performance Report Form OCP–101.

Interstate Commerce Commission

Office of Compliance and Consumer Assistance

Annual Performance Report for Year Ended December 31, 19—

Carrier's Name _____
Carrier's Address _____
ICC Number _____

Part A

During the year, the total number of household goods shipments (1st proviso) delivered for each type of shipper was:

1. C.O.D. shipments delivered under your common carrier authority (excluding all Government, Freight Forwarder, and Interline shipments) ..... _____
2. All other 1st proviso shipments (including all Government, Freight Forwarder, and Interline shipments) ..... _____
3. Total of Lines 1 and 2 (NOTE: Total must agree with total 1st proviso shipments reported in your ICC Annual Report, Schedule 600, Line 7, Column d, if you are required to file that report) ..... _____

Part B

Complete part B only if the C.O.D. delivered shipments reported in part A, Line 1, equals or exceeds 100 shipments. The questions and answers below deal only with the shipments reported in part A, Line 1.

4. Number of C.O.D. shipments where the order for service was based upon a *written binding estimate* (included are so-called hybrid estimates such as Guaranteed Price and Price Protection) ..... _____
5. Number of C.O.D. shipments where the charges were based on a *written non-binding estimate* ..... _____
6. Number of C.O.D. shipments where the charges were based on *other than* a written binding or non-binding estimate ..... _____
7. Total of Lines 4, 5, and 6 (NOTE: Total should equal the shipment count reported in part A, Line 1) ..... _____
8. Percentage of shipments delivered where the final charges *exceeded* the initial written binding estimate ..... _____
9. Percentage of shipments delivered where the final charges *exceeded* the initial written non-binding estimate by 10% or more ..... _____
10. Percentage of shipments that were picked up *after* the last date for pickup listed on the order for service or bill of lading ..... _____
11. Percentage of shipments that were delivered *after* the last date of delivery specified on the order for service or bill of lading ..... _____
12. Percentage of shipments delivered where *there was* a claim filed (in excess of $200) for property damage or loss ..... _____
13. Percentage of shipments delivered where *there was* a claim filed (in excess of $200) for damages resulting from late pickup or delivery _____
14. *Average* number of days required to settle a claim (in excess of $200) ..... _____
15. Percentage of claims (in excess of $200) that were resolved through the use of an arbitration program ..... _____
16. Percentage of claims (in excess of $200) that were resolved after the carrier received a legal notice of a lawsuit filed by the shipper _____

Carrier's Oath (Must be Completed by a Carrier Official)

I, *(name and title of company official)*, verify under penalty of perjury, under the laws of the United States of America, that all information supplied on this form or relative to the data contained in the form is, to the best of my knowledge and belief, true, correct and complete, based on all the information required to be included therein, of which I have any knowledge, and these representations are made in good faith. Further, I certify that I am qualified and authorized to certify the accuracy of the data. I know that willful misstatements or omission of material facts constitutes Federal crime violations punishable under 18 U.S.C. § 1001 by imprisonment up to 5 years and fines up to $10,000 for each offense.

_____
Signature

_____
Title

_____
Date

(c) Instructions for Preparation of Annual Performance Report, Form OCP–101.

Instructions for Preparation

General Instructions

1. Data for completion of Form OCP–101 may be obtained by random sampling providing that in every instance, the universe sampled is all shipments delivered under your common carrier authority (excluding Government, Freight forwarder, and Interline traffic) during the report year or all claims arising out of the transportation of those shipments that were received or settled, as appropriate, during the report year.

2. When random sampling is used, the minimum sample size in every instance shall be 400 shipments or claims, as appropriate, in replicates of 100 shipments or claims each. All samples must conform to standard deviation with a 95% confidence level.

3. Carriers submitting Form OCP–101 shall retain and make available for review by an authorized Commission employee all working papers, notes, and other files relating to the preparation of each report for a period of not less than 24 months following the date of filing such a report.

4. The data in Form OCP–101 must be verified by a sworn statement signed by an official of the company.

Specific Instructions

Part A

Line 1: Only report those 1st proviso C.O.D. shipments moved under your common carrier authority after excluding all Government, Freight forwarder and Interline traffic.

Line 2: Report all other 1st proviso shipments, including those moving under contract carriage provisions and all

Government, Freight forwarder and Interline traffic.

Line 3: Sum lines 1 and 2. The total should agree with total 1st proviso shipments reported in your ICC Annual Report, Schedule 600, Line 7, Column d, if you are required to file that report.

Part B

It is not necessary to complete Part B if the total of C.O.D. shipments reported on Part A, Line 1, did not equal or exceed 100 shipments. If completion of Part B is not required, sign the Certification and return the form to the Interstate Commerce Commission.

Line 4: Report only those C.O.D. shipments where the order for service was signed after the receipt of a written binding estimate. Include in this computation all so-called hybrid estimates (*e.g.*, Guaranteed Price and Price Protection options).

Line 5: Report the total number of C.O.D. shipments where the order for service was signed after the receipt of a written non-binding estimate. In the case of non-binding estimates, the actual charges are determined after the shipment has been picked up and weighed.

Line 6: Report only those C.O.D. shipments where there was no requirement for the preparation of a binding or non-binding written estimate by the carrier. As with non-binding estimates, the charges here are determined after the shipment has been picked up and weighed.

Line 7: Sum of Lines 4, 5, and 6. The number of shipments reported on Line 7 should be the same as those reported in Part A, Line 1.

Computation of Percentages or Averages

You must determine the number of shipments falling into each of the categories described in Lines 8 and 9, respectively, and divide these shipments by the number of shipments reported on Lines 4 and 5, respectively.

You must determine the number of shipments falling into each of the categories described in Lines 10 through 16 and divide these shipments by the number of shipments reported on Line 7. (Exception: Line 13 is an average, not a percentage.)

Line 8: Compute the percentage of those shipments delivered where the final charges exceeded the written estimate initially provided to the shipper because of changes agreed to by the carrier and shipper in commodities transported and services provided.

Line 9: Compute the percentage of those shipments delivered under a non-binding written estimate where the final charges exceeded the written estimate provided to the shipper by 10% or more. The 10% figure is used because every C.O.D. shipper is required to have available 110% of the estimate at the time of delivery.

Line 10: Compute the percentage of those shipments where the actual pickup date occurred after the last date for pickup promised on the order for service or bill of lading.

Line 11: Compute the percentage of those shipments where the actual delivery date occurred after the last date for delivery promised on the order for service or bill of lading.

Line 12: Compute the percentage of those shipments where there was a claim filed within 60 days of the actual date of delivery to the residence. Only count those claims where the dollar value of the amount claimed by the shipper exceeded $200 and resulted from property damaged or lost. This excludes claims for late pickups and deliveries which are reported on line 13.

Line 13: Compute the percentage of those shipments where there was a claim filed within 60 days of the actual date of delivery to the residence. Only count those claims where the dollar value of the amount claimed by the shipper exceeded $200 and resulted from a late pickup or delivery. Late pickups and deliveries are defined in Instructions 10 and 11.

Line 14: Enter the average number of days required to pay, decline, or make a firm compromise offer of settlement of all claims exceeding $200 during the report year. For the purpose of this report, a claim shall be considered to be a "claim filed" if it meets the criteria set forth in Lines 11 and 12, and shall be considered as paid, declined, or compromised on the date on which a written offer is mailed or delivered in person to a claimant.

Line 15: Compute the percentage of the claims exceeding $200 arising out of the transportation of shipments which were resolved during the report year through the use of a dispute resolution or arbitration procedure maintained or participated in by the carrier.

Line 16: Compute the percentage of the claims exceeding $200 arising out of the transportation of shipments which were resolved during the report year as a result of legal notice of suit to recover being filed by the shipper.

[FR Doc. 94–1042 Filed 1–3–94; 8:45 am]

BILLING CODE 7035–01–P

Proposed Rules

Federal Register
Vol. 59, No. 10
Friday, January 14, 1994

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 13

RIN 0560–AC23

Excessive Manufacturing (Make) Allowance in State Marketing Orders for Milk

AGENCY: Office of the Secretary, USDA.

ACTION: Supplemental proposed rule; extension of comment period.

SUMMARY: This document announces a 60-day extension of the time for submitting comments on the supplemental proposed rule, published in the **Federal Register** on November 1, 1993 (58 FR 58299), and additional comments on the original proposed rule, published in the **Federal Register** on June 19, 1992 (57 FR 27371), for implementing section 102 of the Food, Agriculture, Conservation, and Trade Act of 1990, as amended.

DATES: All comments on the original and supplemental proposed rules must be received on or before April 1, 1994, in order to be assured of consideration.

ADDRESSES: Comments should be submitted to Dr. Charles N. Shaw, Director, Dairy Analysis Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, P.O. Box 2415, Washington, DC 20013–2415.

FOR FURTHER INFORMATION CONTACT: Dr. Charles N. Shaw, Director, Dairy Analysis Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, P.O. Box 2415, Washington, DC 20013–2415, on 202–720–7601.

SUPPLEMENTARY INFORMATION: Section 102 of the Food, Agriculture, Conservation, and Trade Act of 1990 provides that no State shall provide for (and no person shall collect, directly or indirectly) a greater allowance for the processing of milk ("make allowance") than is permitted under a Federal program to establish a Grade A price for manufacturing butter, nonfat dry milk, or cheese.

On November 1, 1993, a supplemental proposed rule was published to implement section 102. A supplemental proposed rule was deemed necessary because of (1) comments received on the original proposed rule published on June 19, 1992, and (2) regulations issued by the Agricultural Marketing Service concerning the pricing of milk used to produce nonfat dry milk after the publication of the original proposed rule for section 102. The supplemental proposed rule specified that all comments had to be received by January 31, 1994, in order to be assured of consideration.

Requests have been received from interested parties who indicate that they need additional time to prepare an analysis of the supplemental proposed rule. Based upon our review of those requests, it has been determined that an additional 60 days will be allowed for comment. Accordingly, comments on the proposed rule must now be received by April 1, 1994, in order to be assured of consideration.

Notice

Notice is hereby given that the period of time for submitting comments on the supplemental proposed rule published on November 1, 1993 (58 FR 58299), and for submitting additional comments on the original proposed rule, published in the **Federal Register** on June 19, 1992 (57 FR 27371), is extended to April 1, 1994.

Signed this 10th day of January 1994 in Washington, DC.

Mike Espy,

Secretary of Agriculture.

[FR Doc. 94–988 Filed 1–13–94; 8:45 am]

BILLING CODE 3410–05–P

Farmers Home Administration

7 CFR Parts 1941, 1943, 1945, and 1951

RIN 0575–AB71

Revisions to the Direct Operating (OL), Farm Ownership (FO), Soil and Water (SW) and Emergency (EM) Loan Regulations to Modify Collateral Requirements

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to amend its direct operating (OL), farm ownership (FO), soil and water (SW) and emergency (EM) loan making and servicing regulations to modify collateral requirements. These amendments concern the amount of collateral required when an FmHA loan is made. There will be no change in security requirements for loan restructuring. The intended effect is to reduce the burden on farmers and FmHA personnel in servicing FmHA loan collateral and to avoid encumbering all of a farmer's collateral, thereby making it less difficult for farmers who receive FmHA loans to subsequently obtain non-FmHA credit.

DATES: Written comments must be submitted on or before January 31, 1994.

ADDRESSES: Submit written comments, in duplicate, to the Office of the Chief, Regulations Analysis and Control Branch, Farmers Home Administration, USDA, room 6348, South Agriculture Building, 14th Street and Independence Avenue SW., Washington, DC 20250–0700. All written comments made pursuant to this notice will be available for public inspection during regular working hours at the above address.

FOR FURTHER INFORMATION CONTACT: David R. Smith, Senior Loan Officer, Farmer Programs Loan Making Division, Farmers Home Administration, USDA, South Agriculture Building, room 5430, 14th and Independence Avenue, SW., Washington, DC 20250–0700, Telephone (202) 720–5114.

SUPPLEMENTARY INFORMATION:

Classification

We are issuing this proposed rule in conformance with Executive Order 12866, and we have determined that it is not a "significant regulatory action." Based on information compiled by the Department, we have determined that this proposed rule: (1) Would have an effect on the economy of less than $100 million; (2) would not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (3) would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (4) would not alter the budgetary impact of entitlements,

grants, user fees, or loan programs or rights and obligations of recipients thereof; and (5) would not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or principles set forth in Executive Order 12866.

Intergovernmental Consultation

1. For the reasons set forth in the final rule related to Notice 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983) and FmHA Instruction 1940–J, "Intergovernmental Review of Farmers Home Administration Programs and Activities" (December 23, 1983), Farm Ownership Loans, Farm Operating Loans, and Emergency Loans are excluded from the scope of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

2. The Soil and Water Loan Program is subject to the provisions of Executive Order 12372 and FmHA Instruction 1940–J.

Programs Affected

These changes affect the following FmHA programs as listed in the Catalog of Federal Domestic Assistance:

10.404—Emergency Loans
10.406—Farm Operating Loans
10.407—Farm Ownership Loans
10.416—Soil and Water Loans

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Public Law 91–190, an Environmental Impact Statement is not required.

Civil Justice Reform

This document has been reviewed in accordance with Executive Order (E.O.) 12778. It is the determination of FmHA that this action does not unduly burden the Federal Court System in that it meets all applicable standards provided in section 2 of the E.O.

Paperwork Reduction Act

The information collection requirements contained in these regulations have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB control numbers 0575–0141, 0575–0085, 0575–0083, 0575–0090 and 0575–0133 in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). The proposed rule does not revise or impose any new information collection or recordkeeping requirement from those approved by OMB.

Discussion of Proposed Rule

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment not withstanding the exemption of 5 U.S.C. 553 with respect to such rules. FmHA is publishing this proposed rule with a 15-day comment period. This proposed rule relieves the restriction of taking a lien on all assets at the time of loan making. Furthermore, the Agency has concluded that the need to provide immediate assistance to farmers who have suffered severe production and physical losses as a result of natural disasters also justifies the shortened comment period under 5 U.S.C. 553(d) as discussed below.

Major agricultural disasters during the 1993 crop year, including extensive flooding and rainfall in 9 Midwestern States and drought in 3 Southeastern States will result in a significant increase in demand for FmHA direct loan assistance. Requests will not be limited to emergency loan applications. In the 9 flood states alone, over 8 million acres of crops were lost or not planted in 1993. Estimates indicate that the 1993 floods were the second costliest weather disaster in the history of the United States. Preliminary estimates are that as many as 10,000 of the affected farmers may require financial assistance from FmHA.

Frequently, other lenders are willing to provide part of the farmers' credit needs, in combination with some FmHA assistance. However, the existing FmHA loan security requirements would preclude many lenders from continuing to provide credit to these farmers. FmHA does not have the staff or financial resources to cope with this situation without participation from private sector lenders. The need for a change in the regulations is immediate. Most farmers are now concluding 1993 operations, consulting with their lenders, and planning for 1994. FmHA is receiving loan requests at an increasing rate. The Agency wants to give the public an opportunity for input on the proposed change but FmHA needs regulations in place for spring planting, so a reasonable compromise was the 15-day comment period. Because of the scope of the situation and the impact on local, regional, and national economies, the Agency believes that an amendment to the regulations after a shortened comment period is the only way to assure that affected farmers receive the assistance they need on a timely basis to recover from these disasters. Any further delay in the timing of this amendment will reduce the Agency's ability to meet the needs of those affected, thus imposing additional hardships on those who have already suffered substantially from flood or drought, and jeopardizing individual and community financial recovery from these disasters.

In 1989, the General Accounting Office (GAO) submitted a report (GAO/RCED–89–9) to the Senate Committee on Agriculture addressing FmHA's loan making policies and practices. One of the concerns noted was FmHA's eroding security position on many loans and the significant dollar losses being projected (and realized). One of GAO's recommendations addressed the need for a change in FmHA collateral requirements. The report recommended additional security be taken when servicing loans, including obtaining the best security interest available on all of the borrower's assets. In an effort to reduce loan losses and protect the public interest, FmHA published a proposed rule on February 15, 1991, requiring a lien on all assets when loans are made. A final rule implementing this policy was published on April 30, 1992. On April 30, 1992, the Agency also published an interim rule requiring a lien on all a borrower's assets when loans are restructured. This policy had been issued as a proposed rule on October 23, 1991.

The requirement for a lien on all assets at the time a loan is made was intended to assure that FmHA had a security interest in all of a borrower's property, reducing the potential for program abuse and loan losses. However, this policy has proven unwieldy, imposing an excessive burden on FmHA borrowers and requiring an excessive amount of FmHA staff time. When FmHA acquires a security interest in property owned by a borrower, that security must be serviced in accordance with all FmHA regulations applying to the type of security property involved, regardless of the purpose of the loan. For example, under existing regulations, the recipient of an FmHA FO loan must pledge not only real estate, but all chattel property as well to secure the loan. The borrower must account to FmHA for all farm products sold, even though FmHA's primary interest in the sale is for payment of the FO loan installment coming due, not the disposition of loan security. This requirement imposes a major burden on borrowers, especially on those who sell farm products on a

frequent basis. Also, FmHA employees must spend a significant amount of time completing the necessary documentation for release of its security interest for such sales. This time is a precious resource that the Agency believes would be better spent providing advice and counsel to those borrowers under the most severe hardship who could benefit most from FmHA credit supervision.

One of the exceptions to FmHA's blanket lien requirement is that a lien will not be taken on chattel security when it will prevent the applicant from obtaining operating credit from other sources. This exception does not adequately correct the problems experienced with the lien on all assets rule. FmHA officials sometimes determine this exception is not necessary at the time the loan is made. However, taking a lien can later interfere with a borrower's ability to obtain credit from other sources, when borrowers have sufficient equity in assets to qualify for a non-FmHA loan to meet a portion of their credit needs. The Agency can subordinate or release liens on security property to facilitate credit from other lenders. However, these actions also impose a processing burden on borrowers and require staff time. Further, the Agency has found that some lenders shy away from providing credit to such borrowers due to the time and paperwork involved, even though the borrower otherwise meets the lender's loan criteria. The only recourse for the borrower to meet his or her credit needs is to request FmHA assistance. Thus, the lien on all assets requirement forces those borrowers who would otherwise not have a need for FmHA credit to consume resources which would be more appropriately directed toward borrowers in greater difficulty. Devoting more attention to those borrowers who desperately need intensive financial assistance and the time of FmHA staff should reduce the failure rate of these borrowers, thereby reducing program costs.

The intent of this proposed rule is to make the loan security requirements less demanding while continuing to protect the Government's interest. The Agency will continue to make loans provided the value of the security available is at least equal to the amount of the loan. This is consistent with the authorizing statute and the Agency's mission of providing assistance to farmers with limited financial resources. However, rather than requiring a lien on all a borrower's additional assets, if any, when making a loan, FmHA generally will only require a lien on property only to the point that the value of the security is at least equal to 150 percent of the amount of the loan. The Agency has determined that security at least equal to 150 percent of the loan amount will provide adequate assurance of repayment. Studies have indicated that loan liquidation costs are about 20 percent of the value of collateral. Additionally, the Agency has a funding cost as a result of monies borrowed from the Treasury in accordance with the Federal Credit Reform Act of 1990, which continues until the loan is paid or written off. This cost is difficult to estimate because interest rates and liquidation periods vary widely. However, this cost should be no more than 30 percent of the loan amount on the average.

Obtaining security at least equal to 150 percent of the loan amount is a goal. Generally, the Agency will be unable to obtain security exactly meeting the 150 percent goal. Security in excess of 150 percent of the loan will only be taken when it is not practicable to separate the property, i.e., a tract of land, same type of livestock (dairy cows, brood sows), and when nonessential assets are taken as security for EM loans, as discussed below.

The first security preference for operating type loans will be crops/chattels, and for real estate type loans the first priority will be real estate. Where there are several collateral possibilities for chattels (cattle, machinery) or real estate (different tracts of land), the FmHA loan approval official will select the most reasonable choice to reach the 150 percent collateral goal. If the applicant offers an acceptable alternative, the loan approval official will accept the applicant's choice. Because of this change, entity members no longer need to pledge their assets as collateral. Entity members still will be personally obligated on the loan note(s). The Agency proposes to amend 7 CFR part 1941, subpart A, § 1941.19; part 1943, subpart A, § 1943.19; part 1943, subpart B, § 1943.69; and part 1945, subpart D, § 1945.169 to incorporate these changes. All loan making regulations are being changed because most applicants affected by disasters apply for various types of farm loans and the changes are needed for administrative consistency.

The Agency also proposes to amend 7 CFR part 1943, subpart A, § 1943.19 to state that chattel property will be taken as security for real estate loans only in certain situations. For the reasons discussed earlier with regard to burdensome chattel security servicing requirements and reduced availability of conventional credit, farm ownership (FO) loans will not be secured with chattels unless there is no other real estate available to provide security at least equal to the loan amount, or unless the chattels are real estate improvements (fixtures) made with FO funds. Generally, real estate values are more constant than chattel values and provide adequate loan security. Chattel security is not desirable on long term real estate loans due to servicing difficulties and rapid depreciation. Because of the limited circumstances in which certain chattel security will be taken on real estate loans, the exception for when title to a livestock or crop enterprise is held by a contractor or under a share lease agreement is no longer needed. The exception to taking a lien, therefore, is being removed from subparts A and B and part 1943. To clarify the existing policy and to assure that all possibilities are considered when the available loan security is not at least equal to the loan amount, 7 CFR part 1943, subpart A, § 1943.19, along with 7 CFR part 1941, subpart A, § 1941.19; 7 CFR part 1943, subpart B, § 1943.69; and 7 CFR part 1945, subpart D, § 1945.169, are revised to specifically state that in situations where the farmer does not or will not have adequate real estate or chattel property to secure the loan needed, other property, including real estate owned by a third party, can serve as security. A pledge of security is preferable to a cosigner. 7 CFR part 1943, subpart A, § 1943.19, 7 CFR part 1943, subpart B, § 1943.69, and 7 CFR part 1945, subpart D, § 1945.169 will be revised accordingly. This policy already is stated in existing 7 CFR part 1941, subpart A, § 1941.19.

The Agency also proposes to amend 7 CFR part 1945, subpart D, § 1945.169 to add a provision regarding nonessential assets in EM loan situations. In many cases, EM loan applicants are not typical FmHA loan applicants in that they may have significant nonfarm asset holdings. Prior to April 30, 1992, FmHA had required EM loan applicants to liquidate nonessential assets prior to loan closing if possible, on the theory that the applicant's equity in these assets should be used to reduce Government subsidized credit needs. This policy proved to impose hardship on farmers already suffering from the affects of a disaster, with minimal results. In many cases, the assets in question could not be sold for the estimated value, and thus no equity was realized. In other cases, the assets were not readily liquidated, and loan recipients were forced to accept much less than true value, or unable to liquidate the assets at any price within the necessary timeframe. As a result of

these difficulties, FmHA modified this policy and amended the regulations to require a lien on, rather than a sale of, such assets. A lien on all nonessential assets (with no 150% limit) assures the Agency that the equity will be applied to reducing the farmer's Federally subsidized credit when nonessential assets are sold. On this basis, the requirement for a lien on all nonessential assets in the case of EM loans is continued even though the requirement for a lien on all farm assets is substantially modified.

Finally, the Agency has amended 7 CFR part 1951, subpart S, § 1951.910. The requirement that liens will be taken on all assets when loans are restructured will be continued to protect against potential loan losses as a result of extended repayment terms. The Agency proposes to continue this action since a significant amount of debt has been written off over the years, the Agency continues to have a large number of financially stressed high-risk borrowers, and to comply with the GAO report discussed previously in this rule. This section had previously referred to the loan making regulations to prescribe the security requirements for loan restructuring. Since the requirements for loan making will now be different from loan servicing, it is necessary to insert the guidelines into the debt restructuring regulations.

List of Subjects

7 CFR part 1941

Crops, Livestock, Loan programs—Agriculture, Rural areas, Youth.

7 CFR part 1943

Credit, Loan programs—Agriculture, Recreation, Water resources.

7 CFR part 1945

Agriculture, Disaster assistance, Loan programs—Agriculture.

7 CFR part 1951

Account servicing, Debt restructuring, Credit, Loan programs—Agriculture, Loan programs—Housing and community development, Low and moderate income housing loans—Servicing.

Therefore, chapter XVIII, title 7, Code of Federal Regulations is proposed to be amended as follows:

PART 1941—OPERATING LOANS

1. The authority citation for part 1941 continues to read as follows:

Authority: 7 U.S.C. 1989; 5 U.S.C. 301; 7 CFR 2.23 and 2.70.

Subpart A—Operating Loan Policies, Procedures, and Authorizations

2. Section 1941.19 is amended by redesignating current paragraphs (b) through (i) as paragraphs (c) through (j), respectively, revising paragraph (a), and adding a new introductory paragraph and a new paragraph (b) to read as follows:

§ 1941.19 Security.

Primary security must be available for the loan. If available, the total amount of security required will be at least equal to 150 percent of the loan amount. Security in excess of 150 percent of the loan amount will only be taken when it is not practicable to separate the property, i.e., same type of livestock (dairy cows, brood sows). In unusual cases, the loan approval official may require a cosigner as defined in § 1910.3 (d) of subpart A of part 1910 of this chapter or a pledge of security from a third party. A pledge of security is preferable to a cosigner.

(a) *Chattels.* The loan must be secured by:

(1) A first lien on all property or products acquired, produced, or refinanced with loan funds.

(2) If the security for the loan under paragraph (a)(1) of this section is not at least equal to 150 percent of the loan amount, the best lien obtainable will be taken on other chattel security owned by the applicant, up to the point that security for the loan at least equals 150 percent of the loan amount.

(i) When there are several alternatives available (cattle, machinery), any one of which will meet the security requirements of this section, the approval official will select the most logical and efficient alternative for obtaining security.

(ii) When alternatives exist and the applicant has a preference as to the property to be taken for security, the approval official will honor the preference so long as the requirements of paragraphs (a) (1) and (2) of this section are met.

(b) *Real estate.* The loan approval official will require a lien on all or part of the applicant's real estate as security when chattel security alone is not at least equal to 150 percent of the amount of the loan. Different lien positions on real estate are considered separate and identifiable collateral.

(1) Security may also include assignments of leases or leasehold interests having mortgageable value, revenues, royalties from mineral rights, patents and copyrights, and pledges of security by third parties.

(2) Advice on obtaining security will be received from OGC when necessary.

* * * * *

PART 1943—FARM OWNERSHIP, SOIL AND WATER AND RECREATION

3. The authority citation for part 1943 continues to read as follows:

Authority: 7 U.S.C. 1989; 5 U.S.C. 301; 7 CFR 2.23 and 2.70.

Subpart A—Direct Farm Ownership Loan Policies, Procedures and Authorizations

4. Section 1943.19 is amended by removing paragraphs (a)(2), and (b)(4); redesignating current paragraphs (a)(3) through (a)(8) as paragraphs (a)(2) through (a)(7), respectively, and paragraph (b)(5) as (b)(4); redesignating current paragraphs (b), (d), (e), and (f), as paragraphs (d), (e), (f), and (g), respectively; revising the introductory paragraph, paragraph (a)(1), newly redesignated paragraph (a)(2), paragraph (c), and adding new paragraph (b) to read as follows:

§ 1943.19 Security.

Each FO loan will be secured by real estate. Chattels and/or other security also may be taken as security. The total amount of security required will be the lesser of 150 percent of the loan amount, or all real estate owned by the applicant. A loan will be considered adequately secured when the real estate security for the loan is at least equal to the loan amount. Security in excess of 150 percent of the loan amount will only be taken when it is not practicable to separate the property, i.e., a tract of land. In unusual cases, the loan approval official may require a cosigner as defined in § 1910.3(d) of subpart A of part 1910 of this chapter or a pledge of security from a third party. A pledge of security is preferable to a cosigner.

(a) * * * (1) A mortgage will be taken on all real estate acquired, refinanced or improved with FO funds, and by any additional real estate security needed to meet the requirements of this section.

(2) Security will also include items which are considered part of the farm and ordinarily pass with the title to the farm, such as but not limited to assignments of leases or leasehold interests having mortgageable value, water rights, easements, rights-of-way, revenues, and royalties from mineral rights.

* * * * *

(b) *Chattel security.* Ordinarily, FO loans will not be secured by chattels. However, loans will be secured by chattels as follows:

(1) A first lien will be taken on equipment or fixtures purchased or refinanced with loan funds whenever such property cannot be included in the real estate lien and the additional security is needed to secure the loan.

(2) Chattel security will be obtained when there is not enough real estate security for the loan and the best lien obtainable on all real estate has been taken.

(3) The same collateral may be used to secure two or more loans made, direct or guaranteed, to the same borrower. Therefore, junior liens on chattels may be taken when there is enough equity in the property. However, when possible, a first lien on selected chattel items should be obtained.

(4) Chattel security liens will be obtained and kept effective, as provided in subpart A of part 1962 of this chapter.

(c) *Other security.* (1) A pledge of real estate by a third party may be taken as security when the real estate owned and to be acquired by the applicant is not adequate to secure the loan.

(2) Other property may be taken as additional security when the real estate owned and to be acquired by the applicant is not adequate to secure the loan. Examples of such security include but are not limited to cash surrender value of life insurance, securities, patents and copyrights, and membership or stock in cooperatives and associations.

* * * * *

Subpart B—Direct Soil and Water Loan Policies, Procedures and Authorizations

5. Section 1943.69 is amended by removing paragraphs (a)(2), (b)(4), and (c)(1); redesignating current paragraphs (a)(3) through (a)(8) as paragraphs (a)(2) through (a)(7) respectively; redesignating current paragraph (b)(5) as paragraph (b)(4); redesignating current paragraphs (c)(2) through (c)(5) as paragraphs (c)(1) through (c)(4) respectively; revising the introductory paragraph, paragraph (a)(1), newly redesignated paragraph (a)(2), paragraph (c) introductory text, and newly redesignated paragraph (c)(1) to read as follows:

§ 1943.69 Security.

Each SW loan will be secured by real estate. Chattels and/or other security also may be taken as security. The total amount of security required will be the lesser of 150 percent of the loan amount, or all real estate owned by the applicant. A loan will be considered adequately secured when the real estate security for the loan is at least equal to the loan amount. Security in excess of 150 percent of the loan amount will only be taken when it is not practicable to separate the property, i.e., a tract of land. In unusual cases, the loan approval official may require a cosigner as defined in § 1910.3(d) of subpart A of part 1910 of this chapter or a pledge of security from a third party. A pledge of security is preferable to a cosigner.

(a) * * * (1) A mortgage will be taken on all real estate refinanced or improved with SW funds, and by any additional real estate security needed to meet the requirements of this section.

(2) Security will also include items which are considered part of the farm and ordinarily pass with the title to the farm, such as, but not limited to assignments of leases or leasehold interests having mortgageable value, water rights, easements, rights-of-way, revenues, and royalties from mineral rights.

* * * * *

(c) *Chattel security.* Loans will be secured by chattels when there is not adequate real estate security for the loan.

(1) The loan will be secured by:

(i) A first lien on all property acquired, improved, or refinanced with loan funds; and

(ii) If the security for the loan is not at least equal to 150 percent of the loan amount, the best lien obtainable will be taken on other chattel security owned by the applicant, up to the point that security for the loan equals 150 percent of the loan amount.

* * * * *

PART 1945—EMERGENCY

6. The authority citation for part 1945 is revised to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989; 42 U.S.C. 1480; 7 CFR 2.23 and 2.70.

Subpart D—Emergency Loan Policies, Procedures and Authorizations

7. Section 1945.169 is amended by redesignating current paragraphs (b) through (n) as paragraphs (d) through (p), respectively; revising paragraph (a), and adding a new introductory paragraph and paragraphs (b) and (c) to read as follows:

§ 1945.169 Security.

Each EM loan will be secured by chattels, real estate, and/or other security and nonessential assets in accordance with this section. The same collateral may be used to secure two or more loans made, direct or guaranteed, to the same borrower. Thus, a junior lien on property serving as collateral for a guaranteed loan(s) is acceptable.

(a) *Security for operating type purposes.* In the case of emergency loans made for subtitle B (operating) purposes, primary security must be available for the loan, except as provided for in § 1945.169 (e)(2) of this section. If available, the total amount of security required will be at least equal to 150 percent of the loan amount. Except as provided in paragraph (c) of this section, security in excess of 150 percent of the loan amount will only be taken when it is not practicable to separate the property, i.e., same type of livestock (dairy cows, brood sows). In unusual cases, the loan approval official may require a cosigner as defined in § 1910.3 (d) of subpart A of part 1910 of this chapter, or a pledge of security from a third party. A pledge of security is preferable to a cosigner.

(1) *Chattels.* The loan must be secured by:

(i) A first lien on all property or products acquired, produced, or refinanced with loan funds.

(ii) If the security for the loan under paragraph (a)(1)(i) of this section is not at least equal to 150 percent of the loan amount, the best lien obtainable will be taken on other chattel security owned by the applicant, up to the point that security for the loan at least equals 150 percent of the loan amount.

(A) When there are several alternatives available (cattle, machinery), any one of which will meet the security requirements of this section, the approval official will select the most logical and efficient alternative for obtaining security.

(B) When alternatives exist and the applicant has a preference as to the property to be taken for security, the approval official will honor the preference so long as the requirements of paragraphs (a)(1)(i) and (ii) of this section are met.

(2) *Real estate.* The loan approval official will require a lien on all or part of the applicant's real estate as security when chattel security alone is not at least equal to 150 percent of the amount of the loan. Different lien positions on real estate are considered separate and identifiable collateral.

(3) *Other security.*

(i) A pledge of real estate or chattels by a third party may be taken as security when the property owned by the applicant is not adequate to secure the loan.

(ii) Other property that cannot be converted to cash without jeopardizing the applicant's farm operation or imposing substantial financial penalty on the applicant may be taken as additional security when the property owned by the applicant is not adequate

to secure the loan. Examples of such security include but are not limited to cash surrender value of life insurance, securities, patents and copyrights, and membership or stock in cooperatives and associations.

(b) *Security for real estate type purposes.* EM loans made for subtitle A (real estate) purposes will be secured by real estate. Chattels and/or other security also may be taken as security. The total amount of security required will be the lesser of 150 percent of the loan amount, or all real estate owned by the applicant. A loan will be considered adequately secured when the real estate security for the loan is at least equal to the loan amount, except as provided for in § 1945.169(e)(2) of this section. Except as provided in paragraph (c) of this section, security in excess of 150 percent of the loan amount will only be taken when it is not practicable to separate the property, i.e., a tract of land. In unusual cases, the loan approval official may require a cosigner as defined in § 1910.3(d) of subpart A of part 1910 of this chapter, or a pledge of security from someone other than the applicant(s). A pledge of security is preferable to a cosigner.

(1) *Real estate security.*

(i) A mortgage will be taken on all real estate repaired or rehabilitated, refinanced, or improved with EM funds, and by any additional real estate security needed to meet the requirements of this section.

(ii) Security will also include assignments of leases or leasehold interests which have mortgageable value, water rights, easements, rights of way, mineral rights, and royalties.

(iii) A first lien is required on real estate, when available. Loans may be secured by a junior lien on real estate provided:

(A) Prior lien instruments do not contain provisions for future advances (except for taxes, insurance, and other costs needed to protect the security, or reasonable foreclosure costs), cancellation, summary forfeiture, or other clauses that may jeopardize the Government's interest or the applicant's ability to pay the loan unless any such undesirable provision is waived, modified, or subordinated insofar as the Government is concerned.

(B) Agreements are obtained from prior lienholders to give notice of foreclosure to FmHA whenever State law or other arrangements do not require such a notice. Any agreements needed will be obtained as provided in subpart B of part 1927 of this chapter, except as modified by the "Memorandum of Understanding-FCA-FmHA," FmHA Instruction 2000–R (available in any FmHA office).

(2) *Chattel security.* Loans will be secured by chattels as follows:

(i) A first lien will be taken on equipment or fixtures purchased or refinanced with loan funds whenever such property cannot be included in the real estate lien and the additional security is needed to secure the loan.

(ii) Chattel security will be obtained when there is not enough real estate security for the loan.

(iii) The same collateral may be used to secure two or more loans made, direct or guaranteed, to the same borrower. Therefore, junior liens on chattels may be taken when there is enough equity in the property. However, when possible, a first lien on selected chattel items should be obtained.

(iv) Chattel security liens will be obtained and kept effective, as provided in subpart A of part 1962 of this chapter.

(3) *Other security.*

(i) A pledge of real estate by a third party may be taken as security when the real estate owned and to be acquired by the applicant is not adequate to secure the loan.

(ii) Other property may be taken as additional security when the real estate owned and to be acquired by the applicant is not adequate to secure the loan. Examples of such security include but are not limited to cash surrender value of life insurance, securities, patents and copyrights, and membership or stock in cooperatives and associations.

(c) *Nonessential assets.* Nonessential assets are assets which the applicant has an ownership interest in that do not contribute a net income to pay family living expenses or to maintain a sound farming operation (see § 1962.17 of subpart A of part 1962 of this chapter for further guidance). A lien will be taken on all nonessential assets if an applicant cannot or will not dispose of the assets and use the proceeds to reduce the FmHA credit needs prior to loan closing. The 150 percent security requirement does not apply to nonessential assets.

* * * * *

PART 1951—SERVICING AND COLLECTIONS

8. The authority citation for part 1951 continues to read as follows:

Authority: 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart S—Farmer Programs Account Servicing Policies

9. Section 1951.910 is amended by revising paragraph (b) to read as follows:

§ 1951.910 Consideration of borrower's other assets for NEW APPLICATIONS.

* * * * *

(b) *Lien on certain assets.* Delinquent borrowers must pledge certain assets, essential and nonessential, unencumbered to FmHA as security at the time FmHA loans are restructured, as follows:

(1) The best lien obtainable will be taken on all assets owned by the borrower. When the borrower is an entity, the best lien obtainable will be taken on all assets owned by the entity, and all assets owned by all members of the entity. Different lien positions on real estate are considered separate and identifiable collateral.

(2) Security will include, but is not limited to, the following: land, buildings, structures, fixtures, machinery, equipment, livestock, livestock products, growing crops, stored crops, inventory, supplies, accounts receivable, certain cash or special cash collateral accounts, marketable securities, certificates of ownership of precious metals, and cash surrender value of life insurance.

(3) Security will also include assignments of leases or leasehold interests having mortgageable value, revenues, royalties from mineral rights, patents and copyrights, and pledges of security by third parties.

(4) The exceptions set forth in § 1941.19(c) of subpart A of part 1941 apply.

(5) These assets will be considered as additional security for the loans as well as any shared appreciation agreement. The value of the essential assets will not be included in the NRV calculation to determine restructure. The FmHA lien will be taken only at the time of closing the restructured FmHA loans.

Dated: January 8, 1994.

Bob J. Nash,

Under Secretary for Small Community and Rural Development.

[FR Doc. 94–944 Filed 01–13–94; 8:45 am]

BILLING CODE 3410-07-U

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 93–024–1]

Brucellosis Surveillance; MCI Reactor Prevalence Rates

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the brucellosis regulations to eliminate

the requirement that States maintain specified Market Cattle Identification (MCI) reactor prevalence rates to maintain their official classifications. We are proposing instead to require the States to successfully close (epidemiologically investigate and resolve) certain percentages of cases detected through the MCI program. We believe these amendments would better serve Federal and State animal health officials in their efforts to prevent the interstate spread of brucellosis.

DATES: Consideration will be given only to comments received on or before February 14, 1994.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 93–024–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are encouraged to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. M.J. Gilsdorf, National Brucellosis Epidemiologist, Cattle Diseases and Surveillance Staff, VS, APHIS, USDA, room 731, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–4918.

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is an infectious disease of certain animals and humans. In its principal animal hosts, it is characterized by abortion and impaired fertility. Through a cooperative Federal-State effort, the United States is now approaching total eradication of the field strain *Brucella abortus* in domestic cattle and bison herds. As of May 1993, there were only 337 known infected cattle and bison herds, and the U.S. Department of Agriculture (USDA) had declared 32 States, Puerto Rico, and the U.S. Virgin Islands free of the disease. Fewer than 500 new infected herds were identified last year.

The regulations in 9 CFR part 78 (referred to below as the regulations) govern the interstate movement of cattle, bison, and swine to prevent the spread of brucellosis. Section 78.1 defines the terms used in the regulations. In accordance with § 78.1, States and areas can be classified as Class Free, Class A, Class B, or Class C. These terms refer to stages of the eradication process as determined by the USDA's Animal and Plant Health Inspection Service (APHIS) and State animal health officials. Class Free States and areas are considered to be free of *Brucella abortus* in all domestic livestock, and Class C States and areas have the highest levels of brucellosis infection. Section 78.1 sets forth the standards States or areas must meet to achieve and maintain each of the classifications.

One standard for classification is the Market Cattle Identification (MCI) reactor prevalence rate. Under the MCI program, slaughtering establishments must collect blood samples from 95 percent of all cows and bulls 2 years of age and older (known as MCI test cattle). The samples are then subjected to an official brucellosis test. Animals that have serologically positive results to the official brucellosis test administered under the MCI program are MCI reactors. The regulations require animal health officials to trace MCI reactors to the farm of origin and conduct an epidemiologic investigation, to evaluate the risk that brucellosis could spread from the farm of origin. Class Free and Class A States and areas must trace at least 90 percent of all MCI reactors to the farm of origin, and Class B and Class C States and areas must trace at least 80 percent to the farm of origin. When required by the results of the epidemiologic investigation, herd blood tests must be conducted or the herds must be confined to the premises under quarantine. Examples of when herd testing or quarantine may not be necessary include cases where epidemiologic investigation reveals the MCI reactor results were not caused by field strains of *Brucella*, or that the herd has been or will be sent to slaughter.

The MCI reactor prevalence rate is the rate of infection in a State or area's cattle population based on the percentage of MCI reactors found in the total number of MCI tested cattle. Under the regulations, Class Free States and areas must maintain a 12-consecutive-month MCI reactor prevalence rate not to exceed 0.050 percent. For Class A States and areas, the rate must not exceed 0.10 percent, and for Class B States and areas, the rate must not exceed 0.30 percent. Class C States and areas have an MCI reactor prevalence rate that exceeds 0.30 percent. Class Free, Class A, and Class B States and areas that exceed the required percentages may be reclassified to a lower classification.

Tests used to identify MCI reactors detect not only serum titers caused by brucellosis infection but also serum titers caused by certain other organisms and by vaccination. As a result of such spurious titers, an estimate of brucellosis prevalence based solely on the MCI reactor prevalence rate in a State or area would overestimate the rate of brucellosis infection. Nevertheless, the MCI reactor data has been helpful to Federal and State animal health officials who use the rates of the individual States and areas to reveal trends and to compare their progress in eradicating brucellosis.

When the United States had thousands of infected herds, we did not consider the effect of spurious titers on the States' and areas' MCI reactor prevalence rates to be significant. However, as the level of brucellosis infection in this country has declined, the proportion of spurious titers in the MCI reactor prevalence rates has increased. As a result, in Class Free States and areas, the MCI reactor prevalence rate may consist entirely of spurious titers. Therefore, we no longer believe a State or area's MCI reactor prevalence rate is a good indication of its eradication progress, and we are proposing to eliminate the requirement in the regulations that States and areas meet specific MCI reactor prevalence rates to maintain their official classifications.

If States no longer need to meet specific MCI reactor prevalence rates, we believe it is even more important for the States to concentrate on the activities required following identification of an MCI reactor (tracebacks, epidemiologic investigations, and, usually, herd testing or quarantine). The epidemiologic investigation and herd testing can reveal whether an MCI reaction is a spurious titer or a valid indication of brucellosis. If herd testing reveals one or more animals that test positive to the official test for brucellosis (brucellosis reactors), all other animals in the herd are considered brucellosis exposed. Brucellosis reactor cattle and brucellosis exposed cattle may move interstate only in accordance with subpart B of part 78 (§§ 78.5 through 78.14), to control the spread of brucellosis.

If a herd is quarantined in lieu of testing following epidemiologic investigation of an MCI reactor herd, the quarantine protects against the possibility that the herd may be infected and could spread brucellosis.

Herd testing or quarantine only occur for MCI reactor cases that are "successfully closed" (defined below). The larger the number of MCI reactor cases that are not successfully closed, the greater the possibility that brucellosis could spread from herds

associated with the uninvestigated MCI reactors. Therefore, we are proposing to require that a minimum percentage of MCI reactor cases must be successfully closed.

We would consider MCI reactor cases that have been traced to the farm of origin to be successfully closed when: (1) An epidemiologic investigation is completed within specified time limits; and (2) the herd is tested, or State or APHIS animal health officials confine the animals to their premises under quarantine; or (3) State or APHIS animal health officials determine there is justification for not testing the herd or quarantining it. We propose to add to § 78.1 a definition of "successfully closed case" that reflects this standard for successful closure.

For Class Free and Class A States, animal health officials would have to complete the epidemiologic investigation within 15 days after they are notified by the cooperative State-Federal laboratory that brucellosis reactors were found on an MCI test. For Class B and Class C States, the time limit would be 30 days. This time standard for completing the epidemiologic investigation is the same standard required in the current regulations. Experience with brucellosis program operations has shown the time limits to be long enough to be workable for animal health officials, and short enough to support effective controls on the spread of brucellosis.

We believe there are circumstances that would constitute acceptable justification for not testing or quarantining a herd following an MCI reactor traceback. The current regulations merely state that herd testing or quarantine will be employed "[W]hen required by the results of the epidemiologic investigation." We would like to provide more specific guidance concerning when it would be justified to forego herd testing or quarantine.

We are proposing to require that herd blood tests be conducted or the herd be confined to the premises under quarantine within 30 days after notification that brucellosis reactors were found on the MCI test, unless a designated epidemiologist determines that:

1. The brucellosis reactor is located in a herd in a different State than the State where the MCI blood sample was collected. In such cases a State representative or APHIS representative must give written notice of the MCI test results to the State animal health official in the State where the brucellosis reactor is located; or,

2. Evidence indicates that the brucellosis reactor is from a herd that no longer presents a risk of spreading brucellosis, or is from a herd that is unlikely to be infected with brucellosis. Such evidence could include, but is not limited to, situations where:

a. The brucellosis reactor is traced back to a herd that has been sold for slaughter in entirety. In this case, the potential for the herd to spread brucellosis no longer exists.

b. The brucellosis reactor is traced back to a herd that is certified brucellosis free and is 100-percent vaccinated. In such cases it is probable that the MCI test was a false positive, due to a titer caused by the vaccine.

c. The brucellosis reactor showed a low titer on the MCI test and is traced back to a dairy herd that is 100 percent vaccinated and has tested negative to the most recent brucellosis ring test required by the regulations. This is another case where the probability of a false positive or other error in the MCI test is far greater than the probability that the herd of origin is affected by brucellosis.

Animal health officials could report a traceback to a farm of origin in another State as a successfully closed case because we do not expect animal health officials to conduct epidemiologic investigations and herd testing in another State. However, as part of successfully closing the case we would require them to notify in writing the State animal health official in the State where the farm of origin is located so officials in that State could take proper follow-up action.

Under this proposal, Class Free and Class A States and areas would need to successfully close at least 95 percent of the MCI reactor cases traced to the farm of origin, and Class B and Class C States and areas would need to successfully close at least 90 percent of such cases. This means that 1 in 20 MCI reactor cases could be left unclosed in Class Free and Class A States, and 1 in 10 reactor cases could be left unclosed in Class B and Class C States.

If adopted, this proposal would reduce current recordkeeping requirements for the States. While State officials would still need to compile data, the time involved should be much less than what is currently required for computing the MCI reactor prevalence rate. Under our proposal, States would focus their recordkeeping on a fairly small number of MCI reactors, rather than the much larger number of cattle with negative MCI test results. States would no longer need to count all cattle tested, separate out cattle from other States, and then calculate an MCI reactor prevalence rate based on the number of their State's cattle that were tested and the number of MCI reactors found through such testing. Instead, each State would need to include in its annual report to APHIS the percentage of MCI reactor cases it successfully closes.

Executive Order 12866 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12866. Based on information compiled by the Department, we have determined that this proposed rule:

(1) Would have an effect on the economy of less than $100 million;

(2) Would not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(3) Would not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(4) Would not alter the budgetary impact of entitlements, grants, user fees, or loan programs or rights and obligations of recipients thereof; and

(5) Would not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or principles set forth in Executive Order 12866.

Only State animal health agencies would be affected by this proposed rule; it would have no effect on the private sector. State animal health officials would need to provide information on only the MCI reactors detected each month instead of total numbers of MCI test cattle slaughtered. They would also need to maintain records of the numbers of MCI reactor cases that are successfully closed and report the percentage of successfully closed cases annually to APHIS. The States are already required to carry out the activities that constitute successful case closure.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule is adopted:

(1) All State and local laws and regulations that are in conflict with this rule will be preempted;

(2) No retroactive effect will be given to this rule; and

(3) Administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule will be submitted for approval to the Office of Management and Budget. Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please send a copy of your comments to:

(1) Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; and

(2) Clearance Officer, OIRM, USDA, room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250.

List of Subjects in 9 CFR Part 78

Animal diseases, Bison, Cattle, Hogs, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 9 CFR part 78, subpart A, would be amended as follows:

PART 78—BRUCELLOSIS

1. The authority citation for part 78 would continue to read as follows:

Authority: 21 U.S.C. 111–114a–1, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 7 CFR 2.17, 2.51, and 371.2(d).

2. Section 78.1 would be amended as follows:

a. A new definition of *Successfully closed case* would be added, in alphabetical order, to read as set forth below.

b. In the definition of *Class A State or area*, paragraph (a)(2)(ii) would be revised to read as set forth below and paragraph (c) would be removed.

c. In the definition of *Class B State or area*, paragraph (a)(2)(ii) would be revised to read as set forth below and paragraph (c) would be removed.

d. In the definition of *Class C State or area*, paragraph (a)(2)(ii) would be revised to read as set forth below and paragraph (c) would be removed.

e. In the definition of *Class Free State or area*, paragraph (a)(2)(ii) would be revised to read as set forth below and paragraph (c) would be removed.

§ 78.1 Definitions.

* * * * *

Class A State or area. * * *

(a) * * *

(2) * * *

(ii) *Brucellosis reactors*—(A) *Tracebacks.* At least 90 percent of all brucellosis reactors found in the course of MCI testing must be traced to the farm of origin.

(B) *Successfully closed cases.* The State or area must successfully close at least 95 percent of the MCI reactor cases traced to the farm of origin during the 12-consecutive-month period immediately prior to the most recent anniversary of the date the State or area was classified Class A. To successfully close an MCI reactor case, State representatives or APHIS representatives must conduct an epidemiologic investigation at the farm of origin within 15 days after notification by the cooperative State-Federal laboratory that brucellosis reactors were found on the MCI test. Herd blood tests must be conducted or the herd must be confined to the premises under quarantine within 30 days after notification that brucellosis reactors were found on the MCI test, unless a designated epidemiologist determines that:

(*1*) The brucellosis reactor is located in a herd in a different State than the State where the MCI blood sample was collected. In such cases a State representative or APHIS representative must give written notice of the MCI test results to the State animal health official in the State where the brucellosis reactor is located; or,

(*2*) Evidence indicates that the brucellosis reactor is from a herd that no longer presents a risk of spreading brucellosis, or is from a herd that is unlikely to be infected with brucellosis. Such evidence could include, but is not limited to, situations where:

(*i*) The brucellosis reactor is traced back to a herd that has been sold for slaughter in entirety;

(*ii*) The brucellosis reactor is traced back to a herd that is certified brucellosis free and is 100-percent vaccinated; or,

(*iii*) The brucellosis reactor showed a low titer in the MCI test and is traced back to a dairy herd that is 100 percent vaccinated and has tested negative to the most recent brucellosis ring test required by this section for herds producing milk for sale.

* * * * *

Class B State or area. * * *

(a) * * *

(2) * * *

(ii) *Brucellosis reactors*—(A) *Tracebacks.* At least 80 percent of all brucellosis reactors found in the course of MCI testing must be traced to the farm of origin.

(B) *Successfully closed cases.* The State or area must successfully close at least 90 percent of the MCI reactor cases traced to the farm of origin during the 12-consecutive-month period immediately prior to the most recent anniversary of the date the State or area was classified Class B. To successfully close an MCI reactor case, State representatives or APHIS representatives must conduct an epidemiologic investigation at the farm of origin within 30 days after notification by the cooperative State-Federal laboratory that brucellosis reactors were found on the MCI test. Herd blood tests must be conducted or the herd must be confined to the premises under quarantine within 30 days after notification that brucellosis reactors were found on the MCI test, unless a designated epidemiologist determines that:

(*1*) The brucellosis reactor is located in a herd in a different State than the State where the MCI blood sample was collected. In such cases a State representative or APHIS representative must give written notice of the MCI test results to the State animal health official in the State where the brucellosis reactor is located; or,

(*2*) Evidence indicates that the brucellosis reactor is from a herd that no longer presents a risk of spreading brucellosis, or is from a herd that is unlikely to be infected with brucellosis. Such evidence could include, but is not limited to, situations where:

(*i*) The brucellosis reactor is traced back to a herd that has been sold for slaughter in entirety;

(*ii*) The brucellosis reactor is traced back to a herd that is certified brucellosis free and is 100-percent vaccinated; or,

(*iii*) The brucellosis reactor showed a low titer in the MCI test and is traced back to a dairy herd that is 100 percent vaccinated and has tested negative to the most recent brucellosis ring test required by this section for herds producing milk for sale.

* * * * *

Class C State or area. * * *

(a) * * *

(2) * * *

(ii) *Brucellosis reactors.*—(A) *Tracebacks.* At least 80 percent of all brucellosis reactors found in the course

of MCI testing must be traced to the farm of origin.

(B) *Successfully closed cases.* The State or area must successfully close at least 90 percent of the MCI reactor cases traced to the farm of origin during the 12-consecutive-month period immediately prior to the most recent anniversary of the date the State or area was classified Class C. To successfully close an MCI reactor case, State representatives or APHIS representatives must conduct an epidemiologic investigation at the farm of origin within 30 days after notification by the cooperative State-Federal laboratory that brucellosis reactors were found on the MCI test. Herd blood tests must be conducted or the herd must be confined to the premises under quarantine within 30 days after notification that brucellosis reactors were found on the MCI test, unless a designated epidemiologist determines that:

(*1*) The brucellosis reactor is located in a herd in a different State than the State where the MCI blood sample was collected. In such cases a State representative or APHIS representative must give written notice of the MCI test results to the State animal health official in the State where the brucellosis reactor is located; or,

(*2*) Evidence indicates that the brucellosis reactor is from a herd that no longer presents a risk of spreading brucellosis, or is from a herd that is unlikely to be infected with brucellosis. Such evidence could include, but is not limited to, situations where:

(*i*) The brucellosis reactor is traced back to a herd that has been sold for slaughter in entirety;

(*ii*) The brucellosis reactor is traced back to a herd that is certified brucellosis free and is 100-percent vaccinated; or,

(*iii*) The brucellosis reactor showed a low titer in the MCI test and is traced back to a dairy herd that is 100 percent vaccinated and has tested negative to the most recent brucellosis ring test required by this section for herds producing milk for sale.

* * * * *

Class Free State or area. * * *

(a) * * *

(2) * * *

(ii) *Brucellosis reactors.*—(A) *Tracebacks.* At least 90 percent of all brucellosis reactors found in the course of MCI testing must be traced to the farm of origin.

(B) *Successfully closed cases.* The State or area must successfully close at least 95 percent of the MCI reactor cases traced to the farm of origin during the 12-consecutive-month period immediately prior to the most recent anniversary of the date the State or area was classified Class Free. To successfully close an MCI reactor case, State representatives or APHIS representatives must conduct an epidemiologic investigation at the farm of origin within 15 days after notification by the cooperative State-Federal laboratory that brucellosis reactors were found on the MCI test. Herd blood tests must be conducted or the herd must be confined to the premises under quarantine within 30 days after notification that brucellosis reactors were found on the MCI test, unless a designated epidemiologist determines that:

(*1*) The brucellosis reactor is located in a herd in a different State than the State where the MCI blood sample was collected. In such cases a State representative or APHIS representative must give written notice of the MCI test results to the State animal health official in the State where the brucellosis reactor is located; or,

(*2*) Evidence indicates that the brucellosis reactor is from a herd that no longer presents a risk of spreading brucellosis, or is from a herd that is unlikely to be infected with brucellosis. Such evidence could include, but is not limited to, situations where:

(*i*) The brucellosis reactor is traced back to a herd that has been sold for slaughter in entirety;

(*ii*) The brucellosis reactor is traced back to a herd that is certified brucellosis free and is 100-percent vaccinated; or,

(*iii*) The brucellosis reactor showed a low titer in the MCI test and is traced back to a dairy herd that is 100 percent vaccinated and has tested negative to the most recent brucellosis ring test required by this section for herds producing milk for sale.

* * * * *

Successfully closed case. Follow up of an MCI reactor traceback with an epidemiologic investigation which results in brucellosis testing or quarantine of the herd of origin, or a determination by a designated brucellosis epidemiologist that justification exists for not testing or quarantining the herd of origin.

* * * * *

Done in Washington, DC, this 10th day of January 1994.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 94–994 Filed 1–13–94; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 93–ASW–59]

Proposed Modification of Class D Airspace: Roswell, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to modify the current Class D airspace and to establish a Class E extension to the Class D surface area at Roswell, NM. This action proposes to amend a previous airspace action that established a 14.8 NM Class D airspace extension to the Class D surface area for Roswell, NM. Because the arrival extension is greater than two miles, it should have been classified as Class E airspace. However, it was incorrectly classified as Class D airspace. The intended effect of this proposal is to reclassify a portion of the current Class D airspace extension at Roswell, NM to a class E airspace extension to contain instrument approach procedures and to provide adequate Class D airspace to contain IFR operations and require two-way radio communications at Roswell Industrial Air Center.

DATES: Comments must be received on or before February 18, 1994.

ADDRESSES: Send comments on the proposal in triplicate to Manager, System Management Branch, Air Traffic Division, Southwest Region, Docket No. 93–ASW–59, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530.

The official docket may be examined in the office of the Assistant Chief Counsel, Southwest Region, Federal Aviation Administration, 2601 Meacham Boulevard, Fort Worth, TX, between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the System Management Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, 2601 Meacham Boulevard, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Alvin DeVane, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530; telephone: 817–222–5595.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed under the caption **ADDRESSES**. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit, with those comments, a self-addressed, stamped, postcard containing the following statement: "Comments to Airspace Docket No. 93–ASW–59." The postcard will be date and time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel at 2601 Meacham Boulevard, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Manager, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify Class D airspace at Roswell, NM. The current Class D airspace at Roswell Industrial Air Center, NM, was modified by rulemaking action dated December 12, 1993 (58 FR 63885). That modification included an extension of the Class D airspace within 3.7 miles each side of the Chisum Very High Omni-Directional Radio Range/Tactical Air Navigation (VORTAC) 290° radial extending from the 5.0-mile radius to 14.8 miles northwest of the airport. That extension to the Class D airpace in excess of 2 nautical miles should have been classified as Class E airspace. The intended effect of this proposal is to reclassify a portion of the current Class D airspace extension at Roswell, NM to a Class E airspace extension to contain instrument approach procedures and to provide adequate Class D airspace to contain IFR operations and require two-way radio communications at Roswell Industrial Air Center.

The coordinates for this airspace docket are based on North American Datum 83. Class D airspace designations are published in Paragraph 5000 and Class E airspace areas designated as extensions to Class D surface areas are published in Paragraph 6004 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 (58 FR 36298; July 6, 1993). The Class D and Class E airspace designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations that need frequent and routine amendments to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9A, Airspace Designations and Reporting Points, dated June 17, 1993, and effective September 16, 1993, is amended as follows:

Paragraph 5000 General

* * * * *

ASW NM D Roswell, NM [Modify]
Roswell Industrial Air Center, NM (lat. 33°18′05″N., long. 104°31′50″W.)

That airspace extending upward from the surface to and including 6,200 feet MSL within a 5-mile radius of Roswell Industrial Air Center. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6004 Class E Airspace Areas Designated as an Extension to a Class D Surface Area

* * * * *

ASW NM E4 Roswell, NM [New]
Roswell Industrial Air Center, NM (lat. 33°18′05″N., long. 104°31′50″W.)

That airspace extending upward from the surface within 3.7 miles each side of the Chisum very high omni-directional radio range/tactical air navigation (VORTAC 290° radial extending from the 5.0-mile radius to 14.8 miles northwest of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Fort Worth, TX, on January 7, 1994.

James A. Caudle,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 94–902 Filed 1–13–94; 8:45 am]

BILLING CODE 4910–13–M

RAILROAD RETIREMENT BOARD

20 CFR Part 200

RIN 3220–AB05

Availability of Information to the Public

AGENCY: Railroad Retirement Board.

ACTION: Proposed rule.

SUMMARY: The Railroad Retirement Board (Board) proposes to amend its regulations establishing fees to be assessed in connection with the search

for records and provision of documents by the Board. The proposed rule increases some of the fees based on updates of estimates of direct costs to the Board of providing these services and adds a fee for transmittal of documents by other than regular mail.

DATES: Comments shall be submitted on or before February 14, 1994.

ADDRESSES: Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Michael C. Litt, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751–4929, TDD (312) 751–4701.

SUPPLEMENTARY INFORMATION: Title 5 U.S.C. 552(a) requires the promulgation of a regulation specifying the schedule of fees applicable to the processing of requests for information. These fees are to provide for the recovery of the direct costs of search, duplication, and review. The fees currently provided for in § 200.4(g)(1) no longer reflect the actual costs of processing requests for information and do not include fees for specific methods of transmittal of documents. Consequently, the Board proposes to increase these fees presently found in § 200.4(g) and to add a new paragraph to provide a charge for transmittal of documents by other than regular post.

The Board has determined that this is not a major rule under Executive Order 12291. Therefore, no regulatory impact analysis is required. There are no information collections associated with this proposed rule within the meaning of the Paperwork Reduction Act of 1980.

List of Subjects in 20 CFR Part 200

Railroad employees, Railroad retirement, Railroad unemployment insurance.

For the reasons set out in the preamble, title 20, chapter II, part 200 of the Code of Federal Regulations is proposed to be amended as follows:

PART 200—GENERAL ADMINISTRATION

1. The authority citation for part 200 continues to read as follows:

Authority: 45 U.S.C. 231f(b)(5) and 45 U.S.C. 362; sec. 200.4 also issued under 5 U.S.C. 552; sec. 200.5 also issued under 5 U.S.C. 552a; sec. 200.6 also issued under 5 U.S.C. 552b; sec. 200.7 also issued under 31 U.S.C. 3717.

2. Section 200.4 is amended by revising paragraph (g)(1) to read as follows:

§ 200.4 Availability of information to public.

* * * * *

(g) * * *

(1) *Fee schedule.* To the extent that the following are chargeable, they are chargeable according to the following schedule:

(i) The charge for making a manual search for records shall be $14.00 per hour;

(ii) The charge for reviewing documents to determine whether any portion of any located document is permitted to be withheld shall be $30.00 per hour;

(iii) The charge for making photocopies of any size document shall be $.10 per copy per page;

(iv) The charge for computer-generated listings or labels shall include the direct cost to the RRB of analysis and programming, where required, plus the cost of computer operations to produce the listing or labels. The maximum computer search charge shall be $2,451.60 per hour ($40.86 per minute). Search time shall not include the time expended in analysis or programming where these operations are required.

(v) There shall be no charge for transmitting documents by regular post. The charge for all other methods of transmitting documents shall be the actual cost of transmittal.

* * * * *

Dated: January 5, 1994.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 94–936 Filed 1–13–94; 8:45 am]

BILLING CODE 7905–01–M

---

20 CFR Part 200

[RIN 3220–AB02]

Assessment or Waiver of Interest, Penalties, and Administrative Costs With Respect To Collection of Certain Debts

AGENCY: Railroad Retirement Board.

ACTION: Proposed rule.

SUMMARY: The Railroad Retirement Board (Board) proposes to amend its regulations to clarify when interest and penalties begin to accrue on an amount owed to the Board under the Railroad Unemployment Insurance Act (RUIA).

DATES: Comments must be received February 14, 1994.

ADDRESSES: Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Thomas W. Sadler, Assistant General Counsel, Bureau of Law, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 (312) 751–4513; TDD (312) 751–4701.

SUPPLEMENTARY INFORMATION: Section 200.7(b)(2) of the Board's regulations provides that:

> Interest shall accrue from the date on which notice of the debt and demand for repayment with interest is first mailed or hand-delivered to the debtor, or in the case of a debt which is subject to section 10(c) of the Railroad Retirement Act or section 2(d) of the Railroad Unemployment Insurance Act, interest shall accrue from the date that a denial of waiver or recovery is mailed or hand-delivered to the debtor or, if waiver has not been requested, upon the expiration of the time within which to request wavier, except as otherwise specified in this section.

Section 200.7(c) of the regulations provides that:

> (1) A penalty charge of 6 percent per year shall be assessed on any debt that is delinquent for more than 90 days.
>
> (2) The penalty charge shall accrue from the date on which the debt became delinquent.
>
> (3) A debt is delinquent if it has not been paid in full by the 30th day after the date on which the initial demand letter was first mailed or hand-delivered, or, if the debt is being repaid under an installment payment agreement, at any time after the debtor fails to satisfy his or her obligation for payment thereunder.

Section 12(o) of the Railroad Unemployment Insurance Act provides that benefits payable to an employee with respect to days of sickness shall be payable regardless of the liability of any person to pay damages for such infirmity. The Board shall be entitled to reimbursement from any sum or damages paid or payable to such employee or other person through suits, compromise, settlement, judgment, or otherwise on account of any liability (other than a liability under health, sickness, accident, or similar insurance policy) based upon such infirmity, to the extent that it will have paid or will pay benefits for days of sickness resulting from such infirmity. Upon notice to the person against whom such right or claim exists or is asserted, the Board shall have a lien upon such right or claim, any judgment obtained thereunder, and any sum or damages paid under such right or claim, to the extent of the amount to which the Board is entitled by way of reimbursement.

Section 341.6 of the Board's regulations provides that a person or company subject to the lien must notify the agency within five days of a settlement or judgment and must pay the agency the amount withheld to satisfy the lien within 30 days. In the

case where a lien arises in favor of the Board as a result of a settlement or judgment but the Board is not notified of the settlement or judgment in a timely manner, the employer or third party who has been served with a Notice of Lien and notice of the amount of that lien already has notice of the existence and amount of the debt. Accordingly, interest should accrue from the date of settlement or judgment, but would be waived if paid within 30 days in accordance with § 200.7(g)(1) of the Board's regulations.

Likewise, a section 12(o) debt should be considered delinquent if the lien is not satisfied within 30 days after settlement or entry of judgment.

Consequently, the Board proposes to amend § 200.7 of its regulations to provide for the accrual of interest on section 12(o) debts and for the accrual of penalties on such debts when they become delinquent.

The Board has determined that this is not a significant regulatory action for purposes of Executive Order 12866; therefore, no regulatory impact analysis is required. There are no information collections associated with this rule.

List of Subjects in 20 CFR Part 200

Railroad employees, Railroad unemployment insurance.

For the reasons set out in the preamble, title 20, chapter II, part 200 of the Code of Federal Regulations is proposed to be amended as follows:

PART 200—GENERAL ADMINISTRATION

1. The authority citation for part 200 continues to read as follows:

Authority: 45 U.S.C. 231f(b)(5) and 45 U.S.C. 362; section 200.4 also issued under 5 U.S.C. 552; section 200.5 also issued under 5 U.S.C. 552(a); section 200.6 also issued under 5 U.S.C. 552b; and section 200.7 also issued under 31 U.S.C. 3717.

2. Section 200.7 is amended by redesignating paragraph (b)(3) as paragraph (b)(4) and adding a new paragraph (b)(3) to read as follows:

§ 200.7 Assessment or waiver of interest, penalties, and administrative costs with respect to collection of certain debts.

* * * * *

(b) * * *

(3) In the case of a lien for reimbursement of sickness benefits pursuant to part 341 of this chapter, interest on the amount of the lien shall accrue from the day of settlement or the entry of final judgment.

* * * * *

3. Section 200.7 is amended by adding a new paragraph (c)(4) to read as follows:

§ 200.7 Assessment or waiver of interest, penalties, and administrative costs with respect to collection of certain debts.

* * * * *

(c) * * *

(4) In the case of a lien for reimbursement of sickness benefits pursuant to part 341 of this chapter, the amount of the lien is delinquent if it has not been paid in full by the 30th day after the date of settlement or entry of final judgment.

* * * * *

By Authority of the Board.

Dated: January 6, 1994.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 94–937 Filed 1–13–94; 8:45 am]

BILLING CODE 7905–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 347

[Docket No. 78N–0021]

Talc; Consumer Uses and Health Perspectives; Public Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meetings.

SUMMARY: The Food and Drug Administration (FDA) and the International Society of Regulatory Toxicology and Pharmacology (ISRTP) are announcing forthcoming public meetings to discuss the latest toxicologic and epidemiologic studies and how they reflect on issues related to the safe use of talc in consumer products.

DATES: The meetings will be held on Monday, January 31, 1994, and Tuesday, February 1, 1994, 9 a.m. to 4:30 p.m. Registration by January 15, 1994, is required. Interested persons, whether or not they are able to attend, may submit written comments on the skin protectant drug product aspects of the issues described in this notice by March 2, 1994, referencing the docket number found in the heading of this document. Three copies of all comments are to be submitted, except that individuals may submit one copy.

ADDRESSES: The meetings will be held at the Lister Hill Auditorium, National Institutes of Health, Bethesda, MD. Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Regarding registration and over-the-counter (OTC) skin protectant drug products contact: William E. Gilbertson, Center for Drug Evaluation and Research (HFD–810), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5000.

Regarding cosmetic products contact: John E. Bailey, Jr., Center for Food Safety and Applied Nutrition (HFS–100), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4530.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 20, 1990 (55 FR 25204 at 25232), FDA proposed talc, 45 to 100 percent, as Category I (generally recognized as safe and effective and not misbranded) as an OTC skin protectant active ingredient for the treatment and prevention of diaper rash. Specific warnings and directions were proposed for powder products containing talc. The final monograph for OTC skin protectant drug products will be published in a future issue of the **Federal Register**. The discussion of talc at these public meetings may be considered by the agency in the preparation of this final monograph for OTC skin protectant drug products.

The purpose of these meetings is to provide a forum for an updated discussion of the origins, manufacture, characterization, toxicology, and epidemiology of talc and related products. The principal focus will be on the latest toxicologic and epidemiologic studies, particularly as they reflect on the safe uses of talc in consumer products.

The following topic areas will be discussed: (1) Characteristics of cosmetic-grade talc; (2) a history of the uses of talc in a variety of consumer products; (3) current quality control measures to insure safety; (4) the regulatory history of talc; (5) recent National Toxicology Program studies of chronic pulmonary exposure of rodents to talc and the relevance of these studies to human risk assessment; and (6) the significance of contrasting epidemiologic studies of talc exposure. Speakers and panelists will include well-known regulatory specialists, toxicologists, epidemiologists, pathologists, talc product manufacturers, talc production experts, and consumer representatives. A critical panel discussion by speakers and invited experts will complete each session.

Dated: January 11, 1994

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 94–1083 Filed 1–12–94; 8:47 am]

BILLING CODE 4160–01–F

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Federal Highway Administration

23 CFR Part 1204

[NHTSA Docket No. 93–21; Notice 1]

RIN 2127–AE90

Amendments to Highway Safety Program Guidelines

AGENCY: National Highway Traffic Safety Administration (NHTSA) and Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Request for comments.

SUMMARY: Section 2002 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Highway Safety Programs, requires that the uniform guidelines for State Highway Safety Programs include six critical programs. The existing 18 Highway Safety Program Guidelines currently address four of the six programs identified in ISTEA, but do not specifically address Speed Control or Occupant Protection. The agencies therefore propose to amend the regulations by adopting guidelines for these two programs. The agencies also propose to issue a guideline on Roadway Safety, corresponding to the Roadway Safety Priority Program Area.

In addition to three new guidelines, the agencies propose to revise six of the existing 18 guidelines to reflect new issues and to emphasize program methodology and approaches which have proven to be especially successful in these program areas. The guidelines the agencies propose to revise are as follows:

Guideline No. 3 Motorcycle Safety
Guideline No. 8 Alcohol in Relation to Highway Safety
Guideline No. 10 Traffic Records
Guideline No. 11 Emergency Medical Services
Guideline No. 14 Pedestrian Safety
Guideline No. 15 Police Traffic Services

The agencies believe that the proposed revisions will provide more detailed guidance to the States.

DATES: Comments on this document must be received no later than February 28, 1994.

ADDRESSES: Comments should reference the docket and notice numbers of this document and be submitted (preferably in ten copies) to: Docket Section, room 5109, U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590. Docket hours are from 9:30 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: In NHTSA, Ms. Kathy DeMeter, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 7th Street, SW., Washington, DC 20590; telephone: (202) 366–1834 or Ms. Marlene Markison, Office of Regional Operations, National Highway Traffic Safety Administration, 400 7th Street, SW., Washington, DC 20590; telephone: (202) 366–0166. In FHWA, Mr. Will Baccus, Office of Chief Counsel, Federal Highway Administration; telephone: (202) 366–0780 or Ms. Mila Plosky, Office of Highway Safety, FHWA; telephone: (202) 366–6902.

SUPPLEMENTARY INFORMATION:

Background

Section 402 of the Highway Safety Act of 1966 directed the Secretary of Transportation to promulgate uniform standards for State highway safety programs, specified the subjects of several standards, and required States to conform to these uniform standards or risk losing portions of their Federal-aid highway funds. Between 1967 and 1972, the Secretary promulgated 18 Uniform Standards for State Highway Safety Programs (published at 23 CFR part 1204).

Until 1976, the section 402 program was principally directed at achieving State and local conformance with the 18 Highway Safety Program Standards, which were considered mandatory requirements with financial sanctions available for non-compliance. In 1976, Congress provided for a more flexible implementation of the program so that the Secretary would not have to require State compliance with every uniform standard or with each element of every uniform standard. As a result, the standards became guidelines for use by the States. Management of the program shifted from one focused upon enforcing program standards to one focused upon problem identification, countermeasure development and evaluation, with the standards to be used as a framework for the State programs. Few changes have been made in the guidelines since that time.

Section 2002 of ISTEA, Highway Safety Programs, requires that the uniform guidelines for State Highway Safety Programs include programs: (1) To reduce injuries and deaths resulting from motor vehicles being driven in excess of the posted speed limits; (2) to encourage the proper use of occupant protection devices (including the use of safety belts and child restraint systems) by occupants of motor vehicles and to increase public awareness of the benefit of motor vehicles equipped with airbags; (3) to reduce deaths and injuries resulting from persons driving motor vehicles while impaired by alcohol or a controlled substance; (4) to reduce deaths and injuries resulting from crashes involving motor vehicles and motorcycles; (5) to reduce injuries and deaths resulting from crashes involving school buses; and (6) to improve law enforcement services in motor vehicle accident prevention, traffic supervision, and post-accident procedures.

Four of the areas represented by these six guidelines (i.e., Impaired Driving, Occupant Protection, Motorcycle Safety, and Police Traffic Services) have previously been identified as National Priority Program Areas (under 23 CFR part 1205). Other Priority Areas include Emergency Medical Services, Pedestrian/Bicycle Safety, Traffic Records, and Roadway Safety. Although Speed Control and School Bus Safety are not currently Priority Areas, the agencies are now engaged in another rulemaking action and in a separate notice in today's **Federal Register** are considering whether to amend 23 CFR part 1205 to include Speed Control and/or School Buses as National Priority Program Areas. Further, the Guideline for Pupil Transportation was revised in April of 1991 and needs no further revision at this time. In addition, section 4002 of ISTEA requires that State agencies which receive Motor Carrier Safety Assistance Program (MCSAP) grants coordinate their respective commercial motor vehicle (CMV) safety enforcement plans with the State highway safety agency (49 CFR 350). FHWA administers the MCSAP.[1]

[1] Under MCSAP, States conduct uniform inspections of commercial motor vehicles at roadside sites and perform safety reviews of carriers to check for compliance with safety and hazardous materials regulations. Under the ISTEA, MCSAP was expanded to include additional safety activities, such as traffic enforcement, impaired driving initiatives, uniform truck and bus accident reporting, vehicle weight enforcement, training for hazardous materials enforcements, Commercial Drivers License (CDL) enforcement, research and development, public education, and drug interdiction efforts. Information on CMV inspections and crashes is collected by the States and transmitted electronically to FHWA's mainframe through the SAFETYNET system. Since all States have access to SAFETYNET, information on the system can be valuable in identifying problems and improving traffic safety. The agencies encourage States to coordinate their section 402 plans and activities with MCSAP where appropriate in order to maximize benefits to both programs.

Proposed Addition of Three New Guidelines

The existing 18 Highway Safety Program Guidelines currently address four of the six programs identified in ISTEA; they do not specifically address Speed Control or Occupant Protection. Therefore, the agencies propose to issue two new guidelines: Highway Safety Program Guideline No. 19, Speed Control; and Highway Safety Program Guideline No. 20, Occupant Protection. Though Speed Control has always been a component of the Police Traffic Services Priority Area, it requires special attention in light of the involvement of speed in many traffic crashes. The agencies also intend to take this opportunity to propose issuance of one additional guideline, which would be identified as Highway Safety Program Guideline No. 21, Roadway Safety. The Roadway Safety Guideline is a consolidation of the key aspects of various Guidelines which relate to the roadway. The addition of these new guidelines will result in a formal guideline corresponding to each of the current National Priority Program Areas. Because the vast majority of all highway safety projects funded under title 23 U.S.C. 402 are designed to address one or more of these Priority Program Areas, the existence of corresponding guidelines for each will be of great value to the States and communities in the design and implementation of highway safety programs.

Proposed Guideline #19: Speed Control

The issue of speed control has received considerable attention by NHTSA. Over the course of the agency's history, NHTSA has funded and promoted many programs and initiatives addressing the problem. Some common conclusions from these programs and initiatives indicate that higher speeds and speeds too fast for conditions (whether or not travelling in excess of the speed limit) adversely affect the safety of motorists.

Historically, Speed Control has not been separately identified as a National Priority Program Area under 23 CFR part 1204. It has, however, been an integral part of the Priority Program Area involving Police Traffic Services, resulting in numerous programs at the State and local levels. In addition, the FHWA, through the MCSAP, supports speed control initiatives as part of an overall traffic enforcement program aimed specifically at commercial motor vehicles. The agencies are currently engaged in rulemaking to add Speed Control as a separate National Priority Program Area. This proposed guideline is written to assist States and communities in the design and implementation of effective Speed Control Programs. The guideline sets forth recommendations for the development and management of effective speed control plans, visible public information and education efforts to gain voluntary compliance, promotion of the use of new technology in the enforcement of speed laws, the establishment of safe and reasonable speed limits, and effective training for police officers involved in speed control.

Proposed Guideline #20: Occupant Protection

When the original highway safety program standards were established by NHTSA and FHWA, an occupant protection program was not among them. Although lap and shoulder belts have been required for front outboard positions and lap belts for all other seating positions in all passenger cars sold in the U.S. after January 1, 1968, belt usage remained very low through the 1970's. In 1970, under the Federal Motor Carrier Safety Regulations, FHWA required drivers of commercial motor vehicles in interstate commerce to use a safety belt if it was installed in the vehicle. During the 1980's, States participating in MCSAP adopted this requirement for commercial motor vehicle drivers in intrastate commerce. During the 1970's, a national Highway Safety Needs Study indicated that significant reductions in highway losses could be achieved with increased public use of occupant protection devices. NHTSA began to explore promotional activities to encourage the public to buckle up.

In 1982, the agencies issued a final rule which identified six National Priority Program Areas that were considered the most effective in reducing highway deaths and injuries. Occupant Protection was included as one of the six most effective programs.

Although the agencies never issued a highway safety program standard or guideline, occupant protection has remained a National Priority Program Area. Recognition of the importance of this program increased substantially during the 1980's with evidence that safety belts are effective in preventing death and serious injury in 40–50 percent of all crashes; passage or upgrading of child safety seat usage laws in every State; passage of safety belt use laws in a majority of States; major increases in funding at the Federal, State and local levels; and significant increases in occupant protection use rates. The agencies have conducted two subsequent rulemakings to review the effectiveness of the Priority Program Areas. No comments have been received from the public suggesting that the area of occupant protection should be deleted from the list of National Priorities.

The life-saving benefits of occupant protection programs are now widely recognized. The proposed Occupant Protection program guideline has been prepared to provide current information on effective program elements for States to use in producing and assessing their programs. The proposed guideline reflects the experience of States in program content and highlights state-of-the-art knowledge in highway safety programs relating to occupant protection. The guideline sets forth recommendations for effective management and evaluation of occupant protection programs, legislative initiatives and employment policies mandating use of occupant protection devices, strategic efforts to enforce use laws and policies, public information efforts to reinforce use laws or policies and to inform the public of enforcement efforts, and education programs to promote occupant protection through various organizations including health and medical groups, schools, and employers throughout the State.

Proposed Guideline #21: Roadway Safety

When the original 18 standards were established under the Highway Safety Act of 1966, FHWA was responsible for developing and implementing programs relating to the roadway environment. Thus, Standards 9, 12, 13, and the roadway-related aspects of Standard 14 (Pedestrian Safety) fell under FHWA's purview. In 1981, when FHWA and NHTSA identified six highway safety program areas which were considered the most effective, and thus designated National Priority Program Areas, one of the six was FHWA's Safety Construction and Operational Improvements.

In 1987, when the agencies reviewed the effectiveness of the various programs and retained the six priority areas, the Safety Construction and Operational Improvement Priority Program was changed to "Roadway Safety" to encompass a wider breadth of safety activities which are related to the driving environment. Roadway Safety involves various highway safety activities which relate to safety aspects of the roadway environment. Currently, many roadway safety-related activities are described in three of the original Highway Safety Program Guidelines:

Guideline #9 Identification and Surveillance of Accident Locations

Guideline #12 Highway Design, Construction and Maintenance
Guideline #13 Traffic Engineering Services

Further, there are additional roadway-related activities included in the pedestrian and bicycle safety initiatives which are outlined in the Pedestrian and Bicycle Guideline No. 14.

In order to more effectively organize and consolidate the roadway safety components from each of these various guidelines, the agencies propose to create a new guideline entitled "Roadway Safety". While the four related guidelines will remain unchanged, the new Roadway Safety Guideline highlights selected aspects from these four guidelines which are recommended to be included in any State Roadway Safety program.

The addition of these three new guidelines will ensure that guidelines reflecting the current state-of-the-art are available for each of the National Priority Program Areas listed at 23 CFR part 1205.

Proposed Revision of Six Existing Guidelines

Since the original program standards were issued in the early 1970's, much has changed in both technology and societal behavior which affects the methodology and approach to solving highway safety problems. When the standards were originally issued, there were no State laws requiring safety belt or child safety seat use, there was little public awareness about drunk driving, and highway safety was not yet a matter of great public concern. Because the highway safety environment has changed so dramatically during the past twenty years, the agencies propose to update the guidelines to provide current information on effective program content for States to use in producing and assessing their traffic safety programs. Each of the proposed revised guidelines reflects the experience of States in traffic safety program content and highlights state-of-the-art knowledge in highway safety. They provide a framework for producing and assessing a balanced highway safety program and a tool with which States can assess the effectiveness of their own programs.

The agencies propose to update only those guidelines which correspond to the programs currently designated as Priority Areas. The agencies strongly believe that focusing attention on the priority programs has the greatest impact on highway safety. The revised guidelines will emphasize these areas of national concern and highlight the effective countermeasures which are available, while continuing to permit States to receive funding for additional areas of local concern when justified, and thus ensure that section 402 resources are being allocated in the most effective manner.

Proposed Revision to Guideline No. 3—Motorcycle Safety

The elements of the present Motorcycle Safety Guideline No. 3 address the following safety issues: (1) Preventing or reducing the severity of head injuries; (2) determining whether novice motorcyclists have the basic skills; and (3) assuring that the vehicles have minimum safety equipment and are adequately maintained.

The proposed new Motorcycle Safety Guideline No. 3 continues to emphasize the importance of motorcyclists wearing helmets and places great emphasis on improving the knowledge and skills of all motorcycle operators through motorcycle rider education and training programs. The guideline also strongly encourages states and communities to develop comprehensive motorcycle safety programs that address (1) the effective management of the program through a central or lead agency; (2) the requirement for special licensing exams; (3) the influence of alcohol and other drugs on motorcyclists; and (4) the issues of motorcycle conspicuity and motorist awareness.

Proposed Revision to Guideline No. 8—Alcohol in Relation to Highway Safety

The current Guideline No. 8 contains the elements which provide the basic structure underlying the drinking and driving laws of the states. These include the use of chemical tests, the establishment of a BAC value (.10%) which is presumptive evidence of intoxication and the enactment of laws establishing the "implied consent" of a motorist to submit to a chemical test. The other components of the current guideline relate to the collection of data on alcohol-related fatalities, and the specifications and qualifications of chemical testing equipment and personnel administering the tests. The primary effort of the guideline was to establish some reasonable conformity with a uniform legal basis for detecting and prosecuting drunk drivers.

Under the current guideline, the States follow a "specific deterrence" approach designed to remove from the road those who had been arrested for DWI. However, the majority of alcohol-related crashes involve drivers with no previous DWI arrest; moreover, the majority of intoxicated drivers on the road go undetected.

The proposed Guideline No. 8, entitled "Impaired Driving", reflects a comprehensive, community-based approach with goals of (1) preventing people from being killed and injured in the short-term through general deterrence programs, and (2) permanently reducing the number of drinking and drugged drivers through long-term prevention and intervention measures.

Under the general deterrence approach, the objective is to increase the perceived risk by the drinking driver that he or she will be caught and convicted of DWI. The proposed guideline recommends states establish a BAC value of .08% as the illegal per se level, at or above which a drive is considered to be driving while intoxicated; implement specific countermeasures designed to better equip and train police officers in recognizing, tracking, and arresting impaired drivers; enable prompt suspension of drivers licenses through streamlined administrative procedures; result in punitive action such as fines, community service, jail or the suspension of driving privileges; and ensure the public is fully aware of the increased enforcement efforts.

Under the "prevention and intervention" approach, the guideline recommends strategies which are aimed at permanently changing the public's attitudes and behaviors concerning drinking and driving. These include public information and education for students in schools and colleges, for adults through programs in the workplace and for the general population through programs in health care settings. Other education efforts include promotion of designated driver programs, responsible alcohol service efforts, citizen support and outreach efforts, and the establishment of self-sufficient programs requiring offenders to defray program costs.

The States should also be aware of and enforce alcohol and drug requirements for CMV drivers. The FHWA established a BAC level of .04 percent as the threshold at which a CMV driver is considered to be under the influence of alcohol and subject to disqualification from driving ranging from one year to life. In addition, a CMV driver found to have any measurable or detectable alcohol level in his or her system while operating a CMV is prohibited from driving for 24 hours. FHWA also requires motor carriers to have specific drug testing programs of CMV drivers in place.

Proposed Revisions to Guideline No. 10—Traffic Records

The current Traffic Records Guideline is directed toward improving the operational efficiency of record systems involving crash statistics, driver licensing, vehicle registration, vehicle inspection, traffic citations, roadway related data, EMS, and driver education. In the past, however, the operational condition of many of these record systems maintained by the States was insufficient to provide a reliable total information base. The growth of the files as well as increased processing costs caused administrators to seek methods of modernizing the files and improving compatibility of related systems.

The proposed Guideline No. 10 recommends methods to establish comprehensive traffic records systems to enable states to use data to identify emerging traffic safety problems, develop appropriate countermeasures, and evaluate program performance. The guideline focuses attention on the need to link computer systems, establish uniform data elements including CMV crash data and integrate data elements where appropriate. In addition, the proposed guideline suggests innovative driver licensing techniques that will effectively identify problem drivers whose driver licenses have been suspended or revoked in other states.

Proposed Revisions to Guideline No. 11—Emergency Medical Services

The current Emergency Medical Services (EMS) Guideline No. 11 is based upon the philosophy that by improving pre-hospital emergency medical services in general, the system will serve the highway-injured patient better. The focus of programs under this guideline has been upon those elements of emergency medical care which precede the patient's arrival in a hospital emergency department. This includes setting standards and requirements for qualified and trained personnel, the types and number of ambulances and other emergency response vehicles, communication systems and equipment, and coordination with other components of the medical care system.

With the maturing of the nationwide EMS Program, the proposed EMS Guideline No. 11 reflects a new emphasis and expanded focus for emergency medical services. The proposed guideline recommends improvements to the entire emergency medical services system for highway-injured patients. The elements deemed most effective in improving trauma care for the highway-injured patient include a common phone number (e.g., 9–1–1) for quick public access, communication between ambulances and hospitals, trained first responders and pre-hospital personnel, adequate and appropriate transportation coverage, highly trained in-hospital personnel at specialized trauma care centers, pre-hospital and hospital coordination, and improved data on trauma patients. The proposed guideline also recommends improved public information, education and injury prevention efforts.

Proposed Revisions to Guideline No. 14—Pedestrian Safety

The current Pedestrian Guideline No. 14 does not address Bicycle Safety Programs. The guideline was developed when Pedestrian Safety was not a National Priority Program Area and before many countermeasures were proven to be effective. The current guideline is narrowly focused on single issue countermeasure activities which involved primarily the inventory of the pedestrian problem; education, particularly aimed at young school children; and engineering.

In a NHTSA/FHWA joint NPRM published in the **Federal Register** on May 3, 1991, the agencies stated that effective countermeasures have been developed to address both Pedestrian and Bicycle safety problems and specifically, concerns caused by an increase in the elderly population and the growth in popularity of walking, jogging and bicycling. On October 4, 1991, a Final Rule was issued making Pedestrian and Bicycle Safety a National Priority program area.

The proposed Guideline No. 14 addresses both pedestrian and bicycle safety and describes countermeasures that are comprehensive in nature, involve a multi-disciplinary approach. These require the combined and coordinated support of law enforcement, education, public health, driver education and licensing, transportation engineering, and public communications. In addition, the guideline provides for legislative and regulatory solutions, outlines methods to enlist the support of individuals and organizations outside the traditional highway safety community, features innovative school-based practices, and highlights traffic engineering components that promote pedestrian and bicycle safety while reducing traffic congestion.

Proposed Revisions to Guideline No. 15—Police Traffic Services

The current Police Traffic Service Guideline No. 15 emphasizes the use of police patrols to enforce traffic laws, improve traffic flow, prevent crashes, aid the injured, document each crash, supervise cleanup, and restore traffic flow. The guideline provides minimum standards by which a police department can measure its quality in traffic services, and suggests uniform training procedures, as well as standardized records and reporting systems. The guideline also addresses selective assignment of personnel and coordination with other agencies and neighboring jurisdictions and recommends in-service training for police personnel.

The proliferation of highway safety legislation in recent years, such as tougher DWI laws, child restraint and seat belt use laws, and commercial motor vehicle safety laws, combined with an increased demand for other law enforcement services, has placed a strain on police agencies during a time of reduced budgets, manpower and resources. The proposed Guideline No. 15 assists law enforcement agencies by addressing how to do more with less. Such efforts include developing and participating in comprehensive programs; enlisting support of the media, community leaders, business and volunteer/activist groups; developing resource management plans; and training officers in state-of-the-art enforcement curricula.

Other Guidelines Remain Unchanged

The following 12 guidelines currently contained in § 1204 will remain intact and unchanged by this proposal:

Guideline No. 1 Periodic Motor Vehicle Inspection
Guideline No. 2 Motor Vehicle Registration
Guideline No. 4 Driver Education
Guideline No. 5 Driver Licensing
Guideline No. 6 Codes and Laws
Guideline No. 7 Traffic Courts
Guideline No. 9 Identification and Surveillance of Accident Locations
Guideline No. 12 Highway Design, Construction, and Maintenance
Guideline No. 13 Traffic Engineering Services
Guideline No. 16 Debris Hazard Control and Cleanup
Guideline No. 17 Pupil Transportation Safety (Rev. 4/91)
Guideline No. 18 Accident Investigation and Reporting

It should be noted that the guidelines are not binding on the States. A State's decision not to adopt a portion of a guideline, for example, would not entail penalties for the State. Nonetheless, the agencies encourage the use of the recommendations contained in these guidelines to optimize the effectiveness of highway safety programs conducted at the State and local level.

Comments

Interested persons are invited to submit comments on this proposal. It is requested but not required that 10 copies be submitted.

In order to expedite the submission of comments, copies of this notice are being mailed to all Governors, Governors' Representatives for Highway Safety, and State EMS Directors.

Comments should not exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

All comments received before the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the revisions to these guidelines may proceed at any time after that date. The agencies will continue to file relevant material in the docket as it becomes available after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the docket should enclose, in the envelope with their comments, a pre-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

Economic and Other Effects

The agencies have considered the impacts that would be associated with this proposed action, and determined that it is not significant within the meaning of Executive Order 12866 or the Department of Transportation Regulatory Policies and Procedures. The guidelines contained in part 1204 are advisory, not mandatory. Accordingly, a full regulatory evaluation is not necessary.

Since this matter relates to grants, the notice and comment requirements established in the Administrative Procedure Act, 5 U.S.C. 553, are not applicable. Because the agencies are not required to published a notice of proposed rulemaking regarding this rule, the agencies are not required to analyze the effect of this rule on small entities, in accordance with the Regulatory Flexibility Act. The agencies have nonetheless evaluated the effects of this notice on small entities. Based on the evaluation, I certify that this notice will not have a significant economic impact on a substantial number of small entities. Accordingly, the preparation of a Regulatory Flexibility Analysis is unnecessary.

Environmental Impacts

The agencies have also analyzed this action for the purpose of the National Environmental Policy Act. The agencies have determined that this action will not have any effect on the human environment.

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 and it has been determined that it has no federalism implication that warrants the preparation of a federalism assessment.

List of Subjects in 23 CFR Part 1204

Grant programs, Highway safety.

In consideration of the foregoing, the agencies propose to amend 23 CFR part 1204 as follows:

PART 1204—[AMENDED]

1. The authority citation for part 1204 would continue to read as follows:

Authority: 23 U.S.C. 402; delegations of authority at 49 CFR 1.48 and 1.50.

§ 1204.4 [Amended]

2. In § 1204.4, the following items would be added to the list of Highway Safety Program Guideline Numbers and Titles contained in the first paragraph:

§ 1204.4 Highway Safety Program Guidelines.

* * * * *

19 Speed control.
20 Occupant protection.
21 Roadway safety.

3. In § 1204.4 Guideline Nos. 3, 8, 10, 11, 14 and 15 would be revised and Guideline Nos. 19, 20 and 21 would be added to read as follows:

§ 1204.4 Highway Safety Program Guidelines.

* * * * *

Highway Safety Program Guideline

No. 3

Motorcycle Safety

Each State, in cooperation with its political subdivisions, should have a comprehensive program to promote motorcycle safety. To be effective in reducing the number of motorcycle crash deaths and injuries, State programs should address the use of helmet and other protective gear, proper licensing, impaired riding, rider training, conspicuity, and motorist awareness. This Motorcycle Safety Program Guideline will assist States and local communities in the development and implementation of effective motorcycle safety programs.

I. Program Management

Each State should identify the nature and extent of its motorcycle safety problems, establish goals and objectives for the State's motorcycle safety program, and implement projects to reach the goals and objectives. State motorcycle safety plans should:

Designate a lead agency for motorcycle safety;
Develop funding sources;
Collect and analyze data on motorcycle safety;
Identify the State's motorcycle safety problem areas;
Develop programs (with specific projects) to address problems;
Coordinate motorcycle projects with those for the general motoring public; and
Integrate motorcycle safety into community traffic safety programs.

II. Motorcycle Personal Protective Equipment

Each State should encourage motorcycle operators and passengers to use the following protective equipment:

Motorcycle helmets (which should be required by law);
Proper clothing, including gloves, boots, long pants, and a durable long-sleeved jacket; and
Eye (which should be required by law) and face protection.

Additionally, each passenger should be provided a seat and footrest.

III. Motorcycle Operator Licensing

States should require every person who operates a motorcycle on public roadways to pass an examination designed especially for motorcycle operation and to hold a license endorsement specifically authorizing motorcycle operation. Each State should have a motorcycle licensing system that requires:

Motorcycle operator's manual;
Motorcycle license examination, including knowledge and skill tests, and State licensing medical criteria;
License examiner training;
Motorcycle license endorsement;
Motorcycle license renewal requirements;
Learner's permit issued for a period of 90 days and only twice per applicant; and
Penalties for violation of motorcycle licensing requirements.

IV. Motorcycle Rider Education and Training

Safe motorcycle operation requires specialized training by qualified instructors. Each State should establish a State Motorcycle Rider Education Program that provides for:

Source of program funding;
State organization to administer the program;
Use of Motorcycle Safety Foundation curriculum or equivalent State-approved curriculum;
Reasonable availability of rider education courses for all interested residents of legal riding age;
Instructor training and certification;
Incentives for successful course completion such as licensing skills test exemption;
Quality control of the program;
Ability to purchase insurance for the program;
Permission to spend money in other motorcycle safety program areas as deemed appropriate;
State guidelines for conduct of the program; and Program evaluation.

V. Motorcycle Operation Under the Influence of Alcohol or Other Drugs

Each State should ensure that programs addressing drunk and drugged driving include a focus on motorcycles. The following programs should include an emphasis on impaired motorcyclists.

Community traffic safety programs;
Public information and education campaigns;
Youth impaired driving programs;
Law enforcement programs;
Judge and prosecutor training programs;
Anti-drunk and drugged driving organizations; and
College and school programs.

VI. Motorcycle Conspicuity and Motorist Awareness Programs

State motorcycle safety programs should emphasize the issues of rider conspicuity and motorist awareness of motorcycles. These programs should address:

Daytime use of motorcycle lights;
Brightly colored clothing and reflective materials for motorcycle riders;
Lane positioning of motorcycles to increase vehicle visibility;
Reasons why motorists do not see motorcycles; and
Ways that other motorists can increase their awareness of motorcyclists.

* * * * *

Highway Safety Program Guideline

No. 8

Impaired Driving

Each State, in cooperation with its political subdivisions, should have a comprehensive program to combat impaired driving. This guideline describes the areas that each State's program should address. Throughout this guideline, "impaired driving" means operating any motor vehicle while one's faculties are affected by alcohol or other drugs, medications, or other substances. "Impaired driving" includes, but is not limited to, impairment as defined in State statutes.

I. Prevention

Each State should have prevention programs to reduce impaired driving through approaches commonly associated with public health—altering social norms, changing risky or dangerous behaviors, and creating protective environments. Prevention and public health programs promote activities to educate the public on the effects of alcohol and other drugs, limit alcohol and drug availability, and prevent those impaired by alcohol and drugs from driving. Prevention programs are typically carried out in schools, work sites, medical and health care facilities, and community groups. Each State should implement a system of impaired driving prevention activities and to work with the public health community to foster health and reduce traffic-related injuries.

A. Public Information and Education for Prevention

States should develop and implement public information and education (PI&E) programs directed at impaired driving. Programs should start at the State level and extend to communities through State assistance, model programs, and public encouragement. States should:

Have a statewide plan, program, and coordinator for all impaired driving PI&E activities;
Develop their own PI&E campaigns and materials, either by adapting materials from the Federal government or other States, or by creating new campaigns and materials;
Encourage and support communities to implement awareness programs at the local level;
Encourage businesses and private organizations to participate in impaired driving PI&E campaigns; and
Encourage media to support impaired driving highway safety issues by reporting on programs, activities (including enforcement campaigns), alcohol-related arrests, and alcohol-related crashes.

B. School Programs

Student programs, including kindergarten through college and trade school, play a critical role in preventing impaired driving. States should:

Implement K–12 traffic safety education, with appropriate emphasis on impaired driving, as part of a comprehensive health education program;
Establish and support student safety clubs and activities and create a statewide network linking these groups;
Establish liaisons with higher education institutions to encourage policies to reduce alcohol, other drug, and traffic safety problems on college campuses;
Promote alcohol- and drug-free events throughout the school year, with particular emphasis on high-risk times such as prom, spring break, and graduation;
Coordinate closely with anti-drug education efforts and programs;
Develop working relationships with school health personnel as a means of providing information to students about a variety of traffic safety and health behaviors; and
Make effective use of criminal justice, medical, or other professionals through presentations in the classroom or assembly programs.

C. Employer Programs

States should provide information and technical assistance to all employers, encouraging them to offer programs to reduce impaired driving by employees and their families. These programs should include:

Model policies for impaired driving and other traffic safety issues, including safety belt use and speeding;
Management training to recognize and address alcohol and drug impairment;
Education and treatment programs for employees; and
Employee awareness activities.

States should especially encourage companies and businesses to provide impaired driving programs to their youthful employees. The States should also be familiar with FHWA's drug and alcohol requirements for employers of CMV drivers.

D. Responsible Alcohol Service

States should promote responsible alcohol service policies and practices in the retail alcohol service industry, including package stores, restaurants, and taverns, through well-publicized and enforced laws, regulations, and policies. States should:

Implement and enforce programs to eliminate the sale of alcoholic beverages to those under 21 years of age;
Promote alcohol server and service programs, including assessments, written policies, and training;
Ensure adequate alcohol control regulations dealing with issues such as service to visibly intoxicated patrons, elimination of "happy hours", and availability of food and non-alcoholic beverages;
Provide adequate resources (including budget, staff, and training) to enforce alcohol beverage control regulations;
Promote the display of responsible alcohol use and drinking and driving information in alcohol sales and service establishments;
Promote establishment participation in designated driver, safe rides, and other alternative transportation programs; and
Provide that commercial establishments may be held responsible for damages caused by any patron who was served alcohol when visibly intoxicated.

E. Transportation Alternatives

States should promote alternative transportation programs that enable

impaired drinkers to reach their destinations without driving. Alternative transportation programs include:

Designated drivers; and
Safe rides.

II. Deterrence

Each State should have a deterrence program to reduce impaired driving through activities to create the maximum possible perception of detection, arrest and punishment among persons who might be tempted to drive under the influence of alcohol or other drugs, including CMV drivers. Close coordination with law enforcement agencies on the municipal, county, and State levels is needed to create and sustain the perceived risk of being detected and arrested. Specialized traffic enforcement efforts, such as MCSAP, also serve as a core element in the detection of impaired drivers. Equally close coordination with courts and the motor vehicle licensing and registration agency is needed to enhance the fear of punishment. Effective use of all available media is essential to create and maintain a strong public awareness of impaired driving enforcement and sanctions.

Each State should implement a system of activities to deter impaired driving. The deterrence system should include legislation, public information and education, enforcement, prosecution, adjudication, criminal sanctions, driver licensing, and vehicle registration activities. The goal should be to increase the perception and probability of arrest for violators and the imposition of swift and sure sanctions.

A. Laws To Deter Impaired Driving

States should enact laws that define and prohibit impaired driving in broad and readily enforceable terms, facilitates the acquisition of evidence against impaired drivers, and permit a broad range of administrative and judicial penalties and actions. These laws should:

Define impaired driving offenses—

Establish .08 Blood Alcohol Concentration (BAC) as the blood alcohol level at or above which it is illegal to operate a motor vehicle ("illegal per se");

Establish .04 BAC as the illegal per se blood alcohol level for commercial truck and bus operators, as provided by commercial driver license regulations;

Establish that it is illegal per se for persons under the age of 21 (the legal drinking age) to drive with any measurable amount of alcohol in their blood, breath, or urine;

Establish that driving under the influence of other drugs (whether illegal, prescription, or over-the-counter) is unlawful and is treated similarly to driving under the influence of alcohol;

Establish vehicular homicide or causing personal injury while under the influence of alcohol as a separate offense; and

Prohibit open alcohol containers and consumption of alcohol in motor vehicles.

Provide for effective enforcement of these laws—

Authorize police to conduct checkpoints, in which vehicles are stopped on a nondiscriminatory basis to determine whether or not the operators are driving under the influence of alcohol or drugs;

Authorize police to use a preliminary breath test for a vehicle operator stopped for a suspected impaired driving offense;

Authorize police to test for impairing drugs other than alcohol;

Include implied consent provisions that permit the use of chemical tests and that allow the arresting officer to require more than one test of a vehicle operator stopped for a suspected impaired driving offense;

Require prompt and certain license revocation or suspension for persons who refuse to take a chemical test to determine whether they were driving while intoxicated ("implied consent"); and

Require mandatory blood alcohol concentration testing whenever a law enforcement officer has probable cause to believe that a driver has committed an alcohol-related offense.

Provide effective penalties for these offenses—

Require prompt and certain administrative license revocation or suspension of at least 90 days for persons determined by chemical test to violate the State's BAC limit;

Provide for increasingly more severe penalties for repeat offenders, including lengthy license revocation, substantial criminal fines, jail, and/or impoundment or confiscation of license plates or vehicles registered by the offender;

Provide for more stringent criminal penalties for those convicted of more serious offenses, such as vehicular homicide;

Contain special provisions for youth under the age of 21 that mandate driver's license suspension for any violations of laws regarding the use or possession of alcohol or other drugs; and

Establish victim assistance and victim restitution programs and require the use of a victim impact statement prior to sentencing in all Driving While Intoxicated (DWI) cases where death or serious injury occurred.

B. Public Information and Education for Deterrence

States should implement public information and education (PI&E) programs to maximize public perception of the risks of being caught and punished for impaired driving. Public information programs should be:

Comprehensive;
Seasonally focused; and
Sustained.

C. Enforcement

States should implement comprehensive enforcement programs to maximize the likelihood of detecting, investigating, arresting, and convicting impaired drivers. These programs should:

Secure a commitment to rigorous DWI enforcement from the top levels of police management and State and local government;

Provide state-of-the-art training for police officers, including Standardized Field Sobriety Testing (SFST) and Drug Evaluation and Classification (DEC);

Provide adequate equipment and facilities, including preliminary and evidentiary breath test equipment;

Deploy patrol resources effectively, using cooperative efforts of various State and local police agencies as appropriate;

Maximize the likelihood of violator-officer contact;

Make regular use of sobriety checkpoints;

Facilitate the arrest process;

Implement state-of-the-art post-arrest investigation of apprehended impaired drivers;

Emphasize enforcement of youth impaired driving and drinking age laws; and

Emphasize enforcement of laws regulating alcohol or drug impairment by CMV drivers.

D. Prosecution

States should implement a comprehensive program for visible and aggressive prosecution of impaired driving cases. These programs should:

Give DWI cases high priority for prosecution;

Provide sufficient resources to prosecute cases presented by law enforcement efforts;

Facilitate uniformity and consistency in prosecution of impaired driving cases;

Provide training for prosecutors so they can obtain high rates of conviction and seek appropriate sanctions for offenders;

Prohibit plea bargaining in DWI cases, through appropriate legislation;

Encourage vigorous prosecution of alcohol-related fatality and injury cases under both DWI and general criminal statutes; and

Ensure that prosecutors are knowledgeable and prepared to prosecute youthful offenders appropriately.

E. Adjudication

The effectiveness of prosecution and enforcement efforts is lost without support and strength in adjudication. States should implement a comprehensive impaired driving adjudication program to:

Provide sufficient resources to adjudicate cases and manage the dockets brought before them;

Facilitate uniformity and consistency in adjudication of impaired driving cases;

Give judges the skills necessary to appropriately adjudicate impaired driving cases;

Provide similar training to administrative hearing officers who hear administrative license revocation appeals;

Inform the judiciary about technical evidence presented in impaired driving cases, including SFST and DEC testimony;

Educate the judiciary in appropriate and aggressive sanctions for offenders including violators of commercial motor vehicle safety regulations; and

Ensure that judges are knowledgeable and prepared to adjudicate youthful offenders in an appropriate and aggressive manner.

F. Licensing

Driver licensing actions can be an effective means for preventing, deterring, and monitoring impaired driving. In addition to the license sanctions for impaired driving offenses discussed earlier, States should:

Issue provisional licenses to novice drivers;

Provide for license suspension for driver under age 21 who drives with a BAC exceeding .02 (or some other low value);

Issue distinctive licenses to drivers under the age of 21;

Monitor licensing records to identify high risk drivers for referral to education or remediation programs;

Ensure the accurate and timely reporting of alcohol and drug violations as proscribed by the Commercial Drivers License (CDL) regulations;

Assure that all licensing records are used to help assess whether a driver requires alcohol or drug treatment; and

Actively participate in the Driver License Compact to facilitate the exchange of driver license information between jurisdictions.

III. Treatment and Rehabilitation

Many first-time impaired driving offenders and most repeat offenders have substantial substance abuse problems that affect their entire lives, not just their driving. They have been neither prevented nor deterred from impaired driving. Each State should implement a system to identify and refer these drivers to appropriate substance abuse treatment programs to change their dangerous behavior.

A. Diagnosis and Screening

States should have a systematic program to evaluate persons who have been convicted of an impaired driving offense to determine if they have an alcohol or drug abuse problem. This evaluation should:

Be required by law;

Be conducted by qualified personnel prior to sentencing; and

Be used to decide whether a substance abuse treatment program should be part of the sanctions imposed.

B. Treatment and Rehabilitation

States should establish and maintain programs to treat alcohol and other drug dependent persons referred through traffic courts and other sources. These programs should:

Ensure that those referred for impaired driving offenses are not permitted to drive again until their substance abuse problems are under control;

Be conducted in addition to, not as a substitute for, license restrictions and other sanctions; and

Be conducted separately for youth.

IV. Program Management

Good program management produces effective programs. Planning and coordination are especially important for impaired driving activities, since many different parties are involved. Each State's impaired driving program management system should have an established process for managing its planning (including problem identification), program control, and evaluation activities. The system should provide for community traffic safety programs (CTSPs), State and local task forces, data analysis, and funding. It also should include planning and coordination of activities with other agencies involved in impaired driving programs, such as MCSAP.

A. State Program Planning

States should develop and implement an overall plan for all impaired driving activities. The plan should:

Be based on careful problem definition that makes use of crash and driver record data; and

Direct State and community resources toward effective measures that address the State's impaired driving issues.

B. Program Control

States should establish procedures to ensure that program activities are implemented as intended. The procedures should provide for systematic monitoring and review of ongoing programs to:

Detect and correct problems quickly;

Measure progress in achieving established goals and objectives; and

Ensure that appropriate data are collected for evaluation.

C. State and Local Task Forces and Community Traffic Safety Programs

States should encourage the development of State and community impaired driving task forces and community traffic safety programs. States should:

Use these groups to bring a wide variety of interests and resources to bear on impaired driving issues; and

Ensure that Federal, State, and local organizations coordinate impaired driving activities, so that the activities complement rather than compete with each other.

D. Data and Records

States should establish and maintain records systems for accidents, arrests, dispositions, driver licenses, and vehicle registrations. Especially important are tracking systems which can provide information on every driver arrested for DWI to determine the disposition of the case and compliance with sanctions. These records systems should be:

Accurate;

Timely;

Able to be linked to each other; and

Readily accessible to police, courts, and planners.

E. Evaluation

States should evaluate all impaired driving system activities regularly to ensure that programs are effective and scarce resources are allocated appropriately. Evaluation should be:

Included in initial program planning to ensure that appropriate data are available and that adequate resources are allocated;

Designed to use available traffic records systems effectively; and

Conducted regularly.

Evaluation results should be:

Reported regularly to project and program managers; and

Used to guide further program activities.

F. Funding

States should allocate funding to impaired driving programs that is:

Adequate for program needs;

Steady—from dedicated sources; and

To the extent possible, paid by the impaired drivers themselves. The programs should work toward being self-sufficient.

* * * * *

Highway Safety Program Guideline

No. 10

Traffic Records

Each State, in cooperation with its political subdivisions, should establish and implement a complete traffic records program. The Statewide program should include, or provide for, data for the entire State. A complete traffic records program is necessary for planning (problem identification), operational management or control, and evaluation of a State's highway safety activities. This type of program is basic to identifying highway safety problems, tracking safety trends, and implementing highway safety countermeasures. It is the key ingredient to safety effectiveness and management.

I. Traffic Records System

To provide a complete and useful records system for safety program management at both the State and local level, the State should have a data base consisting of the following:

An Accident File with data on the time, environment, and circumstances of a crash; identification of the vehicles, drivers, cyclists, occupants, and pedestrians involved; and documentation of crash consequences (fatalities, injuries, property damage and violations charged) with the data tied to a location reference system;

A Driver File or driver history record of licensed drivers in the State, with data on personal identification and driver license number, type of license, license status (suspended or revoked), driver restrictions, driver convictions for traffic violations, crash history, driver control or improvement actions, and safety education data;

A Vehicle File with information on identification, ownership and taxation, and vehicle inspection (where applicable);

A Roadway File with information about roadway location, identification, and classification as well as a description of a road's total physical characteristics, which is tied to a location reference system. This file should also contain data for normalizing purposes, such as miles of roadway and average daily traffic (ADT);

A Commercial Motor Vehicle Crash File which uses uniform data definitions and collects information on the vehicle configuration, cargo body type, hazardous materials, information to identify the motor carrier, as well as information on the crash.

A Citation/Conviction File which identifies the type of citation and the time, date, and location of the violation; the violator, vehicle and the enforcement agency; and adjudication action and results, including court of jurisdiction (an Enforcement/Citation File could be maintained separate from a Judicial/Conviction File) and fines assessed and collected;

An Emergency Medical Services (EMS) file with emergency care and victim outcome information about ambulance responses to crashes, e.g., emergency care unit, care given, injury data, and times of EMS notification and arrival; information on emergency facility and hospital care, including Trauma Registry data; and medical outcome data relative to crash victims receiving rehabilitation and for those who died as the result of the crash, and

Provisions for file linkage through common data elements between the files or through other consistent means; performance level data as part of the traffic records system; demographic data to normalize or adjust for exposure when analyzing the various data in the files; and provisions for the use of cost data relative to amounts spent on countermeasure programs and the costs of fatalities, injuries and property damage.

II. Data Characteristics

Traffic records programs should meet basic requirements for the most effective use of the data by program managers. Accordingly, each State should emphasize the following characteristics:

An accurate identification of the crash location;

Timely and accurate data collection and input to all files, and especially to the Accident and Driver Files, to assure maximum utilization and confidence in the traffic records system. Each state is encouraged to join and fully participate in the driver license compact to ensure that complete data is available from other states;

Data uniformity, providing for uniform coding and definition of data elements to allow a State to compare its crash problems to other States, regions and the nation; and the use of uniform coding of violations and convictions for the efficient exchange of driver information between States;

Data consistency within a State over time to provide for multi-year analysis of data to detect trends and for identification of emerging problems, as well as to determine beneficial effects of highway safety programs; and

Timely and complete data output to ensure that highway safety program managers will have records that are accessible, understandable, and effective.

III. Use of Traffic Records

The measure of a good records system is the degree to which it is used by those it was designed to serve. Each State should establish a process for the effective use of traffic records by highway safety management, including the following:

A management process which addresses the role or use of traffic records data in planning (including problem identification), program control, and evaluation;

A problem identification strategy that specifies the necessary data, assures that accurate and timely data are available, defines the analyses conducted (including the variables used, statistical tests applied, and trends examined), and describes how results are reported and used;

Presentation of analysis results so that they are clearly understood and usable by managers, including the use of problem reports which describe the magnitude of the problems, and appropriate graphs, tables and charts to support the conclusions reached; and

Provisions for program evaluation, beginning at the planning stage and carrying through implementation and final evaluation, essentially using the same types of data that were used in developing the programs implemented.

IV. Managing Traffic Records

Each State should have an organizational structure in place for effective administration of its traffic records program, at a minimum consisting of the following components:

A permanent Traffic Records Committee, representing the principal users and custodians of the data in the State, that provides administrative and technical guidance. The Committee should be responsible for adopting requirements for file structure and linkage, assessing capabilities and resources, establishing goals for improving the traffic records program, evaluating the program, continuously developing cooperation and support from State and local agencies as well as the private sector, and ensuring that high quality and timely data are available to authorized persons or agencies for appropriate use;

A single state agency with responsibility for coordinating the traffic safety-related data aspects of the various State information systems. This would include ensuring that the necessary data were available for use in safety and analyses; and

Professional staff with analytical expertise to perform data analysis for program planning and evaluation, including a basic understanding of data processing as it relates to the use of personal computers (PCs) and the ability to use PC software application packages to perform problem identification and program evaluation tasks.

Highway Safety Program Guideline

No. 11

Emergency Medical Services

Each State, in cooperation with its political subdivisions, should ensure that persons incurring traffic injuries (or other trauma) receive prompt emergency medical care under the range of emergency conditions encountered. Each of the component parts of a system should be equally committed to its role in the system and ultimately to the care of the patient. At a minimum, the EMS program should be made up of the components detailed in this chapter.

I. Regulation and Policy

Each State should embody comprehensive enabling legislation, regulations, and operational policies and procedures to provide an effective system of emergency medical and trauma care. This legal framework should:

Establish the program and designate a lead agency;

Outline the lead agency's basic responsibilities, including licensure and certification;

Require comprehensive planning and coordination;

Designate EMS and trauma system funding sources;

Require data collection and evaluation; and

Provide authority to establish minimum standards and identify penalties for noncompliance.

Each of these components, which are discussed in different sections of this guideline, are critical to the effectiveness of legislation that is the legal foundation for a statewide EMS system.

II. Resource Management

Each State should establish a central lead agency at the State level to identify categorize, and coordinate resources necessary for overall system implementation and operation. The lead agency should:

Maintain a coordinated response and ensure that resources are used appropriately throughout the State;

Provide equal access to basic emergency care for all victims of medical or traumatic emergencies;

Provide adequate triage and transport of all victims by appropriately certified personnel (at a minimum, trained to the emergency medical technician [EMT] basic level) in properly licensed, equipped, and maintained ambulances;

Provide transport to a facility that is appropriately equipped, staffed, and ready to administer to the needs of the patient (section 4: Transportation); and,

Appoint an advisory council to provide a forum for cooperative action and maximum use of resources.

III. Human Resources and Training

Each State should ensure that its EMS system has essential trained human resources to perform required tasks. These personnel include: first responders (e.g., police and fire), prehospital providers (e.g., emergency medical technicians and paramedics), communications specialists, physicians, nurses, hospital administrators, and planners.

Each State should provide a comprehensive statewide plan for stable and consistent EMS training programs with effective local and regional support. The State agency should:

Ensure sufficient availability of adequately trained EMS personnel;

Establish EMT-Basic as the state minimum level of training for all transporting EMS personnel;

Routinely monitor training programs to ensure uniformity and quality control;

Use standardized curricula throughout the State;

Ensure availability of continuing education programs;

Require instructors to meet State requirements;

Develop and enforce certification criteria for first responders and prehospital providers; and

Require EMS operating organizations to collect data to evaluate emergency care in terms of frequency, category, and severity as well as the use of appropriate knowledge and skills.

IV. Transportation

Each State should require safe, reliable ambulance transportation, which is critical to an effective EMS system. States should:

Develop statewide transportation plans, including the identification of specific service areas;

Implement regulations that provide for the systematic delivery of patients to appropriate facilities;

Develop routine, standardized methods for inspection and licensing of all emergency medical transport vehicles;

Establish a minimum number of providers at the desired level of certification on each response;

Coordinate all emergency transports within the EMS system, including public, private, or specialty (air and ground) transport; and

Develop regulations to ensure ambulance drivers are properly trained and licensed.

V. Facilities

It is imperative that the seriously injured patient be delivered in a timely manner to the closest appropriate facility. Each State should ensure that:

Both stabilization and definitive care needs of the patient are considered;

The determination is free of political considerations and the capabilities of the facilities are clearly understood by prehospital personnel;

Hospital resources capabilities are known in advance, so that appropriate primary and secondary transport decisions can be made; and

Agreements are made between facilities to ensure that patients receive treatment at the closest, most appropriate facility, including facilities in other states or counties.

VI. Communications

An effective communications system is essential to EMS operations and provides the means by which emergency resources can be accessed, mobilized, managed, and coordinated. Each State should require a communication system to:

Begin with a universal system access number, such as 911;

Provide for prioritized dispatch (dispatch-to-ambulance, ambulance-to-ambulance, ambulance-to-hospital, and hospital-to-hospital communication);

Ensure the receiving facility is ready and able to accept the patient; and

Provide for dispatcher training and certification standards.

Each State should develop a statewide communications plan that defines State government roles in EMS system communications.

VII. Trauma Systems

Each State should maintain a fully functional trauma system to provide a high quality, effective patient care system. States should implement legislation requiring the development of a trauma system, including:

Trauma center designation, using American College of Surgeons Committee on Trauma guidelines as a minimum;

Triage and transfer standards for trauma patients;

Data collection and trauma registry definitions for quality assurance;

Mandatory autopsies to determine preventable deaths; and

Systems management and quality assurance.

VIII. Public Information and Education

Public awareness and education about the EMS system are essential to a high quality system. Each State should implement a public information and education (PI&E) plan to address:

The components and capabilities of an EMS system;

The public's role in the system;

The public's ability to access the system;

What to do in an emergency (e.g., bystander care training);

Education on prevention issues (e.g., alcohol or other drugs, occupant protection, speeding, motorcycle and bicycle safety); and

The need for dedicated staff and resources for PI&E programming.

IX. Medical Direction

Physician involvement in all aspects of the patient care system is critical for effective EMS operations. EMS is a medical care system in which physicians delegate responsibilities to non-physician providers who manage patient care outside the traditional confines of the office or hospital. States should require physicians to be involved in all aspects of the patient care system, including:

Planning and protocols;

On-line and off-line medical direction and consultation; and

Audit and evaluation of patient care.

X. Evaluation

Each State should implement a comprehensive evaluation program to effectively assess and improve a statewide EMS system. EMS system managers should:

Evaluate the effectiveness of services provided to victims of medical or trauma-related emergencies;

Define the impact of patient care on the system;

Evaluate resource utilization, scope of service, patient outcome, and effectiveness of operational policies, procedures, and protocols; and

Develop a data-gathering mechanism that provides for the linkage of data from different data sources through the use of common data elements.

* * * * *

Highway Safety Program Guideline

No. 14

Pedestrian and Bicycle Safety

Each State, in cooperation with its political subdivisions, should have a comprehensive pedestrian and bicycle safety program that educates and motivates its citizens to follow safe pedestrian and bicycle practices. A combination of legislation, regulations, policy, enforcement, public information, education, incentives, and engineering is necessary to achieve significant,

lasting improvements in pedestrian and bicycle crash rates.

Each State should recognize that its pedestrians and bicyclists—citizens of all ages who are virtually unprotected from the forces of a crash, face major safety problems and are a valid traffic safety concern. Because of the diverse nature of these issues, education, enforcement, and engineering are critical components to any strategies devised to reduce these problems. In formulating policy, the State should promote these specific issues:

The provision of early pedestrian and bicycle safety education and training for preschool children;

The inclusion of pedestrian and bicyclist safety in health and safety education curricula;

The inclusion of pedestrian and bicyclist safety in driver training programs and driver licensing activities;

The provision of a safe environment for pedestrians and bicyclists through such measures as sidewalks and bicycle facilities, in the planning and design of all highway projects;

The use of bicycle helmets as a primary measure to reduce death and injury among bicyclists;

An awareness of the role of alcohol in adult pedestrian accidents;

The safeguarding of older citizens from pedestrian accidents; and,

The establishment and support of Community/Corridor Traffic Safety Programs at the local level.

A comprehensive highway safety system is the most effective means of producing consistent, long-term changes in knowledge and behavior necessary to improve pedestrian and bicycle safety. The following components create a structure for identifying problem areas; implementing, measuring, and evaluating the problem areas; and directing the results back into system improvements. We believe these elements will effectively address the problem.

I. Program Management

Each State should have centralized program planning, initiation, and coordination to promote pedestrian and bicycle safety program issues as part of a comprehensive highway safety program. Evaluation is also important for determining progress and ultimate success of pedestrian and bicycle safety programs and for providing those results to revise existing programs and to develop new programs. The State should have program staff trained in pedestrian and bicyclist safety so that this program can:

Conduct regular problem identification activities to identify fatality and injury crash trends for pedestrians and bicyclists and to provide guidance in development of countermeasures,

Provide leadership, training, and technical assistance to other State agencies and local pedestrian and bicycle safety programs and projects;

Convene a pedestrian and bicycle safety advisory task force or coalition to organize, integrate with other involved groups, and generate broad-based support for programs;

Integrate pedestrian and bicycle safety programs into Community/Corridor Traffic Safety Programs, injury prevention programs, and transportation plans; and

Evaluate the effectiveness of its pedestrian and bicycle safety program.

II. Multi-Disciplinary Involvement

Pedestrian and bicyclist safety goes beyond the confines of any single State or local agency (enforcement or education) and requires the combined support and coordinated attention of multiple agencies, representing a variety of disciplines, at the State and local level. At a minimum, the following kinds of agencies should be involved:

Law Enforcement
Education
Public Health
Driver Education and Licensing
Transportation—Engineering, Planning
Public Communications

III. Legislation and Regulations

Each State should enact and enforce pedestrian and bicyclist-related traffic laws and regulations. Specific policies should be developed to encourage coordination with the Federal Highway Administration (FHWA) and other agencies, in the development of regulations and laws to promote pedestrian and bicyclist safety.

IV. Law Enforcement

Each State should ensure that State and community pedestrian and bicycle programs include a law enforcement component. Each State should strongly emphasize the role played by law enforcement personnel in pedestrian and bicyclist safety. Essential components of that role include:

Developing knowledge of pedestrian and bicyclist crash situations; investigating crashes; and maintaining a report system that supports problem identification and evaluation activities;

Providing public information and education support;

Providing training to law enforcement personnel in matters of pedestrian and bicycle safety;

Establishing agency policies; and

Coordinating with the supporting education and engineering components.

V. Traffic Engineering

Traffic engineering is a critical element of any crash reduction program. This is true not only for the development of programs to reduce an existing crash problem, but also to design transportation facilities that provide for the safe movement of pedestrians, bicyclists, and all motor vehicles. Balancing the needs of pedestrians and those of vehicular traffic (including bicycle) must always be considered. Therefore, each State should ensure that State and community pedestrian and bicycle programs include a traffic engineering component. Traffic engineering efforts should be coordinated with enforcement and educational efforts. This effort should improve the protection of pedestrians and bicyclists by application of appropriate traffic engineering measures in design, construction, operation, and maintenance. These measures should include but not be limited to the following:

Pedestrians signals, signs, and markings
Parking regulations
Sidewalk design
Pedestrian pathways
Bicycle routes and pathways

VI. Public Information and Education

Each State should ensure that State and community pedestrian and bicycle programs contain a public information and education component. This component should address school-based education programs, coordination with traffic engineering and law enforcement components, public information and awareness campaigns, and other targeted educational programs such as those for the elderly. These programs should address issues such as:

Being visible in the traffic system (conspicuity)
Use of facilities and accommodations
Law enforcement initiatives
Proper street crossing behavior
The nature and extent of the problem
Driver training with regard to pedestrian and bicycle safety
Rules of the road
Proper selection and use of bicyclist helmets
Skills training for bicyclists
Proper use of bicycle equipment
Sharing the road

The State should enlist the support of a variety of media, including mass media, to improve public awareness of pedestrian and bicyclist crash problems and programs directed at preventing them.

VII. Outreach Program

Each State should encourage extensive community involvement in pedestrian and bicycle safety education by involving individuals and organizations outside the traditional highway safety community. Community involvement broadens public support

for the State's programs and can increase a State's ability to deliver highway safety education programs. To encourage community involvement, States should:

Establish a coalition or task force of individuals and organizations to actively promote safe pedestrian and bicycle safety practices (see Program Management Component);

Create an effective communications network among coalition members to keep members informed; and

Provide materials and resources necessary to promote pedestrian and bicycle safety education programs.

VIII. School-Based Program

Each State should incorporate pedestrian and bicycle safety education into school curricula. Safe walking and bicycle-riding practices to and from school and school-related events are good health habits and, like other health habits, must be taught at an early age and reinforced until the habit is well established. The State Department of Education and the State Highway Safety Agency should:

Ensure that highway safety in general, and pedestrian and bicycle safety in particular, are included in the State-approved K–12 health and safety education curricula and textbooks;

Establish and enforce written policies requiring safe walking and bicycling practices to and from school, including use of bicycle helmets on school property; and

Encourage active promotion of safe walking and bicycling practices (including helmet usage) through classroom and extra-curricular activities.

IX. Driver Education and Licensing

Each State should address pedestrian and bicycle issues in State driver education and licensing programs. Pedestrian and bicycle safety principles and rules should be included in all driver training and licensing examinations.

X. Evaluation Program

Both evaluation and problem identification require good record keeping by the State and its political subdivisions. The State should identify the types and frequency of pedestrian and bicyclist crash problems in terms that are relevant to both the selection and evaluation of appropriate countermeasure programs.

The State should promote effective evaluation of programs by:

Supporting the continuing analysis of police accident reports (PARs) of pedestrian and bicyclist crashes for both problem identification and program evaluation activities;

Encouraging, supporting, and training localities in impact and process evaluations of local programs;

Conducting and publicizing statewide surveys of public knowledge and attitudes about pedestrian and bicyclist safety;

Maintaining awareness of trends in pedestrian and bicyclist crashes at the national level and how this might influence activities statewide;

Evaluating the use of program resources and the effectiveness of existing general public and target population countermeasure programs.

Ensuring that evaluation results are an integral part of new program planning and problem identification.

Highway Safety Program Guideline

No. 15

Police Traffic Services

Each State, in cooperation with its political subdivisions, should have an efficient and effective police traffic services (PTS) program to enforce traffic laws, prevent crashes, assist the injured, document specific details of individual crashes, supervise crash clean-up, and restore safe and orderly movement of traffic. PTS is critical to the success of most traffic safety countermeasures. Traffic law enforcement plays an important role in deterring drunk and drugged driving, achieving safety belt use, encouraging compliance with speed laws, and reducing other unsafe driving actions. Experience has shown that a combination of highly visible enforcement, public information, education, and training is necessary to achieve a significant and lasting impact in reducing crashes, injuries, and fatalities. At a minimum, a well-balanced statewide PTS program should be made up of the components detailed below.

I. Program Management

A. Planning and Coordination

Centralized program planning, implementation, and coordination are essential for achieving and sustaining effective PTS programs. The State Highway Safety Agency (SHSA), in conjunction with State and local law enforcement agencies, should ensure that these planning and coordinating functions are performed with regard to the State's traffic safety program, since law enforcement is in most instances a principle component of that program. In carrying out its responsibility of centralized program planning and coordination, the State should:

Provide leadership, training, and technical assistance to State and local law enforcement agencies;

Coordinate PTS and other traffic safety program areas including Commercial Motor Vehicle (CMV) safety activities such as the Motor Carrier Safety Assistance Program;

Develop and implement a comprehensive plan for all PTS activities, in cooperation with law enforcement leaders;

Generate broad-based support for enforcement programs; and

Integrate PTS into Community/Corridor Traffic Safety Programs.

B. Program Elements

State and local law enforcement agencies, in conjunction with the SHSA, should establish PTS as a priority within their total enforcement program. A PTS program should be built on a foundation of commitment, coordination, planning, monitoring, and evaluation within the agency's enforcement program. State and local law enforcement agencies should:

Provide the public with a high quality, effective PTS system and have enabling legislation and regulations in place to implement PTS functions;

Develop and implement a comprehensive enforcement plan for alcohol and drug impaired driving, safety belt use and child passenger safety laws, speeding, and other hazardous moving violations. The plan should initiate action to look beyond the issuance of traffic tickets to include enforcement of laws by drivers of all types of vehicles, including trucks, automobiles, and motorcycles;

Develop a cooperative working relationship with other local, county, and State governmental agencies and community organizations on traffic safety issues;

Issue and enforce policies on roadside sobriety checkpoints, safety belt use, pursuit driving, crash investigating and reporting, speed enforcement, and serious traffic violations; and

Develop performance measures for PTS that are both qualitative and quantitative.

II. Resource Management

States should encourage law enforcement agencies to develop and maintain a comprehensive resource management plan to identify and deploy resources needed to effectively support enforcement programs. The resource management plan should include a specific component on traffic enforcement and safety, integrating traffic enforcement and safety initiatives into a total agency enforcement program. Law enforcement agencies should:

Conduct periodic assessments of service demands and resources to meet identified needs;

Develop a comprehensive resource management plan, including a specific traffic enforcement and safety component;

Define the plan in terms of budget requirements and services to be provided; and

Develop and implement operational policies for the deployment of resources to

address program demands and to meet agency goals.

III. Traffic Law Enforcement

The enforcement of traffic laws and ordinances is a basic responsibility shared by all police agencies. The primary objective of this function is to encourage motorists and pedestrians to comply voluntarily with the laws. Administrators should apply their enforcement resources in ways that ensure the greatest safety impact. Traffic law enforcement programs should be based on:

Accurate problem identification;
Countermeasures designed to address specific problems;
Enforcement actions applied at appropriate times and places, coupled with a public information effort designed to make the motoring public aware of the problem and the planned enforcement action; and
A system to document and publicize results.

IV. Public Information and Education

A. Necessity of Public Information and Education

Public awareness and knowledge about traffic enforcement are essential for sustaining increased compliance with all traffic laws. This requires a well-organized, effectively-managed public information and education program. The SHSA, in cooperation with law enforcement agencies, should develop a statewide public information and education campaign that:

Identifies and targets specific audiences;
Addresses enforcement of safety belt use and child passenger safety, drunk and drugged driving, speed, and other serious traffic laws;
Capitalizes on special events, such as Operation C.A.R.E., Child Passenger Safety Awareness, Buckle Up, America! and Drunk and Drugged Driving Awareness weeks;
Identifies and supports the efforts of traffic safety activist groups to gain increased support of and attention to traffic safety and enforcement;
Uses national themes, events, and materials; and
Motivates the public to support increased enforcement of traffic laws.

The task of public information can be divided into two interconnected areas: external and internal information. Both areas, properly administered, will benefit the agency and work in concert to accomplish the goal of establishing and maintaining a positive police-public relationship.

B. Development of Public Information and Education Functions by Law Enforcement Agencies

External

Educate and remind the public about traffic laws and safe driving behavior;
Disseminate information to the public about agency activities and accomplishments;
Enhance relationships with news media;
Provide safety education and community services;
Provide legislative and judicial information and support; and
Increase the public's understanding of the enforcement agency's role in traffic safety:

Internal

Disseminate information about internal activities to sworn and civilian members of the agency;
Enhance the agency's safety enforcement role and increase employee understanding and support; and
Recognize employee achievements.

V. Data Collection and Analysis

The availability of valid data is critical to any approach intended to increase the level of highway safety. An effective records program provides fast and accurate information to field personnel who are performing primary traffic functions and to management for decision-making. Data are usually collected from crash reports, daily officer activity reports that contain workload and citation information, highway department records (*e.g.*, traffic volume), citizen complaints, and officer observations. An effective records program should:

Provide information rapidly and accurately;
Provide routine compilations of data for management use in the decision making process;
Provide data for operational planning and execution;
Interface with a variety of data systems, including statewide traffic safety records system; and
Be accessible to enforcement, planners, and management.

VI. Training

Training is one of the most important activities in a law enforcement agency, and it is essential to support the special requirements of traffic law enforcement and safety. It is essential for operational personnel to be prepared to effectively perform their duties. Traffic enforcement training can be conducted by the agency, the State Police Officer Standards and Training (POST) agency, or a commercial trainer.

A. Purpose and Goals of Training

Training accomplishes a wide variety of important and necessary goals. Proper training should:

Prepare officers to act decisively and correctly;
Increase compliance with agency enforcement goals;
Assist in meeting priorities;
Improve compliance with established policies;
Result in greater productivity and effectiveness;
Foster cooperation and unity of purpose;
Help offset liability actions; and
Motivate and enhance officer professionalism.

B. State and Local Law Enforcement Agencies Should

Periodically assess enforcement activities to determine training needs;
Require traffic enforcement knowledge and skills in all recruits;
Provide traffic enforcement in-service training to experienced officers;
Provide specialized CMV in-service training to traffic enforcement officers;
Conduct training to implement specialized traffic enforcement skills, techniques, or programs; and
Train instructors, to increase agency capabilities and to ensure continuity of specialized enforcement skills and techniques.

VII. Evaluation

The SHSA, in conjunction with State and local law enforcement agencies, should develop a comprehensive evaluation program to measure progress toward established project goals and objectives; effectively plan and implement statewide and local PTS programs; optimize the allocation of limited resources; measure the impact of traffic enforcement on reducing crime and traffic crashes, injuries, and deaths; and compare costs of criminal activity to costs of traffic crashes. Law enforcement managers should:

Include evaluation in initial program planning efforts to ensure that data will be available and that sufficient resources will be allocated;
Report results regularly to project and program managers, to police field commanders and officers, and to the public and private sectors;
Use results to guide future activities and to assist in justifying resources to legislative bodies;
Conduct a variety of surveys to assist in determining program effectiveness, such as roadside sobriety surveys, speed surveys, license checks, belt use surveys, and surveys measuring public knowledge and attitudes about traffic enforcement programs;
Evaluate the effectiveness of services provided in support of priority traffic safety areas; and
Maintain and report traffic data to the International Association of Chiefs of Police

Traffic Data Report and other appropriate repositories, such as the FBI Uniform Crime Report, FHWA's SAFETYNET system, and annual statewide reports.

* * * * *

Highway Safety Program Guideline

No. 19

Speed Control

Each State, in cooperation with its political subdivisions, should have, as part of a comprehensive highway safety program, an effective speed control program that encourages its citizens to voluntarily comply with speed limits. The program should stress systematic and rational establishment of speed limits, a law enforcement commitment to controlling speed on all public roads, a commitment to utilize both traditional methods and state-of-the art equipment in setting and enforcing speed limits, and a strong public information and education program aimed at increasing driver compliance with speed limits.

I. Program Management

State and local law enforcement agencies, transportation departments, and the State Highway Safety Agency (SHSA) should establish speed control as a priority within their total highway safety program. The speed control program should contain the following elements: program management, procedures for establishing reasonable speed limits, coordinated enforcement efforts, public information and education, identification and utilization of new technology, legislative coordination and commitment, training, and evaluation. When planning and developing a program to address speed control, the issue of speed should be examined in light of the empirical data available, current methods for setting speed limits, and the current public perception of speed compliance. Added to these elements is the law enforcement response, including the resources available to enforcement agencies. Only after these components have been examined and defined can the goals of a speed control program be formulated. In carrying out its responsibility of centralized program planning and coordination, the State should:

Develop and implement a comprehensive speed control plan in cooperation with law enforcement leaders, traffic engineers, educators, and leaders of the community;

Provide leadership, training, and technical assistance to State and local law enforcement agencies and highway/traffic agencies;

Generate broad based support for speed control programs through education on the scope and severity of the problem; and

Integrate speed control into the overall traffic enforcement and engineering program.

II. Enforcement Program

Each State should strongly emphasize speed enforcement as part of its overall traffic enforcement program. The speed enforcement program should include enforcement strategies and other components of a comprehensive approach to address the speed issue. The plan should address the following concepts:

Including public information and education components along with vigorous enforcement in State and local anti-speeding programs;

Collecting data to help in problem identification and evaluation;

Identifying high risk crash locations where speed is a contributing factor in crashes;

Integrating speed control programs into related highway safety activities such as drunk driving prevention, safety belt and safety programs for young people;

Targeting anti-speeding programs to address specific audiences and situations: young drivers, males, nighttime, adverse weather and traffic conditions, drunk driving, CMV drivers, school zones, construction and maintenance work zones, roads and streets with major potential conflicts in traffic and with pedestrians, and so on;

Using speed measuring devices that are both efficient and cost effective, including new speed measurement technology such as laser speed measuring devices, electronic signing and photo-radar; and

Training officers in the proper use of equipment and educating other members of the criminal justice system, such as judges and prosecutors, on the principles of devices using new technology.

III. Setting of Speed Limits

States and local governments should undertake comprehensive efforts to identify rational criteria for establishing speed limits and should include strategies to address the speed issue. These efforts should include:

Identification of criteria used to establish speed limits including the recognition of unique operational characteristics of CMV's;

Use of state-of-the art technology to collect data to establish speed limits;

Use of variable message speed limit signs to reinforce the appropriate speed limit for prevailing conditions;

Identification of high hazard locations where speeding is a contributing factor;

A coordinated effort with enforcement agencies, educators, and community leaders to provide information on setting of speed limits; and

Training traffic and enforcement personnel in the proper techniques for establishing safe and reasonable speed limits and in the use and deployment of speed monitoring equipment.

IV. Public Information and Education

Focused public information and education campaigns are an essential part of a comprehensive speed control program. Research shows that compliance with and support for traffic laws can be increased through aggressive, targeted enforcement combined with an effective public information and education campaign. The SHSA, in cooperation with law enforcement and transportation agencies, should develop a Statewide public information and education campaign that:

Identifies and targets specific audiences;

Addresses criteria for setting speed limits and enforcement of speed limits particularly for locations experiencing excessive speed or speed related crashes;

Capitalizes on special events (cooperative, multi-jurisdictional enforcement efforts) such as Operation Co-Flame and Span I–70 and other special holiday enforcement programs;

Identifies and supports the efforts of traffic safety activist groups to gain increased support of and attention to traffic safety and speed control;

Use national themes, events, and materials; and

Motivates the public to support speed control by pointing out the public health issues of injury, death, and economic costs of speed related crashes.

V. Technology

New and updated technology for speed measurement is needed to determine appropriated speed limits for a variety of conditions and to provide maximum enforcement activity with fewer available resources. Current technology for measuring speed, such as loop detectors, should be used not only to establish viable speed limits but also to vary speed limits to conform to existing conditions. State and local governments should only utilize speed measurement equipment for enforcement that is approved or recognized as reliable and accurate. All law enforcement agencies should use the International Association of Chiefs of Police (IACP) regional testing laboratories to ensure that equipment used to measure speeds meets minimum standards. For CMV enforcement purposes, the FHWA will provide MCSAP funding only for those items of speed control equipment approved by the ICAP or which meet other suitable standards. The SHSA, in conjunction with law enforcement and traffic/highway agencies, should support programs providing for:

Collection of operational speed data to determine appropriate speed limits and for use of these data in conjunction with variable message signs;

Police Radar Model Minimum Specifications—NHTSA, in cooperation with the IACP and the National Institute of Standards and Technology (NIST), has developed model specifications and testing protocols for police traffic radar. Using these

model specification, IACP in cooperation with radar manufacturers and NHTSA, has established a program to test radar sets that are available for purchase by law enforcement agencies. Reports of the testing were published by IACP along with a Consumer Products List which provides law enforcement agencies with the names of radar sets conforming with the model performance specifications.

Police Radar Testing Program—To ensure that law enforcement agencies can continue to purchase and operate accurate radar devices, IACP, in cooperation with radar manufacturers and NHTSA, has established an ongoing process of performance testing for newly developed devices and for maintaining existing equipment. Testing laboratories have been established at five universities. These laboratories will continue the testing program and will provide services to the law enforcement community.

Model Performance Specifications and Test Protocols—NIST, Law Enforcement Standards Laboratory, is developing model minimum performance and testing protocols for automated speed enforcement (ASE) devices, including photo-radar devices and laser speed measurement devices;

Basic Training Program in VASCAR Speed Measurement—NHTSA has developed a training course for the VASCAR (Visual Average Speed Computer and Recorder) time-distance speed measurement devices. This course was developed specifically for use by law enforcement officers; and

Basic Training Program in Radar Speed Measurement—NHTSA has developed a basic training course which teaches the correct procedures for law enforcement's use of police radar and also the proper instructional techniques for those teaching the course;

VI. Legislation

To encourage voluntary compliance by drivers, speed limits must be safe, reasonable, and uniform to the greatest extent possible. Realistic speed limits on roadways (other than those governed by the National Maximum Speed Limit) should:

Be based upon traffic and engineering investigations;

Encourage drivers to comply with the posted limits and allow enforcement agencies to better target speeders;

Be accompanied by sanctions, including court and administrative penalties, which are set by law;

Be as consistent as possible with the physical and operational characteristics (actual and perceived) of the roadway; and

Take into account the needs and safety of all highway users, motorists and non-motorists alike.

Legislative components of an effective speed control program should:

Encourage the highway safety community to develop laws, rules, and regulations that will provide for reasonable and safe speed limits;

Provide appropriate legislation to allow the establishment of regulatory variable speed limits, such as the provisions of Chapter 11, Article VIII of the Uniform Vehicle Code;

Provide for public information and education programs to explain how speed limits are established and to convince drivers that speed limits are realistic, reasonable, and include sanctions; and

Establish sanctions for speeding violations that are reasonable, uniform, and effective as a deterrent.

New devices and technology are available for use in determining appropriate speed limits and in law enforcement actions to measure the speed of vehicles. Transportation and law enforcement agencies should work closely with the SHSA to make certain new technologies can be used under existing legislation. As necessary, these groups should work together in ensuring development and adoption of legislation allowing use of new technologies.

VII. Training

NHTSA fully supports and encourages training for law enforcement officers in the use of speed measurement devices, model speed enforcement strategies, combined enforcement projects, and planning and implementing public information and education programs.

In support of law enforcement training NHTSA will continue to publish and widely distribute training programs. These courses are related to established as well as new and emerging techniques of speed measurement and enforcement. The training courses are recommended for officers in law enforcement agencies using speed measuring devices. FHWA also provides training programs on CMV traffic enforcement.

Training for law enforcement officers involved in speed enforcement should include:

Proper use of devices used to measure speed;

How to use data and analysis to define the speed problem, to target enforcement activities, and to evaluate the results of countermeasures;

How to relate speed enforcement to public safety;

How to plan and implement a PI&E program on speed enforcement;

Model speed enforcement strategies including examples of combined enforcement programs; and

Escorting and assisting traffic engineers and technicians in deployment and use of speed measuring equipment.

Training for traffic engineers and technicians should include:

Proper use and development of speed measurement equipment; and

Interpreting geometric, operational and environmental data for their impact on roadway safety and user performance.

VIII. Evaluation

The SHSA, in conjunction with State and local law enforcement and transportation agencies should develop a comprehensive evaluation program to measure progress toward established project goals and objectives. The evaluation should measure the impact of speed control programs on traffic crashes, injuries, and deaths; and provide information for revised improved program planning. These agencies should:

Include evaluation in initial program planning efforts to ensure that data will be available and that sufficient resources will be allocated;

Report results regularly to project and program managers, to police field commanders and officers, to transportation engineers, and to the public and private sectors.

Use results to verify problem identification, guide future speed control activities, and assist in justifying resources to legislative bodies;

Conduct a variety of surveys to assist in determining program effectiveness, such as speed surveys and surveys measuring public knowledge and attitude about speed control programs;

Analyze speed compliance and speed-related crashes in areas with actual hazards to the public;

Evaluate the effectiveness of speed control activities provided in support of other priority traffic safety areas; and

Maintain and report traffic data to the SHSA, IACP Traffic Data Report and other appropriate repositories, such as the FBI Uniform Crime Reports, FHWA's SAFETYNET system, and annual statewide reports.

Highway Safety Program Guideline

No. 20

Occupant Protection

Each State, in cooperation with its political subdivisions, should have a comprehensive occupant protection program that educates and motivates its citizens to use available motor vehicle occupant protection systems. A combination of use requirements, enforcement, public information, education, and incentives is necessary to achieve significant, lasting increases in safety belt usage. Therefore, a well-balanced State occupant protection program should include the components described below.

I. Program Management

Each State should have centralized program planning, implementation and coordination to achieve and sustain high rates of safety belt use. Evaluation is also important for determining progress and ultimate success of occupant protection programs. The State Highway Safety Agency (SHSA) should:

Provide leadership, training, and technical assistance to other state agencies and local occupant protection programs and projects;

Convene an occupant protection advisory task force or coalition to organize and generate broad-based support for programs;

Integrate occupant protection programs into community/corridor traffic safety programs; and

Evaluate the effectiveness of its occupant protection program.

II. Legislation, Regulation, and Policy

Each State should enact and enforce safety belt use laws, regulations, and policies to provide clear guidance to the motoring public concerning motor vehicle occupant protection systems. This legal framework should include:

Legislation requiring all motor vehicle occupants to use the systems provided by the vehicle manufacturer and establish educational programs to explain their benefits and the correct way to use them;

Legislation requiring children up to 40 pounds (or five years old if weight cannot be determined) to ride in a safety device certified by the manufacturer to meet all applicable Federal performance standards;

Regulations requiring employees of all levels of government to wear safety belts when traveling on official business;

Official policy requiring that organizations receiving Federal highway safety program grant funds have and enforce an employee safety belt use policy; and

Encouragement for automobile insurers to offer economic incentives for policy holders to wear safety belts, to secure small children in child safety seats, and to purchase cars equipped with air bags.

III. Enforcement Program

Each State should have a strong law enforcement program, coupled with public information and education, to increase safety belt and child safety seat use. Essential components of a law enforcement program include:

Written, enforced belt use policies for law enforcement agencies with sanctions for noncompliance to protect law enforcement officers from harm and for officers to serve as role models for the motoring public;

Vigorous enforcement of public safety belt use and child safety seat laws, including citations and warnings;

Accurate reporting of occupant protection system information on accident report forms, including use or non-use of belts, type of belt, and presence of and deployment of air bag;

Public information and education (PI&E) campaigns to inform the public about occupant protection laws and related enforcement activities;

Routine monitoring of citation rates for non-use of safety belts and child safety seats; and

Certification of an occupant protection training course for both basic and in-service training by the Police Officer Standards and Training (POST) board.

IV. Public Information and Education Program

As part of each State's public information and education program, the State should enlist the support of a variety of media, including mass media, to improve public awareness and knowledge about safety belts, air bags, and child safety seats. To sustain or increase rates of safety belt and child safety seat use, a well-organized, effectively managed public information program should:

Identify and target specific audiences, (e.g., low-use, high risk motorists) and develop messages appropriate for these audiences;

Address the enforcement of the State's belt use and child passenger safety laws; the safety benefits of regular, correct safety belt (both manual and automatic) and child safety seat use; and the additional protection provided by air bags;

Capitalize on special events, such as nationally recognized safety weeks and local enforcement campaigns;

Coordinate different materials and media campaigns where practicable, (e.g., by using a common theme and logo);

Use national themes and materials to the fullest extent possible;

Publicize belt-use surveys and other relevant statistics;

Encourage news media to report belt use and non-use in motor vehicle crashes;

Involve media representatives in planning and disseminating public information campaigns;

Encourage private sector groups to incorporate belt-use messages into their media campaigns;

Take advantage of all media outlets: television, radio, print, signs, billboards, theaters, sports events, health fairs; and

Evaluate all media campaign efforts.

V. Health/Medical Program

Each State should integrate occupant protection into health programs. The failure of drivers and passengers to use occupant protection systems is a major health problem that must be recognized by the health care community. The SHSA and the State Health Department should collaborate in developing programs that:

Integrate occupant protection into professional health training curricula and comprehensive public health planning;

Promote occupant protection systems as a health promotion/disease prevention measure;

Require public health and medical personnel to use available motor vehicle occupant protection systems when on the job;

Provide technical assistance and education about the importance of motor vehicle occupant protection to primary caregivers, (e.g., doctors, nurses, clinic staff);

Include questions about safety belt use in health risk appraisals;

Utilize health care providers as visible public spokespersons for belt use and child safety seat use;

Provide information about availability of child safety seats through maternity hospitals and other pre-natal and natal care centers (see Program Component VI: Child Passenger Safety Program); and

Collect, analyze, and publicize data on additional injuries and medical expenses resulting from non-use of occupant protection devices.

VI. Child Passenger Safety Program

Each State should vigorously promote the use of child safety seats. States should require every child up to 40 pounds to ride correctly secured in a child safety seat that meets Federal Motor Vehicle Safety Standards (see Program Component II: Legislation, Regulation, and Policy). State and community child passenger safety programs that will help to achieve that objective should be established to:

Educate parents, pediatricians, hospitals, law enforcement, EMS and the general public about the safety risks to small children, the benefits of child safety seats, and their responsibilities for compliance with child passenger safety laws;

Encourage child safety seat retailers and auto dealers to provide information about child seat and vehicle compatibility, as well as correct use;

Require safe child transportation policies for certification of pre-school and day care providers;

Require hospitals to ensure that newborn and other small children are correctly secured in an approved child safety seat or safety belt upon discharge;

Make child safety seats available at affordable cost to low-income families; and

Encourage local law enforcement to vigorously enforce child passenger safety laws, including safety belt use laws as they apply to children.

VII. School-Based Program

Each State should incorporate occupant protection education in school curricula. Buckling up is a good health habit and, like other health habits, must be taught at an early age and reinforced until the habit is well established. The State Department of Education and the State Highway Safety Agency should:

Ensure that highway safety in general, and occupant protection in particular, are included in the State-approved K–12 health and safety education curricula and textbooks;

Establish and enforce written policies requiring that school employees operating a motor vehicle on the job use safety belts; and

Encourage active promotion of regular safety belt use through classroom and extra-curricular activities as well as in the school-based health clinics.

VIII. Worksite Program

Each State should encourage all employers to require safety belt use on

the job as a condition of employment. The Federal government has already taken that step for its employees. Private sector employers should follow the lead of Federal and State government employers and comply with all applicable FHWA Federal Motor Carrier Safety Regulations or Occupational Health and Safety (OSHA) regulations requiring private business employees to use safety belts on the job. All employers should:

Establish and enforce a safety belt use policy with sanctions; and

Conduct occupant protection education programs for employees on their belt use policies and the safety benefits of motor vehicle occupant protection.

IX. Outreach Program

Each State should encourage extensive community involvement in occupant protection education by involving individuals and organizations outside the traditional highway safety community. Community involvement broadens public support for the State's programs and can increase a State's ability to deliver highway safety education programs. To encourage community involvement, States should:

Establish a coalition or task force of individuals and organizations to actively promote use of occupant protection systems;

Create an effective communications network among coalition members to keep members informed; and

Provide materials and resources necessary to conduct occupant protection education programs, especially directed toward young people, in local settings.

X. Evaluation Program

Each State should conduct several different types of evaluation to effectively measure progress and to plan and implement new program strategies. Program management should:

Conduct and publicize at least one statewide observational survey of safety belt and child safety seat use annually, making every effort to ensure that it meets applicable federal guidelines;

Maintain trend data on child safety seat and belt use in fatal crashes;

Identify target populations through observational surveys and crash statistics;

Conduct and publicize statewide surveys of public knowledge and attitudes about occupant protection laws and systems;

Obtain monthly or quarterly data from law enforcement agencies on the number of safety belt and child passenger safety citations and convictions;

Evaluate the use of program resources and the effectiveness of existing general public and target population education programs;

Obtain data on morbidity as well as the estimated cost of crashes in regards to safety belt usage and non-usage; and

Ensure that evaluation results are an integral part of new program planning and problem identification.

Highway Safety Program Guideline

No. 21

Roadway Safety

Each State, in cooperation with its political subdivisions, should have a comprehensive roadway safety program that is directed toward reducing the number and severity of traffic crashes.

I. Program Management

The Federal Highway Administration (FHWA) provides administrative oversight for the Roadway Safety portion of the section 402 highway safety program in close coordination with the State Highway Safety Agency (SHSA) and the State Highway Agency (SHA). Although section 402 dollars cannot be utilized for highway construction, maintenance or design activities, they can be used to develop and implement systems and procedures for carrying out safety construction and operational improvements. These funds can also be used to augment Federal-aid highway programs, such as the Hazard Elimination Program (Section 152) and the Rail-Highway Crossings Programs (Section 130), as well as other safety construction activities.

An effective Roadway Safety program is based on sound analyses of roadway-related crash information and applies engineering principles in identifying highway design or operational improvements that will address the crash problem. The SHSA should:

Assign program staff to work directly with the FHWA division safety engineer on roadway-related safety programs.

Work in close harmony with the SHA, particularly with SHA staff who are responsible for traffic engineering, pedestrian and bicycle programs, CMV safety, rail-highway crossing safety issues, work zone safety, design and operational improvements, and hazardous roadway locations.

Foster an ongoing dialogue among all disciplines with a vested interest in highway safety, including engineers, enforcement personnel, traffic safety specialists, driver licensing administrators, CMV safety specialists, and data specialists.

Promote a multi-disciplinary approach to addressing highway safety issues which focuses on comprehensive solutions to identified problems. An example is assisting in the coordination and the implementation of Community/Corridor Traffic Safety Programs, and MCSAP, where appropriate.

Become familiar with the various highway-safety related categories of Federal-aid highway funds—in addition to section 402—in order to maximize the safety benefits of the entire program.

Become familiar with the State's traffic records system and play a role in the system's ongoing operation, maintenance and enhancement.

Assist community leaders in managing and/or coordinating programs designed to address roadway safety issues and concerns which fall under the jurisdiction of local communities.

Become familiar with MCSAP and coordinate MCSAP and section 402 program activities.

II. Related Highway Safety Program Guidelines

Roadway Safety applies to highway safety activities related to the roadway environment and includes activities which are described in the following Highway Safety Program Guidelines:

Guideline #9: Identification and Surveillance of Accident Locations,

Guideline #12: Highway design, Construction and maintenance,

Guideline #13: Traffic Engineering Services,

Guideline #14: Pedestrian Safety.

A model Roadway Safety program would encompass the following aspects of these four guidelines:

Procedures for accurate identification of crash locations on all roads and streets which identify crash experience on specific sections of the road and street system.

Methods to produce an inventory of high crash locations experiencing sharp increases as well as design and operational features with which high crash frequencies or severities are associated.

Appropriate measures to reduce crashes and evaluate the effectiveness of safety improvements on any specific section of the road or street system.

A systematically organized method to ensure continuing surveillance of the roadway network for potentially high crash locations and the development of methods for their correction.

Design guidelines relating to safety features such as sight distances, horizontal and vertical curvature, spacing of decision points, width of lanes, etc. for all new construction or reconstruction at least on expressways, major streets and highways, and through streets and highways.

Street systems that are designated to provide a safe traffic environment for all roadway users when subdivisions and residential areas are developed or redeveloped.

Efforts to ensure that roadway lighting is provided or upgraded on a priority basis at: expressways and other major arteries in urban areas, junctions of major highways in rural areas, locations or sections of streets and highways which have high ratios of night-to-day motor vehicle and/or pedestrian crashes, and tunnels and long underpasses.

Guidelines for pavement design and construction with specific provisions for high skid resistance qualities.

A program for resurfacing or other surface treatment with emphasis on correction of locations or sections of streets and highways with low skid resistance and high or potentially high crash rates susceptible to reduction by providing improved surfaces.

Efforts to ensure that there is guidance, warning and regulation of traffic approaching and traveling over construction or repair sites and detours.

A method for systematic identification and tabulation of all rail-highway grade crossings and a program for the elimination of hazards and dangerous crossings.

Projects which provide for the safe and efficient movement of traffic, by ensuring that roadways and the roadsides are maintained consistent with the design guidelines which are followed in construction.

Identify and correct hazards within the highway right-of-way.

Wherever possible for crash prevention and crash survivability, efforts to include at least the following highway design and construction features:

Roadsides which are clear of obstacles, with clear distance determined on the basis of traffic volumes, prevailing speeds, and the nature of development along the street or highway;

Supports for traffic control devices and lighting that are designed to yield or break away under impact wherever appropriate;

Protective devices that afford maximum protection to the occupants of vehicles where fixed objects cannot be reasonably removed or designed to yield;

Bridge railings and parapets which are designed to minimize severity of impact, to retain the vehicle, to redirect the vehicle so that it will move parallel to the roadway, and to minimize danger to traffic below;

Guardrails, and other design features which protect people from out-of-control vehicles at locations of special hazard such as playgrounds, schoolyards and commercial areas.

A post-crash program that includes at least the following:

Signs at freeway interchanges directing motorists to hospitals which have emergency care capabilities;

Maintenance personnel who are trained in procedures for summoning aid, protecting others from hazards at crash sites, and removing debris;

Provisions for access and egress for emergency vehicles to freeway sections where this would significantly reduce travel time without reducing the safety benefits of access control.

A comprehensive resource development plan to provide the necessary traffic engineering capability, including:

Provisions for supplying traffic engineering assistance to those jurisdictions which are unable to justify a full-time traffic engineering staff;

Provisions for upgrading the skills of practicing traffic engineers, and providing basic instruction in traffic engineering techniques to other professionals and technicians.

The utilization of traffic engineering principles and expertise in the planning, design, construction, and maintenance of the public roadways, and in the application of traffic control devices.

A traffic control device plan which includes:

An inventory of all traffic control devices;

Periodic review of existing traffic control devices, including a systematic upgrading of substandard devices to conform with standards endorsed by the Federal Highway Administrator;

A maintenance schedule adequate to insure proper operation and timely repair of control devices, including daytime and nighttime inspections;

And where appropriate, the application and evaluation of new ideas and concepts in applying control devices and in the modification of existing devices to improve their effectiveness through controlled experimentation.

An implementation schedule which utilizes traffic engineering resources to:

Review road projects during the planning, design, and construction stages to detect and correct features that may lead to operational safety difficulties;

Install safety-related improvements as part of routine maintenance and/or repair activities;

Correct conditions noted during routine operational surveillance of the roadway system to rapidly adjust for the changes in traffic and road characteristics as a means of reducing the frequency and severity of crashes;

Conduct traffic engineering analyses of all high crash locations and the development of corrective measures;

Analyze potentially hazardous locations—such as sharp curves, steep grades, and railroad grade crossings—and develop appropriate countermeasures.

Identify traffic control needs and determine short and long range requirements.

Evaluate the effectiveness of specific traffic control measures in reducing the frequency and severity of traffic crashes;

Conduct traffic engineering studies to establish traffic regulations, such as fixed or variable speed limits.

A method to ensure a continuing statewide inventory of pedestrian-motor vehicle crashes identifying the location and times of the crash, as well as the age of the pedestrian and circumstances of the incident.

Statewide operational procedures for improving the protection of pedestrians through the application of traffic engineering practices, careful land-use planning in newly developed areas, physical separation of pedestrian pathways from vehicle roadways, and environmental illumination of high volume and/or potentially hazardous pedestrian crossings.

Periodic evaluation of each of the Roadway Safety projects by the State, or appropriate Federal department or agency where applicable. The evaluation should provide information detailing the program's effectiveness in terms of crash reduction and the end results of crashes, and the Federal Highway Administration should be provided with an evaluation summary.

Companion Highway Safety Program Manuals (February, 1974), which supplement Guidelines 9, 12, and 13 and provide additional information to assist State and local agencies in implementing their roadway safety programs are available from the Federal Highway Administration's Office of Highway Safety.

Issued on: January 4, 1994.

Rodney E. Slater,

Administrator, Federal Highway Administration.

Howard M. Smolkin,

Executive Director, National Highway Traffic Safety Administration.

[FR Doc. 94–660 Filed 1–13–94; 8:45 am]

BILLING CODE 4910–59–M

National Highway Traffic Safety Administration

Federal Highway Administration

23 CFR Part 1205

[NHTSA Docket No. 93–20; Notice 1]

RIN 2127–AE89

Highway Safety Programs; Determination of Effectiveness

AGENCY: National Highway Traffic Safety Administration (NHTSA) and Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) was signed into law December 18, 1991. Section 2002(a) of ISTEA, Highway Safety Programs, requires that the Secretary of Transportation either designate six key areas as priority highway safety programs or submit a report to congress describing the reasons for not prioritizing these programs. The six program areas involve: Speed control, Use of occupant protection devices, Driving while impaired, Motorcycle safety, School Bus Safety, and Police Traffic Services. The existing National Priority Program Areas address four of the six areas identified by the Act, but do not include Speed Control or School Bus Safety. The agencies have reviewed existing data and statistics regarding deaths and injuries attributable to these two areas and have considered the availability of existing countermeasures related to speed control and school bus safety, and tentatively propose to include Speed Control as a Priority Program Area, but have tentatively concluded that School Bus Safety does not warrant being included as a Priority Program. Interested persons are invited to submit comments on this proposal.

DATES: Comments on this document must be received no later than February 28, 1994.

ADDRESSES: Commenters should reference the docket and notice numbers of this document and be submitted (preferably in ten copies) to: Docket Section, room 5109, U.S. Department of Transportation, 400 7th Street, SW., Washington, DC 20590. Docket hours are from 9:30 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: In NHTSA: Ms. Marlene Markison, Office of Regional Operations, NRO–01, National Highway Traffic Safety Administration, 400 7th Street, SW., Washington, DC 20590, telephone: (202) 366–0166; or Ms. Kathy DeMeter, Office of Chief Counsel, National Highway Traffic Safety Administration, telephone: (202) 366–1834. In FHWA: Ms. Julie Cirillo, HHS–112, Federal Highway Administration, telephone: (202) 366–2170.

SUPPLEMENTARY INFORMATION:

Background

The State and Community Highway Safety Grant Program (the 402 program) was established under the Highway Safety Act of 1966, 23 U.S.C. 402. The Act required the establishment of Uniform Standards for State Highway Safety Programs to assist the States and local communities in organizing their highway safety programs.

Eighteen such standards were established and have been administered at the Federal level by FHWA and NHTSA. NHTSA is responsible for developing and implementing highway safety programs relating to the vehicle and driver, while FHWA has similar responsibilities in program areas involving the roadway.

Until 1976, the 402 program was principally directed towards achieving State and local compliance with the 18 Highway Safety Program Standards, which were considered mandatory requirements with financial sanctions for noncompliance. Under the Highway Safety Act of 1976, Congress provided for a more flexible implementation of the program so that the Secretary would not have to require State compliance with every uniform standard or with each element of every uniform standard. As a result, the standards became more like guidelines for use by the States. Management of the program then shifted from enforcing standards to one of problem identification, and countermeasure development and evaluation, using the standards as a framework for the State programs.

In 1981, Congress passed the Omnibus Budget Reconciliation Act of 1981, Public Law 97–35, revising the section 402 program. The Act directed the agencies to conduct rulemaking to determine those State and local highway safety programs most effective in reducing accidents, injuries, and fatalities.

On April 1, 1982, NHTSA and FHWA issued a joint final rule (47 FR 15116) identifying six National Priority Program Areas which the agencies then considered to be the most effective highway safety programs. The six program areas included one FHWA program area, Safety Construction and Operational Improvements, and the following NHTSA Program Areas: Occupant Protection, Alcohol Countermeasures, Police Traffic Services, Emergency Medical Services, and Traffic Records.

The April 1982 final rule provided that these National Priority Program Areas would be eligible for Federal funding under an expedited procedure under the 402 program (23 CFR 1205.4.). It also established a mechanism by which other, non-priority programs identified by a State may be eligible for Federal funding. (23 CFR 1205.5 (a) and (b).)

Periodic Review and Determination of Priority Programs

On April 2, 1987, the enactment of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Pub. L. 100–17) revised 23 U.S.C. 402. The changes provided for a periodic review of the effectiveness of the various programs eligible for funding under section 402 in reducing crashes, injuries and fatalities. The periodic review procedure was believed to be the best method of ensuring the continued relevance of the section 402 program to changing circumstances and traffic safety needs, and for ensuring that Federal funds continue to be used for the most effective programs.

The legislation also provided that the terms "standard" and "standards" within 23 CFR Part 1204 be replaced with the words "guideline" and "guidelines." The purpose of this amendment was to conform the language of section 402 to the current implementation of the programs.

Pursuant to these amendments, NHTSA and FHWA conducted a rulemaking action to review those programs most effective in reducing crashes, injuries and fatalities. In a final rule issued on April 6, 1988, (53 FR 1255) the agencies determined that the National Priority Program Areas should continue to include the one FHWA program area, Roadway Safety (formerly, Safety Construction and Operational Improvements), and the five NHTSA program areas that had been identified in 1982. In addition, the agencies determined that a sixth NHTSA area, Motorcycle Safety, should also be included.

On May 3, 1991, NHTSA/FHWA published a joint NPRM (56 FR 20387) proposing to add Pedestrian and Bicycle Safety as one of the National Priority program areas. The public comments supported that proposal and resulted in the addition of that area as one of the National Priority Program Areas eligible for the expedited funding process.

As a result of these prior rulemaking actions, the National Priority Program Areas currently include the following:

1. Alcohol and Other Drug Countermeasures
2. Police Traffic Services
3. Occupant Protection
4. Traffic Records
5. Emergency Medical Services
6. Motorcycle Safety
7. Pedestrian and Bicycle Safety and
8. Roadway Safety

The agencies apply three criteria to determine whether a program area should be identified as a National Priority Program under 23 CFR Part 1205:

- Whether the problem is of national concern;
- Whether effective countermeasures have been developed in this area which address this concern; and
- Whether State programs in the area appear to be among the most effective in reducing crashes, injuries, and fatalities as compared to other traffic safety program areas.

In determining whether a problem is of national concern, the agencies consider the relative magnitude of the problem.

Today's notice is being issued to solicit comments on a proposal of the National Highway Traffic Safety Administration (NHTSA) and the Federal Highway Administration (FHWA) to expand this list of National Priority Program Areas to include Speed Control, and to obtain comments on the agencies' preliminary determination that School Bus Safety should not be added as a National Priority Program Area at this time. The agencies have considered relevant data, statistics, and other available information in reaching this conclusion and now seek public comments from interested parties on these tentative determinations. The following discussion highlights the key issues and factors considered by the agencies in making these preliminary determinations. (In a separate notice published elsewhere in this issue of the **Federal Register**, the agencies are requesting comments on revisions and amendments to Highway Safety Program Guidelines relating to several program areas including Speed Control.)

Speed Control as a National Priority Area

Is Speeding a Problem of National Concern?

The issue of speed control has received considerable attention by NHTSA and FHWA. Over the course of the agencies' history, we have funded and promoted many programs and initiatives addressing the problem. Speeding is defined as not only exceeding the posted speed limit, but also driving too fast for conditions. Some common conclusions from these programs and initiatives indicate that higher speeds and speeds too fast for conditions (whether or not travelling in excess of the speed limit) adversely affect the safety of motorists.

Speeding is Becoming More Prevalent

While many speed/traffic surveys are taken, reliable data on travel speed are relatively limited, and often difficult to compare. The most reliable speed data are those reported by the States for National Maximum Speed Limit (NMSL) roadways posted at 55 mph. The Federal Highway Administration (FHWA) publishes an annual report containing a compendium of speed monitoring data submitted by each State. Analyses of recent speed monitoring data by the FHWA indicate that speeds at which many motorists travel have increased in recent years.

There are less comprehensive data collected for roadways which have speed limits of less than 55 mph, including the many rural highways and urban/suburban streets and roads which are posted at lower speeds for reasons of road design, traffic patterns, volume, and safety. These non-NMSL roads account for 74 percent of the total paved road mileage in the U.S. and for approximately 47 percent of all traffic deaths. The lack of empirical data makes it difficult to identify the extent of the speeding problem on these non-NMSL roads. A recent FHWA study of these roads entitled *Assessment of Current Speed Zoning Criteria* found that: (1) On average, seven out of ten motorists exceeded posted limits; (2) average speeds ran approximately two to six mph above posted limits; and (3) prevailing 85th percentile speeds ran approximately eight to twelve mph above posted limits. The observations of law enforcement executives and other highway safety officials confirm that speeds are increasing on these roads.

Speed surveys on the Interstate highways also show that average speeds and the percent of traffic travelling at high speeds have also increased on these roads. For example, the percent of vehicles exceeding 65 mph (on roadways with a 65 mph speed limit) were estimated to be 47 percent in 1990 (up from 37% in 1988) while those exceeding 70 mph accounted for approximately 19 percent (up from approximately 16 percent in 1988).

After Congress amended the NMSL in 1987 to permit 20 States to increase the speed limit to 65 mph on rural interstates as a demonstration program, NHTSA issued a detailed report on the effects of the increase. This interim report indicated that average speeds increased somewhat on rural interstates. The latest NMSL research, contained in the agency's *Report to Congress on the Effects of the 65 mph Speed Limit through 1990* (NHTSA, May 1992), shows the average travel speed on rural 65 mph Interstates in 1990 was 65 mph (up from 63 mph in 1988); the 85th percentile speed was 71 mph (up from 69 mph in 1988); and fatalities on rural interstates were an estimated 30 percent higher in 1990 than the number expected, based on historical trends, had the speed limit remained at 55 mph. A series of focus group discussions held by NHTSA with the general public suggest that most drivers recognize speeding as a violation of the law, but few regard the violation as a serious offense.

These studies all suggest that the motoring public does not view speeding per se as an immediate risk to their personal safety.

Excessive Speed Causes Crashes

Speeding is one of the most prevalent reported factors associated with crashes. Studies identify correlations between speeding and other factors including alcohol involvement, young drivers, male drivers, motorcyclists, and nighttime driving. Speeding is cited as a contributing factor in approximately 11 percent of all police-reported crashes and in approximately 34 percent of all fatal crashes (NHTSA, Fatal Accident Reporting System, 1991). It is estimated that in 1991, 13,909 fatalities and 77,277 moderate to critical injuries occurred in speed-related crashes. The economic cost of all speed-related crashes (including all injury levels) was over $18 billion.

Excessive speed has long been recognized as one of the prime factors contributing to motor vehicle crashes. This contribution has several sources:

- Drivers have less time to react when travelling at higher speeds since speed increases the distance a vehicle travels during the time it takes for a driver to react to a perceived danger;
- Speed increases the total stopping distance necessary to halt a vehicle; and
- Speed reduces a driver's ability to steer safely around curves on highways, or objects in the roadway.

A major speed-related factor which has been linked to crash involvement is speed variance: The difference in speed among vehicles in the traffic stream. Speed variance is calculated in terms of standard deviation from the mean speed. For example, ten vehicles all traveling at 55 mph on the same highway would have a mean speed of 55 mph and a standard deviation of zero, whereas five vehicles traveling at 65 mph and five vehicles traveling at 45 mph would have a mean speed of 55 mph but a standard deviation of 10.5.

Research studies such as those in 55: *A Decade of Experience* (Transportation Research Board, 1984) have shown that motor vehicle crashes are more likely where speed variance is greater. As speed variance increases, vehicles come close to each other more frequently. This leads to more frequent lane changes and passing maneuvers as the faster drivers seek to avoid slower vehicles. Data from the *National Crash Severity Study* (1979) show that vehicles travelling 20 mph above the average speed experience a crash risk 11 times greater than those travelling at the average speed. This data implies that crashes can be reduced by controlling speed variance. Controlling speed variance is especially critical on roadways with speed limits less than 65 mph, where conflicting actions and reactions typically cause much larger variations in speed.

Speed Increases the Severity of Crashes

The trend toward increased speeds is cause for concern because of the reduced margin for error and the increase in severity for those vehicles involved in crashes. As the speed of a car increases from 20 mph to 80 mph, a factor of four, the energy of the impact delivered in a collision with a fixed object goes up by a factor of sixteen. The chance of death or serious injury increases dramatically for every 10 mph increase in vehicle speed for the crash involved vehicle. The *National Crash Severity Study* (NHTSA, 1979) revealed that a driver crashing with a 50 mph change in velocity is twice as likely to be killed as one crashing with a 40 mph change in velocity. In short, crashes at higher speeds increase the potential for more deaths and disabling injuries.

Have Effective Speed Control Countermeasures Been Developed?

Enforcement personnel have several effective countermeasures available for speed control which have been developed by new technology.

Traditional methods of speed control once involved the use of stopwatches and pneumatic hoses stretched across the roadway to determine vehicle speeds. Later developments included the introduction of radar and VASCAR which more precisely measured vehicle speeds and reduced the degree of possible operator error. Currently laser speed measuring devices with an extremely high degree of accuracy are becoming available to the law enforcement community.

NHTSA has taken an active role in identifying and evaluating new law enforcement technology. After evaluating new devices, NHTSA has established demonstration programs to introduce those devices into the law enforcement community to further advance speed control efforts. These demonstration programs have included enforcing speed limits using radar, VASCAR, laser speed measuring devices, aerial speed measurement, photo radar, electronic signing and saturation patrols.

NHTSA studies show that one of the best methods to obtain compliance with speed limits is to combine an aggressive enforcement campaign with a vigorous public information and education effort. Public service announcements (PSA) regarding speed are regularly developed and distributed by NHTSA. Furthermore, other effective countermeasures, such as saturation patrols and multi-agency, multi-jurisdictional enforcement efforts, have been developed and furnished to the law enforcement community. These programs can easily become a part of an agency's traffic enforcement program.

Several highway design and traffic control measures have also demonstrated effectiveness for speed control. Freeway design, culminating in the Interstate System, eliminated all at-grade intersections thus providing for free flow traffic. This singular design characteristic resulted in significant reduction in speed variance and the promotion of uniform operating speed. Speed variances on the Interstate System have traditionally been in the range of 6–9 miles per hour while speed variances on non-freeway facilities can be as great as 20 miles per hour.

In addition, the need to control speed for varying conditions has led to the development of variable message speed signs. These devices, first used on the New Jersey Turnpike in the late 1960's have had widespread implementation on all types of facilities and warn drivers of impeding congestion, weather conditions, construction, and incidents which required reduction in operating speed. Real time regulatory variable speed limits are now being tested in the State of Washington.

The agencies believe that Federal, State, and local governments should have balanced programs that use the most cost-effective strategies for decreasing crash risks from speeding. This includes: (1) Targeting enforcement where speeding has a significant impact on public safety and accompanying it with public information and education; (2) using a variety of techniques and technologies for speed control; (3) understanding who speeds, where, and why; and (4) ensuring that posted speed limits are appropriate for conditions. These efforts can be further enhanced through the development of comprehensive speed control programs which include establishment of appropriate criteria for the setting and posting of speed limits, focused attention upon roadway construction and condition, posting of appropriate roadway signs, elimination of hazards adjacent to the roadway, and establishment of research projects to further study the characteristics and consequences of speeding in order to develop improved countermeasures and guidelines.

NHTSA submitted a report to Congress in 1991 entitled *Speed Enforcement Program Plan* to identify methods to address the speeding problem. The plan relies heavily upon programs and projects that have proven to be most effective and outlines speed control initiatives that have proven successful. The plan also stresses a law enforcement commitment to controlling speed on all public roads, using state-of-the-art equipment, with a strong emphasis on public information and education designed to increase driver compliance with speed limits.

Are State Speed Control Programs Effective in Reducing Crashes, Injuries, and Fatalities?

The State programs that have been conducted to date demonstrate that speed control countermeasures are extremely effective in reducing deaths and injuries. For example, the New York State Police 55 mph enforcement project was successful in decreasing the number of drivers traveling at the highest rates of speed (often considered to be "professional speeders"). While average speed declined slightly from 61.6 to 61.3 mph, the percent of drivers exceeding 70 mph declined from 6.9% to 5.1%. The percent exceeding 65 mph declined from 24.1% to 21.4%, and the percent exceeding 60 mph declined from 56.4% to 55.7%. This success is believed to have ultimately led to reductions in the number of fatal crashes, fatalities and serious injuries suffered in New York.

In South Carolina, it is believed that the state's rural initiative involving sheriffs contributed to a significant reduction in crashes, injuries, and fatalities in 1991 as compared to 1989. During that period, the state experienced 12,472 fewer crashes, 2,331 fewer injuries and 106 fewer fatalities. South Carolina's PSA campaign also received widespread recognition from across the State and is believed to have contributed to the reduction of crashes during the time the campaign was operational.

During the first year of the St. Louis enforcement operation, ending September 1991, the average speed dropped from 62 mph to 61 mph on the 55 mph roadways in the metro area, as a result of the police agencies issuing 3,698 citations and 5,600 warnings for speeding during the Operation Gateway period. This cooperative program is continuing and is expected to result in further speed decreases on the involved roadways in the metro St. Louis area.

Similarly, the speed control efforts targeting commercial vehicles appear to be effective, with early results from the 1987 Commercial Motor Vehicle Enforcement project in California indicating that all crashes where commercial vehicles were at fault decreased by 3.5% (from 810 in 1986 to 782 in 1987) in the five test sites throughout the State. Further, the number of accidents caused by commercial vehicles which resulted in injuries in these test sites also declined by 11.2% (from 259 in 1986 to 230 in 1987). Accompanying that reduction was a corresponding decrease in the societal cost of injuries and fatalities resulting from such crashes.

Determination Regarding Speed Control

The agencies believe it is clear that excessive speed does represent a significant traffic safety problem. Speeding is a problem throughout the country in all regions and on all types of roads. Numerous countermeasures have been developed that have proven to be most effective in addressing this problem.

The agencies, therefore, tentatively conclude that Speed Control meets all requisite criteria and propose to include it as a National Priority Program Area.

School Bus Safety as a National Priority Area

Is School Bus Safety a Problem of National Concern?

The safety of children in school buses has been a primary concern of parents

and school systems ever since buses began to be used to transport children. That concern has helped develop school buses into the safest form of transportation in the country. According to the National Safety Council's "Accident Facts" (1991), during the 1989–90 school year, it is estimated that 380,000 buses were used to transport 22 million pupils approximately 3.8 billion miles (21 million miles per school day). The National Safety Council statistics also indicate fatality rates per hundred million passenger miles in 1989 were 1.12 for passenger cars and 0.04 for school buses.

The relative safety of school buses is evident from the following table, which shows all vehicle occupant fatalities. Included are the number of preschool (0–4) and school-age children (5–18) who were fatally injured in motor vehicle crashes in 1990, and the type of vehicle in which they were riding at the time.

TABLE 1.—OCCUPANT FATALITIES BY VEHICLE TYPE AND AGE GROUP FATAL ACCIDENT REPORTING SYSTEM 1990

	Total	Age of occupant				
		0–4	5–12	13–18	19+	Unknown
Total	37,134	623	716	4,292	31,466	37
Vehicle type:						
Passenger Car	24,092	476	457	3,042	20,086	31
Light Truck/Van	7,387	101	164	701	6,419	2
Medium Truck	134	2	0	7	125	0
Heavy Truck	571	2	4	7	556	2
Motorcycle	3,244	2	27	310	2,904	1
School Bus	13	0	5	2	6	0
Other Bus	19	0	1	4	14	0
On/Off Road Vehicle	1,214	33	35	149	997	0
Other Vehicle	296	4	19	55	218	0
Unknown	164	3	4	15	141	1

School bus-related crashes result in fatalities not only to occupants of school buses and other vehicles, but also to pedestrians. Pedestrians accounted for 28 percent of the total school bus-related fatalities from 1986 through 1990. In crashes involving school buses during that period, an average of 38 pedestrians were fatally injured each year, with 72 percent being struck by the bus, while the remaining 28 percent were struck by another vehicle. Approximately 75 percent of pedestrian fatalities involving school buses from 1986–1990 were of school age (less than 20 years of age); of these, approximately 69 percent were struck by the bus.

The National Safety Council reports that during the 1989–1990 school year, most of these pedestrian fatalities involved individuals who were either approaching or leaving a loading zone and that more than half of the pupil pedestrian victims were struck by the school bus which they were boarding or exiting. The National Academy of Science's Special Report No. 222, "School Bus Safety," (1989) states that injuries received at bus stops tend to be more severe than injuries received on board a bus. The report also states that, as pedestrians, children between the ages of five and six are particularly vulnerable and account for more than one-half of the young pedestrians fatally injured by school buses.

School bus crashes have a much different effect on the population as a whole than automobile crashes. When a child is fatally injured in a school bus crash there is a greater sense of loss and a greater sense of tragedy. For this reason, school bus fatalities and crashes often receive a high degree of public attention and draw an immediate and passionate response from the community. However, the number of fatalities in school bus crashes is small, particularly when considering exposure and when compared to the number of fatalities related to other priority programs.

In 1991, passenger cars were involved in 82.8 percent of all traffic crashes and 67.9 percent of all fatal crashes; whereas school buses were involved in only 0.4 percent of all traffic crashes and in 0.3 percent of all fatal crashes. These data demonstrate that the safety problem related to school buses is not great when compared to that of other types of vehicles.

Have Effective School Bus Safety Measures Been Developed?

Although statistics demonstrate that school buses already provide a remarkably safe form of transportation, the agency has taken steps to further improve school bus safety. At the request of Congress, the National Academy of Sciences (NAS) studied school bus safety to determine which safety measures would be "most effective" in protecting school children while boarding, exiting and riding in school buses. (See, "Surface Transportation and Uniform Relocation Assistance Act of 1987," Pub. L. 100–17, 204(a), 101 Stat. 219, April 2, 1987.) In May 1989, the National Research Council (NRC), an agency of the NAS, issued a report entitled "Improving School Bus Safety," Special Report No. 222. The report confirmed the high level of safety provided by the Nation's school bus fleet, and also suggested measures that could further improve the safety of school buses.

In accordance with the 1987 law, NHTSA reviewed the findings of the NAS report and, on July 13, 1989, published a notice in the **Federal Register** (54 FR 29629), in which the agency determined which safety measures would be most effective in protecting the safety of school children while boarding, exiting and riding in school buses.

NHTSA found replacing pre-1977 school buses to be a "most effective" measure, because of the higher level of crashworthiness provided by NHTSA's 1977 school bus standards, the improved mirror systems, and other crash avoidance measures typically provided on newer school buses. The agency also found prohibiting standees on school buses to be a "most effective" measure. In addition, NHTSA found a number of measures which address the safety of children while boarding or exiting the bus to be "most effective." They include equipping new buses with stop signal arms and cross-view mirrors and implementing student crossing, pedestrian safety education and school bus driver training programs. NHTSA also identified a number of measures as "effective."

The agency took several steps to encourage the adoption of these "effective" and "most effective" measures. In FY's 1990 and 1991, NHTSA set aside, in accordance with provisions in the Highway Safety Act of 1987 (Title II, Pub. L. 100–17), funds to assist the States in implementing these school bus safety measures. The funds were used by States on measures that had been designated by NHTSA to be either "effective" or "most effective" in improving school bus safety.

In addition, NHTSA conducted a number of rulemaking actions to upgrade the agency's school bus safety standards. For example, NHTSA issued a final rule on May 3, 1991, requiring new school buses manufactured after September 1, 1992, to be equipped with a stop signal arm (56 FR 20363); a final rule on November 2, 1992, revising the minimum requirements for school bus emergency exits and improving access to school bus emergency doors (57 FR 49413); and a final rule on December 2, 1992, requiring that school buses enable drivers to see, either directly or through mirrors, certain specified areas in front of and along both sides of the buses (57 FR 57000).

Further, as stated previously, in a final rule dated October 4, 1991, NHTSA and FHWA expanded the list of National Priority programs areas, which are eligible for section 402 funding using an expedited process, to include Pedestrian and Bicycle Safety. The agencies considered the problem of school bus-related pedestrian fatalities when they decided to add Pedestrian and Bicycle Safety to the list of priority programs, and specifically stated, in the final rule, that programs designed to prevent these fatalities are within the scope of this new priority program.

Are These School Bus Safety Measures Effective in Reducing Crashes, Injuries, and Fatalities?

As stated previously, school buses already provide the safest form of transportation in our country. Since the number of fatalities that are school bus-related is already so small, it is difficult to quantify the benefits of the actions that have been taken. The agencies believe, however, that these measures are the ones most likely to reduce or eliminate fatal and serious injuries.

Determination Regarding School Bus Safety

Based upon the agencies' review of the available material regarding the scope of the problem, including FHWA studies regarding bus driver training and driver fatigue, we have determined that significant attention has been devoted to school bus safety, and steps have been taken to improve the already excellent safety record of this mode of transportation.

In view of the successful measures already taken, the agencies do not view school bus transportation as a problem nearly as significant as other highway safety program areas.

Furthermore, the states already have the ability under the section 402 program to address school bus and other highway safety programs, and are proficient in allocating existing resources as they deem necessary to achieve maximum safety benefits. In addition, the recent designation of Pedestrian and Bicycle Safety as a National Priority program area has facilitated the States' ability to address the majority of school bus-related fatalities, which occur while children are boarding or existing, not riding the bus.

The agencies believe that the establishment of School Bus Safety as a priority area could result in States shifting 402 funds away from other priority programs, and that the expenditure of an increased level of 402 funds in this manner would not significantly affect the overall safety of school buses.

Therefore, the agencies tentatively conclude that School Bus Safety should not be included as a National Priority program at this time. The agencies wish to stress that this tentative decision should not be construed to imply that the current resources focused upon School Bus Safety should be reduced or redirected. NHTSA and FHWA believe that all existing efforts in this area should be continued to maintain the impressive safety record associated with school bus transportation. The agencies hereby request data, statistics, and other substantive information relevant to this determination.

Comments

Those wishing to comment on this document should limit comments to the safety aspects of these two programs, and submit data or statistics which demonstrate the extent of the nation's highway safety problem which is attributable to either Speeding or School Bus Safety, along with any discussion of countermeasures which are or could be effective in reducing the number of deaths and injuries in either of these two areas. In determining whether these programs should be identified as National Priority Programs, the agencies will determine whether the problem is of national concern; whether effective countermeasures have been developed to address the concern; and whether State programs appear to be among the most effective as compared to other traffic safety program areas.

In order to expedite the submission of comments, simultaneous with issuance of this notice, copies of this notice will be mailed to all Governors and Governors' Representatives for Highway Safety.

Comments should not exceed 15 pages in length. It is requested but not required that 10 copies be submitted. Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

All comments received before the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date. The agencies will continue to file relevant material in the docket as it becomes available after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the docket should enclose, in the envelope with their comments, a pre-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

Economic and Other Effects

The agencies have considered the impacts that would be associated with this proposed action, and determined that it is significant within the meaning of Executive Order 12866 and the DOT Regulatory Policies and Procedures since it raises policy issues concerning the setting of priority programs. This rulemaking document was reviewed under E.O. 12866. The rulemaking would not affect the level of funding available in the highway safety program, or otherwise have a significant economic impact. The agency has prepared a Preliminary Regulatory Evaluation which is available in the docket.

Small Entity Impact

In compliance with the Regulatory Flexibility Act, the agencies have evaluated the effects of this action on small entities. Based on the evaluation, we certify that this rule will not have a significant economic impact on a substantial number of small entities. States will be recipients of any funds

awarded under the regulation and, accordingly, the preparation of a Regulatory Flexibility Analysis is unnecessary.

Environmental Impacts

The agencies have also analyzed this action for the purpose of the National Environmental Policy Act. The agencies have determined that this action would not have any effect on the human environment.

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 and it has been determined that it has no federalism implication that warrants the preparation of a federalism assessment.

Paperwork Reduction Act

The requirement relating to this proposal, that each State must submit a highway safety plan to receive section 402 grant funds, is considered to be an information collection requirement, as that term is defined by the Office of Management and Budget (OMB) in 5 CFR part 1320. Accordingly, these requirements have been submitted to and approved by OMB, pursuant to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). These requirements have been approved through 11/30/95; OMB No. 2127–0501. This NPRM would establish no new information collection requirement, as that term is defined by the OMB in 5 CFR part 1320.

List of Subjects in 23 CFR Part 1205

Grant programs, Highway safety.

In consideration of the foregoing, the agencies propose to amend 23 CFR part 1205 as follows:

PART 1205—[AMENDED]

1. The authority citation for part 1205 continues to read as follows:

Authority: 23 U.S.C. 402; delegations of authority at 49 CFR 1.48 and 1.50.

2. In § 1205.3, paragraph (a)(7) is added to read as follows:

§ 1205.3 Identification of National Priority Program Areas.

(a) * * *

(7) Speed enforcement.

* * * * *

Issued on January 4, 1994.

Rodney E. Slater,

Administrator, Federal Highway Administration.

Howard M. Smolkin,

Executive Director, National Highway Traffic Safety Administration.

[FR Doc. 94–445 Filed 1–13–94; 8:45 am]

BILLING CODE 4910–59–P–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 12

RIN 1090–AA41

Administrative and Audit Requirements and Cost Principles for Assistance Programs

AGENCY: Office of the Secretary, Department of the Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: This document reopens and extends the comment period for the notice of proposed rulemaking published on August 12, 1993 (58 FR 42918). This action is being taken because the Department was unable to publish the final rule before the end of Fiscal Year 1993 and the Buy American requirements were again included in the Department of the Interior and Related Agencies Appropriations Act, 1994 and the Energy and Water Development Appropriations Act, 1994. Pursuant to these statutory provisions, the Department proposes to extend the requirements to Fiscal Year 1994, under the same terms as set forth in the August 12, 1993 document.

DATES: Comments must be in writing and must be received by February 14, 1994. Comments should be mailed to Acquisition and Assistance Division, Office of Acquisition and Property Management, Department of the Interior, 1849 C St., NW., Mail Stop 5512, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Dean Titcomb (Chief, Acquisition and Assistance Division), (202) 208–6431.

SUPPLEMENTARY INFORMATION: On October 5, 1992, the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1993 ("the Act") was signed into law. Section 319 of the Act was entitled "Buy American Requirements." The section applied to funds appropriated or transferred pursuant to the Act for the purchase of any equipment or product that may have been authorized to be purchased with financial assistance.

Section 319(b)(2) required that in providing financial assistance under the Act, the Secretary shall provide to each recipient of the assistance a notice describing the Buy American requirement. No other specific Congressional guidance was given regarding the implementation of this requirement.

The Department proposed to revise 43 CFR part 12, by adding subpart E to implement these requirements. Since no specific guidance was provided by Congress, the Department decided to base its implementation upon similar rules in the Federal Acquisition Regulation.

Public Law 103–138, the "Department of the Interior and Related Agencies Appropriations Act, 1994," and Public Law 103–126, the "Energy and Water Development Appropriations Act, 1994," extend the Buy American requirements to awards of financial assistance under the Department's general appropriation for Fiscal Year 1994, as well as to similar awards by the Bureau of Reclamation. Because the statutes change no other portions of the Buy American requirements, and because the Department was unable to issue a final rule prior to the enactment of the two statutes, the Department now proposes to issue a final rule based on the proposed rule published on August 12, 1993. No other significant changes are proposed.

Only one public comment was received in response to the publication of the proposed rule. This action will allow for the receipt of more comments to be considered prior to the publication of the final rule.

Dated: December 22, 1993.

B.R. Cohen,

Assistant Secretary-Policy, Management and Budget.

[FR Doc. 94–919 Filed 1–13–94; 8:45 am]

BILLING CODE 4310–RF–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93–318; RM–8364]

Radio Broadcasting Services; Clinton, KY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Thunderbolt Broadcasting Company, Inc., proposing the allotment of Channel

271C3 to Clinton, Kentucky, as that community's first local aural transmission service. Channel 271C3 can be allotted to Clinton in compliance with the Commission's minimum distance separation requirements with a site restriction of 11.2 kilometers (7.0 miles) northeast to avoid short-spacings to Station WCMT–FM, Channel 269A, Martin, Tennessee, Station KJBR, Channel 270C, Jonesboro, Arkansas, and Station KDEX–FM, Channel 272A, Dexter, Missouri. The coordinates for Channel 271C3 at Clinton are North Latitude 36–44–30 and West Longitude 88–54–30.

DATES: Comments must be filed on or before February 22, 1994, and reply comments on or before March 9, 1994.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John F. Garziglia, Esq., Pepper & Corazzini, 1776 K Street NW., suite 200, Washington, DC 20006 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 93–318, adopted December 20, 1993, and released December 30, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 94–956 Filed 1–13–94; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 93–320, RM–8407]

Radio Broadcasting Services; Ellison Bay, WI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Eden Broadcast Group proposing the allotment of Channel 223A to Ellison Bay, Wisconsin, as that community's first local FM broadcast service. Channel 223A can be allotted to the community without a site restriction. Canadian concurrence will be requested for the allotment of Channel 223A at Ellison Bay at coordinates 45–15–12 North Latitude and 87–04–24 West Longitude.

DATES: Comments must be filed on or before February 22, 1994, and reply comments on or before March 9, 1994.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: James M. Kenyon, Eden Broadcast Group, 1161 Hwy 42, Ellison Bay, Wisconsin 54210.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 93–320, adopted, December 15, 1993, and released, December 30, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street NW., suite 140, Washington, DC 20037, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 94–958 Filed 1–13–94; 8:45 am]

BILLING CODE 6712-01-M

---

47 CFR Part 73

[MM Docket No. 93–319; RM–8404]

Radio Broadcasting Services; Omak, WA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Omak Community Broadcasters proposing the allotment of Channel 282C2 to Omak, Washington, as that community's second local FM transmission service. Channel 282C2 can be allotted to Omak in compliance with the Commission's minimum distance separation requirements with a site restriction of 16.5 kilometers (10.2 miles) south to avoid short-spacings to vacant allotment 281B, Trail, British Columbia and Station KAFE, Channel 282C, Bellingham, Washington. The coordinates for Channel 282C2 at Omak are North Latitude 48–15–44 and West Longitude 119–31–58. Since Omak is located within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian concurrence has been requested.

DATES: Comments must be filed on or before February 22, 1994, and reply comments on or before March 9, 1994.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Dawn M. Sciarrino, Haley, Bader & Potts, suite 900, 4350 North Fairfax Drive, Arlington, Virginia 22203–1633 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of

Proposed Rule Making, MM Docket No. 93–319, adopted December 20, 1993, and released December 30, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 94–957 Filed 1–13–94; 8:45 am]

BILLING CODE 6712–01–M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 519 and 552

[GSAR Notice 5–384]

General Services Administration Acquisition Regulation; Small Business Subcontracting Program

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on a proposed revision which expresses GSA's expectation that offerors under GSA procurements, in submitting required subcontracting plans, will do more than merely restate minimum plan requirements described at FAR 52.219–9. GSA also expects subcontracting plans to demonstrate aggressiveness, creativity, and innovation in involving small, small disadvantaged, and women-owned small business concerns in subcontracting opportunities and an understanding of the requirement that these concerns be afforded the maximum practicable opportunity to perform as subcontractors in the offeror's procurements. In negotiated solicitations, the subcontracting plan will be negotiated with price and any technical and management proposal required by the solicitation. In sealed bid solicitations, target goals may be stated by GSA in the solicitation. GSA understands, however, that offerors' subcontracting circumstances may vary greatly. The proposed revision also deletes various sections because they concern nonregulatory material.

DATES: Comments are due in writing on or before March 15, 1994.

ADDRESSES: Comments should be addressed to the GSA Desk Officer, room 3235, NEOB, Washington, DC 20503 and Marjorie Ashby, Office of GSA Acquisition Policy, 18th and F Streets, NW., room 4006, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Paul Linfield, Office of GSA Acquisition Policy, (202) 501–1224.

SUPPLEMENTARY INFORMATION:

A. Executive Order 12866

This rule was not submitted to the Office of Management and Budget (OMB) for review because the rule is not a significant regulatory action as defined in Executive Order 12866, Regulatory Planning and Review, and, therefore, was not required to be submitted.

B. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the GSA certifies that the proposed rule will not have significant impact on a substantial number of small entities, since the revised subcontracting plan requirements in the proposed regulation will not apply to small business concerns. Accordingly, an initial regulatory flexibility analysis has not been prepared.

C. Paperwork Reduction Act

The retitled provision at 552.219–73 contains an information collection requirement that is subject to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), and it has been submitted to OMB for approval under the Act. Comments on the information collection may be submitted to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Washington, DC 20503. The title of the information collection is "GSAR 552.219–73 Preparation, Submission, and Negotiation of Subcontracting Plans." The provision requires all offerors, other than small business concerns, responding to a negotiated solicitation to submit a subcontracting plan with their respective offers so that a plan can be negotiated concurrently with other parts of the proposal. The respondents are potential GSA contractors. The contracting officer will use the information to evaluate whether GSA's expectation that subcontracting opportunities exist for small, small disadvantaged and women-owned small business is reasonable under the circumstances; negotiate goals consistent with statutory requirements and acquisition objectives; and expedite the award process. The estimated annual burden for this additional collection is 14,690 hours. This is based on an estimated burden per response of 11.3 hours, a proposed frequency of one response per respondent, and an estimated number of likely respondents of 1,300.

List of Subjects in 48 CFR Parts 519 and 552

Government procurement.

Accordingly, it is proposed that 48 CFR parts 519 and 552 be amended to read as follows:

1. The authority citation for 48 CFR parts 519 and 552 continues to read as follows:

Authority: 40 U.S.C. 486(c).

PART 519—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

519.701, 519.702 and 519.704 [Removed]

2. Sections 519.701, 519.702, and 519.704 are removed.

3. Section 519.705–2 is revised to read as follows:

519.705–2 Determining the need for a subcontracting plan.

The requirement at FAR 19.702(a)(1) for submission of a subcontracting plan by only the apparently successful offeror does not apply to GSA negotiated solicitations when the contract is expected to exceed $500,000 ($1,000,000 for construction). Except for acquisitions of leasehold interests in real property using expedited procedures and those offering minimal subcontracting opportunities, negotiated solicitations shall require submission with the initial offer of a subcontracting plan in the format described in FAR 52.219–9 by all offerors that are not small business concerns. Where price is the basis for award, such as multiple award schedule contracts, the plan will be evaluated and negotiated along with price. In solicitations requiring

technical and management proposals, the subcontracting plan will be included as an evaluation factor or subfactor and negotiated concurrently with the technical, management, and price proposals.

519.705–4, 519.705–6, 519.706, and 519.706–70 [Removed]

4. Section 519.705–4, 519.705–6, 519.706, and 519.706–70 are removed.

5. Section 519.708 is revised to read as follows:

519.708 Solicitation provisions and contract clauses.

(a) The contracting officer shall insert the provision at 552.219–72, Notice to Offerors of Subcontracting Plan Requirements, on the cover page of the solicitation if the contract amount is expected to exceed $500,000 ($1,000,000 for construction) except for:

(1) Acquisitions set aside for small business;

(2) Solicitations for personal services;

(3) Solicitations for work to be performed outside any state, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(4) Acquisitions of leasehold interests in real property using expedited procedures.

(b) The contracting officer shall insert the provision at 552.219–73, Preparation, Submission, and Negotiation of Subcontracting Plans, in negotiated solicitations if the contract amount is expected to exceed $500,000 ($1,000,000 for construction) except for:

(1) Acquisitions set aside for small business;

(2) Solicitations for personal services;

(3) Solicitations for work to be performed outside any state, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

(4) Acquisitions of leasehold interests in real property using expedited procedures; and

(5) Solicitations where, in the judgment of the contracting officer, subcontracting opportunities are minimal.

(c) The contracting officer shall insert the provision at 552.219–74, Goals for Subcontracting Plan, in sealed bid solicitations if the contract amount is expected to exceed $500,000 ($1,000,000 for construction) except for:

(1) Acquisitions set aside for small business;

(2) Solicitations for personal services;

(3) Solicitations for work to be performed outside any state, territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

The basic provision should be used when the contracting officer is able to realistically establish target goals. Alternate I should be used when the contracting officer cannot establish realistic target goals.

519.770, 519.770–1, and 519.770–3 [Removed]

6. Sections 519.770, 519.770–1, and 519.770–3 are removed.

7. Section 552.219–72 is revised to read as follows:

552.219–72 Notice to offerors of subcontracting plan requirements.

As prescribed in 519.708(a), insert the following provision:

Notice to Offerors of Subcontracting Plan Requirements (XXX 1993)

The General Services Administration (GSA) is committed to assuring that maximum practicable opportunity is provided to small, small disadvantaged, and women-owned small business concerns to participate in the performance of this contract consistent with its efficient performance. GSA expects any subcontracting plan submitted pursuant to FAR 52.219–9 to reflect this commitment. Consequently, an offeror, other than a small business concern, before being awarded a contract exceeding $500,000 ($1,000,000 for construction) will be required to demonstrate that its subcontracting plan represents an aggressive program for involving small, small disadvantaged, and women-owned small business concerns as subcontractors in the performance of this contract.
(End of Provision)

8. Section 552.219–73 is revised to read as follows:

552.219–73 Preparation, submission, and negotiation of subcontracting plans.

As prescribed in 519.708(b), insert the following provision:

Preparation, Submission, and Negotiation of Subcontracting Plans (XXX 1993)

(a) An offeror, other than a small business concern, submitting an offer that exceeds $500,000 ($1,000,000 for construction) shall submit a subcontracting plan with its initial offer. The subcontracting plan will be negotiated concurrently with price and any required technical and management proposals, unless the offeror submits a previously-approved commercial products plan. Maximum practicable utilization of small, small disadvantaged, and women-owned small business concerns as subcontractors is a matter of national interest with both social and economic benefits. It is the General Services Administration's (GSA's) expectation that an offeror's subcontracting plan will reflect a commitment to assuring that small, small disadvantaged, and women-owned small business concerns are provided the maximum practicable opportunity, consistent with efficient contract performance, to participate as subcontractors in the performance of the resulting contract.

(b) GSA believes that this potential contract provides significant opportunities for the use of small, small disadvantaged, and women-owned small business concerns as subcontractors. Consequently, in addressing the eleven elements described at FAR 52.219–9(d), the offeror shall demonstrate that its subcontracting plan represents an aggressive program for involving small, small disadvantaged, and women-owned small business concerns in performing the contract. The subcontracting plan shall include a description of the offeror's subcontracting strategies used in any previous contracts, significant achievements, and how this plan will build upon those earlier achievements. Additionally, the offeror shall demonstrate through its plan that it understands the small business subcontracting program's objectives, GSA's expectations, and actions necessary to meet these goals and expectations.

(c) In determining the acceptability of any subcontracting plan, the Contracting Officer will—

(1) Review the plan to verify that the offeror has demonstrated an understanding of the small business subcontracting program's objectives and GSA's expectations with the respect to the program and has included all the information, goals, and assurances required by FAR 52.219–9;

(2) Consider previous goals and achievements of contractors in the same industry;

(3) Consider information and potential sources obtained from agencies administering national and local preference programs and other advocacy groups in evaluating whether the goals stated in the plan adequately reflect the anticipated potential for subcontracting to small, small disadvantaged, and women-owned small business concerns; and

(4) Review, when applicable, the offeror's description of its strategies, historical performance and significant achievements in placing subcontracts for the same or similar products or services with small, small disadvantaged, and women-owned small business concerns.

(d) Failure to submit to subcontracting plan and/or correct deficiencies in the plan within the time specified by the Contracting Officer shall make the offeror ineligible for award.
(End of Provision)

9. Section 552.219–74 is added to read as follows:

552.219–74 Goals for subcontracting plan.

As prescribed in 519.708(c), insert the following provision:

Goals for Subcontracting Plan (XXX 1993)

(a) Maximum practicable utilization of small, small disadvantaged, and women-owned small business concerns as subcontractors is a matter of national interest with both social and economic benefits. The General Services Administration's (GSA's) commitment to ensuring that maximum practicable opportunity is provided to small, small disadvantaged, and women-owned small business concerns to participate as subcontractors in the performance of this contract, consistent with its efficient performance, must be reflected in the

offeror's subcontracting plan submitted pursuant to FAR 52.219–9. In addressing the eleven elements described at FAR 52.219–9(d), the offeror shall demonstrate that its subcontracting plan represents an aggressive program for involving small, small disadvantaged, and women-owned small business concerns in performing this contract. The subcontracting plan shall include a description of the offeror's subcontracting strategies used in previous contracts, significant achievements, and how this plan will build upon those earlier achievements. Additionally, the offeror shall demonstrate through its's plan that it understands the small business subcontracting program's objectives, GSA's expectations, and actions necessary to meet these goals and expectations.

(b) GSA believes that this contract provides significant opportunities for the use of small, small disadvantaged, and women-owned small business concerns as subcontractors. Accordingly, it is anticipated that an acceptable subcontracting plan will contain at least the following goals:

Small Business: ____ percent
Small Disadvantaged Business: ____ percent
Women-Owned Small Business: ____ percent

Note: Target goals are expressed as a percentage of planned subcontracting dollars.

(c) In determining the acceptability of a subcontracting plan, the Contracting Officer will—

(1) Review the plan to verify that the offeror has demonstrated an understanding of the small business subcontracting program's objectives and GSA's expectations with respect to the program and has included all the information, goals, and assurances required by FAR 52.219–9;

(2) Consider previous goals and achievements of contractors in the same industry;

(3) Consider information and potential sources obtained from agencies administering national and local preference programs and other advocacy groups in evaluating whether the goals stated in the plan adequately reflect the anticipated potential for subcontracting to small, small disadvantaged, and women-owned small business concerns; and

(4) Review, when applicable, the offeror's description of strategies, historical performance and significant achievements in placing subcontracts for the same or similar products or services with small, small disadvantaged, and women-owned small business concerns.

(d) Failure to submit an acceptable subcontracting plan and/or correct deficiencies in the plan within the time specified by the Contracting Officer shall make the offeror ineligible for award.
(End of Provision)

Alternate I (XXX 1993)

The Contracting Officer, as prescribed in 519.708(c) shall delete paragraph (b) of the basic provision and redesignate paragraphs (c) and (d) as paragraphs (b) and (c).

Dated: December 21, 1993.

Richard H. Hopf, III,

Associate Administrator for Acquisition Policy.

[FR Doc. 94–491 Filed 1–13–94; 8:45 am]

BILLING CODE 6820–61–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1312

[Ex Parte No. MC–180 (Sub-No. 2)]

Rulemaking—Payment of Discounts by Motor Carriers of Property to the Nonpayer of Freight Charges

AGENCY: Interstate Commerce Commission (ICC).

ACTION: Proposed Rule; Discontinue proceeding.

SUMMARY: By a Notice of Proposed Rulemaking (NPR) served June 4, 1993, and published at 58 FR 32340, June 9, 1993, the Commission instituted this proceeding to determine whether off-bill discounting where it does or may result in a misrepresentation of shipping charges should be found to be an unreasonable practice or otherwise unlawful. However, the "Negotiated Rates Act of 1993" (Pub. L. 103–180), since has been enacted and amends subchapter IV of chapter 107 of title 49, United States Code, by adding section 10767. Section 10767 requires that the Commission establish regulations to prohibit, except for certain services, motor common and contract carriers of property from providing a reduction in a tariff rate or contract rate to a person who is a nonpayer of freight charges. The Commission must issue these regulations by April 2, 1994. Because section 10767 supersedes the NPR, the Commission is discontinuing this proceeding.

FOR FURTHER INFORMATION CONTACT: Charles E. Langyher, (202) 927–5160 or Ronald A. Hall, (202) 927–5595; TDD for hearing-impaired: (202) 927–5721.

SUPPLEMENTARY INFORMATION: The Commission's rules implementing section 10767 are published in Ex Parte No. MC–180 (Sub-No. 3), *Regulations Implementing Section 7 of the "Negotiated Rates Act of 1993"*. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing-impaired is available through TDD service, (202) 927–5721.]

This decision will not affect significantly the quality of the human environment or the conservation of energy resources.

Decided: December 30, 1993.

By the Commission, Chairman McDonald, Vice Chairman Simmons, Commissioners Phillips and Philbin.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 94–1011 Filed 1–13–94; 8:45 am]

BILLING CODE 7035–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 638

[I.D. 010494A]

Coral and Coral Reefs of the Gulf of Mexico and South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of intent to prepare a supplemental environmental impact statement (SEIS) and request for comments.

SUMMARY: NMFS announces the intention of the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) to prepare an SEIS for proposed Amendment 2 to the Fishery Management Plan for Coral and Coral Reefs of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Councils and approved and implemented by the Secretary of Commerce under provisions of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The purpose of Amendment 2 is to manage the harvest of "live rock," living marine organisms attached to a hard substrate, such as dead coral or rock, and used primarily in the marine aquarium trade. Management measures under consideration include a prohibition on, or phase-out of, harvest of live rock with possible provisions for aquaculture; establishment of an annual quota or limited access management program; and implementation of a permitting system for wild harvest or aquaculture.

The Councils intend to conduct a continuing public process to determine the scope of issues to be addressed and to identify the significant issues related to live rock management. The purpose of this notice is to inform the public of this ongoing process and of the opportunity to participate by submitting written comments.

DATES: Written comments on the scope of the SEIS must be submitted by February 14, 1994.

ADDRESSES: Scoping comments and requests for additional information should be sent to Georgia Cranmore, Fishery Administrator, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702. Copies of the public hearing document for this amendment may be obtained by writing to the Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, suite 331, Tampa, FL 33609–2486.

FOR FURTHER INFORMATION CONTACT: Georgia Cranmore, 813–893–3161.

SUPPLEMENTARY INFORMATION: In 1989, the Florida Department of Natural Resources (FDNR) (now Department of Environmental Protection) determined that live rock harvest (i.e., the collection of rocks with marine organisms attached for use in home aquariums) was detrimental to the Florida Reef Tract and other hard bottom habitat areas. The Florida Marine Fisheries Commission (FMFC) noted that the only current net production of the carbonate substrate underlying live rock occurs on living coral reefs and, in Florida, these areas are either in equilibrium or eroding. FDNR personnel testified that more than 90 percent of the live rock examined at the request of enforcement agents contained visible colonies of prohibited corals, such as stony corals and sea fans. The FMFC concluded that live rock removal (1) can violate State and Federal laws that prohibit taking of corals, (2) reduces the surface area and topographic complexity of Florida's coral reefs and other live bottom areas, and (3) removes entire micro-communities along with targeted aquarium species. As a result of these consideration, Florida prohibited live rock landings from State waters in May 1989. As a result of this rulemaking, live rock harvesting efforts shifted to the exclusive economic zone (EEZ) off Florida.

The FMFC has noted that in 1991 approximately 35 individuals reported combined landings of about 300 tons of live rock from EEZ waters adjacent to the Florida Reef Tract, Florida's east coast reefs, and the Gulf of Mexico hard bottom areas. In 1992, reported Florida landings from the EEZ totalled about 400 tons.

Although the Councils have discussed the live rock issue, particularly pertaining to EEZ waters over recent years, they took no regulatory action since the FMFC had decided to initiate rulemaking regarding live rock landings from the EEZ off Florida. Specifically, the Councils deferred action since Florida's planned phase-out of live rock landings appeared to address what seemed to be a Florida area management issue.

In June 1992, the Florida Governor and Cabinet approved the FMFC rule to phase-out live rock landings in Florida from the EEZ over a 3-year period ending on June 30, 1995. The phase-out was designed to allow development of live rock aquaculture which would be exempt from the eventual total harvest ban. The phase-out was to be accomplished by a 25 percent annual reduction in allowable landings (based on the 1991 reported landings) accompanied by a 500 pound daily vessel limit.

On March 31, 1993, a U.S. District Court Judge issued a preliminary injunction to prevent enforcement of Florida's quota and vessel landing limits relating to possession or landing of live rock taken in the EEZ. Florida live rock fishermen argued that the Magnuson Act superseded State landing laws and the Councils had made "an affirmative and conscious decision" not to prohibit the taking of live rock in the EEZ.

Because of the District Court action, the Councils are now concerned that removal of live rock from the EEZ is currently unregulated. Also, there is a growing interest in harvest of live rock from North Carolina to Alabama. In April 1993, the South Atlantic Council approved a motion to include live rock in the FMP and reactivate the Coral Advisory Panel. In May 1993, the Gulf Council, on being advised of recent live rock landings in Alabama, and at the request of that State and Florida, initiated development of options for live rock management. In June 1993, the South Atlantic Council held a public scoping meeting in Duck Key, Florida, to solicit input from the harvesters and the general public on the management of live rock. In November 1993, the Councils prepared a draft Amendment 2 to the FMP to address live rock issues, and established a schedule for further public hearings. See **ADDRESSES** to obtain a copy of this document.

The Councils are considering the following management measures for Amendment 2 (with certain alternatives indicated).

Proposed Management Measures and Alternatives

A. Definitions for Management Unit

(1) Define live rock and add it to the management unit.

(2) Redefine allowable octocorals to eliminate taking of live rock under existing provisions of the FMP.

B. Management of the Live Rock Harvest

(1) No action.

(2) Harvest limits: a. establish an annual harvest quota for live rock; b. limit access and provide effort limits.

(3) Harvest prohibition: a. prohibit live rock harvest; b. phase-out live rock harvest; c. provide for aquaculture of otherwise prohibited live rock.

(4) Provide for different management in the jurisdictional areas of the two councils.

(5) Permits: a. provide for a Federal permit for wild live rock harvest and possession; b. provide for a Federal permit for possession and harvest of live rock from aquaculture; and c. provide for a Federal permit to take prohibited live rock for scientific and educational purposes.

The South Atlantic Council's Habitat and Environmental Protection Committee prefers a prohibition on harvest and possession of live rock on implementation of Amendment 2, possibly as early as 1994. The Gulf Council prefers to allow three years of continued harvest after implementation of Amendment 2 to allow additional time for harvesters to convert to aquaculture; subsequently, harvest and possession of live rock would be limited to persons with aquaculture permits.

Timetable for SEIS Preparation and Decisionmaking Schedule

The South Atlantic Council is holding public hearings on live rock management on January 5, 1994, in Savannah, Georgia, on January 6 in Duck Key, Florida, and on January 13 in Wrightsville Beach, North Carolina. The Gulf Council will hold hearings on January 11, in Pensacola, Florida, and on January 19, in Clearwater Beach, Florida. Specific times and locations are available from the Gulf Council listed above. The Gulf Council is scheduled to take action on the draft amendment and a draft SEIS at its January 19 meeting in Clearwater Beach, Florida. The South Atlantic Council is scheduled to take action on these draft documents at its February 7–11 meeting in St. Augustine, Florida.

The draft SEIS is expected to be filed with the Environmental Protection agency in February or March 1994 for public review and comment. Following a 45-day public comment period, a final SEIS will be prepared in support of the final Amendment 2 to be submitted by the Councils to the Secretary of Commerce for review and approval (expected by 1994).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 10, 1994.

Richard H. Schaefer,

Director of Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 94–946 Filed 1–13–94; 8:45 am]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 59, No. 10
Friday, January 14, 1994

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 94-001N]

National Advisory Committee on Microbiological Criteria for Foods; Meeting

Notice is hereby given that a meeting of the National Advisory Committee on Microbiological Criteria for Foods will be held January 31 through February 4, 1994: Monday, 8:30 a.m. to 5 p.m.; Tuesday, 8:30 a.m. to 5 p.m.; Wednesday, 8:30 a.m. to 5 p.m.; Thursday; 8:30 a.m. to noon; and Friday 8:30 a.m. to noon, at the Residence Inn Orlando, 7975 Canada Avenue, Orlando, Florida 32819, telephone (407) 345-0117.

The Committee provides advice and recommendations to the Secretaries of Agriculture and Health and Human Services concerning the development of microbiological criteria by which the safety and wholesomeness of food can be assessed, including criteria pertaining to microorganisms that indicate whether food has been processed using good manufacturing processes. The meeting will include discussion of the following topics as time permits.

Monday, January 31
- 8:30 a.m.-12 p.m.—Meat and Poultry Working Group
- 1:00 p.m.-5 p.m.—Meat and Poultry Working Group

Tuesday, February 1
- 8:30 a.m.-12 p.m.—Risk Analysis Working Group
- 1:00 p.m.-5 p.m.—Risk Analysis Working Group

Wednesday, February 2
- 8:30 a.m.-5 p.m.—Plenary Session

Thursday, February 3
- 8:30 a.m.-12 p.m.—Seafood Working Group

Friday, February 4
- 8:30 a.m.-12 p.m.—Plenary Session

The Committee meeting is open to the public on a space available basis. Interested persons may file comments prior to and following the meeting. Comments should be addressed to: Mr. Craig Fedchock, Advisory Committee Specialist, U.S. Department of Agriculture, Food Safety and Inspection Service, room 2151, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250. Background materials are available for inspection by contacting Mr. Fedchock on (202) 720-9150.

William J. Hudnall,
Associate Administrator.

[FR Doc. 94-1066 Filed 1-13-94; 8:45 am]

BILLING CODE 3410-DM

Forest Service

East Shore Project, Lake Tahoe Basin Management Unit (LTBMU), Washoe County, Douglas County, and Carson City Rural Area, NV

AGENCY: Forest Service, USDA.

ACTION: Notice, intent to prepare environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement on a proposal to harvest 30-40 million board feet of both merchantable and unmerchantable wood products from approximately 8,000 acres of National Forest System lands on the east side of Lake Tahoe in Nevada. Dead and dying trees would be cut, and a green tree thinning component is also proposed to improve forest health. Jeffrey pine beetle suppression comprises part of the project. The proposed action also uses prescribed fire and analyzes post sale treatments, including watershed improvement projects.

DATES: Agencies and the public are invited to participate at any stage of the process; however, the Forest Supervisor requests that individuals concerned with the scope of the analysis comment by February 14, 1994.

ADDRESSES: Written comments concerning the DEIS should be sent to the responsible official, Forest Supervisor, LTBMU, 870 Emerald Bay Road, Suite 1, South Lake Tahoe, California, 96150.

FOR FURTHER INFORMATION CONTACT: Direct questions concerning the proposed action and alternatives to Scott Parsons, Interdisciplinary Team Leader, (916) 573-2600 or the above address.

SUPPLEMENTARY INFORMATION: The proposed action harvests dead, dying, and diseased trees, many of which are beetle-infested, over approximately 8,000 acres of an 11,000-acre study area. Green trees would be thinned from overstocked stands, over about 2,000 acres, some of which overlap the salvage acreage, and some of which is separate. Some of the 30 to 40 million board feet removed will be useful lumber; much of the timber removed will have no commercial value.

Trees would be removed from gentle slopes by tractor skidding systems. Trees would be flown from steeper terrain by helicopter. No new permanent roads would be constructed; however, construction of additional temporary access roads and landing sites would be required, as well as reconstruction and restoration of existing historic roads.

This proposed action includes treatments that will follow removal of the trees. This includes (but is not limited to) site preparation, planting, treatment of slash generated by the project, obliteration of temporary and unneeded roads, and restoration of landings. Monitoring how effectively the project prevents future beetle attacks is part of "post sale" work. The use of prescribed fire will be analyzed, both as a post-harvest treatment and as a long-term management tool. This alternative treats the most acres with prescribed fire.

Heritage (historic archaeological) resources are dispersed throughout the study area. Most are the remains of 19th century logging, and not all of them will be protected. In addition to mitigation negotiated with the Advisory Council of Historic Preservation, a key component of the analysis is to seek and address enhancement opportunities for representative heritage properties.

Watershed restoration projects, road closures, and mistletoe reduction opportunities may also be included in the proposed action if they are, in the language of the National Environmental Policy Act (NEPA), "connected", "cumulative" in their effects with the removal of dead trees, or are "ripe for decision".

This action is proposed because of current forest mortality stemming from

historical activities. Beginning in the 1850's many of the 200–500 year old pine trees around Lake Tahoe were harvested in support of silver mining activities of the Comstock Lode. Earlier, the forest and consisted of diverse species that resisted drought and insect attacks. After logging slowed in the 1890's, the area began to revegetate naturally. But a new and different forest grew to replace the old. In the absence of frequently recurring fires, dense thickets of moisture-loving fir trees replaced much of the open pine forest that had been cut. The drought that began in 1987 weakened and killed those fir trees that had sprouted after the massive Comstock cutting.

Forty years of fire suppression has dramatically increased the density of trees and the amount of dead wood, standing or on the ground. Members of the public have expressed concern over the large numbers of dead trees the amount of forest fuels now present. Many requests have been made for projects to remove timber to reduce safety hazards, fire danger, and to improve visual quality. Such projects would reduce the "fuel loading" and could decrease the risk and severity of a catastrophic fire. Additionally, thinning of overstocked stands can be an effective way to prevent future catastrophic insect and disease outbreaks.

The environmental analysis provides the decisionmaker—the LTBMU Forest Supervisor with an evaluation of what will happen if nothing is done, and what may result from the proposed action, and other alternatives Such disclosure will allow a reasoned choice between management options. If an alternative other than No Action is preferable, then the work has to proceed quickly. If actively infested trees are removed before the onset of summer when the beetles fly, then fewer healthy trees may be attacked. On small scale, high value areas, such as the East Shore beaches, beetle suppression work may reduce the number of large Jeffrey pines that die. Further, trees that are harvested quickly will have more commercial value. The high cost of a predominantly helicopter operation could deter potential bidders as the soundness of the trees declines. Consequently, project implementation is expected to begin during the summer or fall of 1994.

Over sixty agencies, organizations, and individuals were notified of this proposed project through the LTBMU NEPA Status Report. A public meeting was held on October 5, 1993 as part of the scoping process. Some people also provided written comments. Tahoe Regional Planning Agency staff was briefed about the project on November 10, 1993. The Nevada State Historic Preservation Officer has also been briefed.

Originally conceived and publicly scoped as a project whose environmental analysis would be documented in an environmental assessment, it was determined in late December 1993 that its potential environmental effects warrant an Environmental Impact Statement (EIS). Project activities will adversely affect heritage resources in a National Register-eligible historic district.

While the type of NEPA documentation has changed since the project's conception, the project itself has not changed. Consequently, only minimal additional public scoping will occur. A public and agency briefing on the project, to be announced in the Tahoe Daily Tribune and through letters sent to those parties who have expressed interest in the East Shore Project, will be held on January 26, 1994, at the El Dorado County Library at 1000 Rufus Allen Boulevard in South Lake Tahoe. Participants in the planning process will be sent copies of the draft EIS for the public comment period. Availability of the draft EIS will also be noticed in the **Federal Register**, and the Tahoe Daily Tribune, the LTBMU's newspaper of record. Written comments and suggestions received by January 24, 1994 will be addressed in the draft EIS.

The "no action" alternative proposes a continuation of the current types of management activities currently conducted in the study areas, without imposing impacts from logging to heritage resources. Trees which pose hazards to life and property will be taken down. While the long-term management of the Genoa Peak road system is primarily for off-highway vehicle use, road reconstruction and maintenance at a logging truck standard along a portion of the road will be required to accommodate log haul for timber sales on the adjacent Toiyabe National Forest, as analyzed in the Carson District's Spooner Salvage Sale environmental assessment. Short-term road closures will prevent public recreation use of parts of the area during timber sale operations. Obliteration of nonhistoric nonsystem roads, maintenance of existing system roads and trails, watershed improvement projects, and study and management of the proposed National Register District will continue as part of ongoing programs.

The "salvage only" alternative harvests dead, dying, and diseased trees, many of which are beetle-infested, over approximately 6,600 acres. No green tree thinning will occur. Removal of about 30 MMBF of both merchantable and unmerchantable material is anticipated. This alternative includes all components of the proposed action, except when modified as described: (1) While treatment of activity fuels will occur, only limited use of prescribed fire as a management tool is proposed, in selected areas, such as for use as a fuelbreak near urban areas; (2) site preparation and planting will occur on high value areas only (such as at the beaches and along roadway corridors) and natural regeneration only will occur in general forest zones; and (3) only temporary roads and landings used as part of the project will be obliterated.

The fourth alternative emphasizes helicopter harvesting in areas with significant heritage resources. It harvests dead, dying, and diseased trees, many of which are beetle-infested, over approximately 6,750 acres—with approximately 550 acres less tractor logging than alternatives two or three. Green trees would be thinned from overstocked stands only within those areas entered for salvage activities. Removal of 30 to 35 MMBF of both merchantable and unmerchantable material is anticipated. This alternative includes all components of the proposed action, except when modified as described: (1) While treatment of activity fuels will occur, only limited use of prescribed fire as a management tool is proposed, in selected areas, such as for use as a fuelbreak near urban areas.

Implementation of this project requires a permit from the Tahoe Regional Planning Agency (TRPA). It is in a classification of actions requiring TRPA Governing Board review and approval. Additionally, encroachment permits from the Nevada Department of Transportation are required for project implementation. Consultation with the Nevada State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation (ACHP) in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 *et seq.*) is required. Concurrence from the U.S. Fish and Wildlife Service is needed if the Forest Service Biological Assessment results in a "may affect" determination.

The decision on this analysis, pursuant to NEPA, is made by Lake Tahoe Basin Management Unit Forest Supervisor, Robert Harris, as the Forest Service is the lead agency under NEPA. There is no other joint lead agency and no cooperating agencies under NEPA.

The draft EIS is anticipated to be filed with the Environmental Protection Agency and made available to the

public for comment in February of 1994. The final EIS and its Record of Decision is expected in May of 1994. The decision will be appealable under Forest Service regulations found at 36 CFR part 215.

The comment period for the draft EIS will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the Federal Register. The public will also be informed of the availability of the DEIS by news releases issued to the media in the Lake Tahoe region. It is very important that those interested in this proposed action participate at that time. To be the most helpful, comments on the draft EIS should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see the Council on Environmental Quality Regulations for implementing the procedural provisions of NEPA at 40 CFR 1503.3).

In addition, Federal court decisions have established that reviewers of draft EIS' must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final EIS. *City of Angoon* v. *Hodel*, (9th Circuit, 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available for the Forest Service at a time when it can meaningfully consider them and respond to them in the final.

Dated: January 4, 1994.

John R. Swanson,

Acting Forest Supervisor.

[FR Doc. 94–917 Filed 1–13–94; 8:45 am]

BILLING CODE 3410–11–M

Restoration Plan for the Exxon Valdez Oil Spill Area, Prince William Sound, Gulf of Alaska, and Alaska Peninsula, AK

AGENCY: Forest Service, USDA.

ACTION: Revised notice of intent to prepare an Environmental Impact Statement.

SUMMARY: On April 10, 1992 (57 FR 12473–12475) on behalf of the Exxon Valdez Trustee Council, the Department of Agriculture, Forest Service published a Notice of Intent to prepare a programmatic Environmental Impact Statement (EIS) for the development of a Restoration Plan following the March 24, 1989, Exxon Valdez oil spill. This notice revises the dates for completion of the Draft and Final EIS and provides more information on the proposed action. The responsible official for the preparation of the EIS is the Regional Forester, Michael A. Barton. The Restoration Plan will establish management direction and guide all natural resource restoration activities covered by the civil settlement to the Exxon Valdez oil spill.

DATES: Initial comments concerning the proposed development of a Restoration Plan should be received by February 7, 1994.

ADDRESSES: Send written comments to or for further information contact Rod Kuhn, EIS Project Manager, 645 G Street, Anchorage, Alaska, 99501; phone (907) 278–8012.

SUPPLEMENTARY INFORMATION:

A. Introduction

On October 8, 1991, a federal court approved settlement between the State and Federal governments and Exxon under which Exxon will pay $1 billion in criminal restitution and civil damages to the governments. The State and Federal Trustees will receive $900 million in civil damages from Exxon over the 10 years. The funds are to be used to restore to their pre-spill condition the natural resources and the services they provide, that were injured by the Exxon Valdez oil spill. This includes the restoration of any natural resource injured, lost or destroyed and the services provided by that resource or which replaces or substitutes for the injured, lost or destroyed resource and affected services. Restoration includes all phases of injury assessment, restoration, replacement, and enhancement of natural resources, and acquisition of equivalent resources and services.

All decisions about restoration and uses of restoration funds are determined by six natural resources Trustees, three Federal and three State. The three Federal Trustees are: The Administrator for the National Oceanic and Atmospheric Administration, U.S. Department of Commerce, and the Secretaries of the Department of Agriculture and of the Interior. The three State Trustees are: The Commissioners of Fish and Game and Environmental Conservation, and the Attorney General. A Trustee Council, located in Alaska, which is made up of designees of the Federal Trustees and the three State Trustees, is responsible for decisions relating to the assessment of injuries, uses of the restoration funds, and all restoration activities including the preparation of a Restoration Plan.

On April 10, 1992 (57 FR 12473–12475) on behalf of the Exxon Valdez Trustee Council, the Forest Service published a Notice of Intent to prepare an EIS on the Restoration Plan. Since then the Trustee Council has developed a draft Restoration Plan which has become the proposed action for the analysis to be conducted in the EIS.

B. Draft Restoration Plan

The proposed action (Draft Restoration Plan) consists of nine policy statements, a discussion of categories of restoration actions and broad objectives for injured resources. The policies for identifying and conducting restoration actions are:

1. The restoration program will take an ecosystem approach.
2. Restoration activities may be considered for any injured resource or service.
3. Most restoration activities will occur within the spill area. However, restoration activities outside the spill are, but within Alaska, may be considered when the most effective restoration actions for an injured migratory population are in a part of its range outside the spill area or when the information acquired from research and monitoring activities outside the spill area will be important for restoration or understanding injuries within the spill area.
4. Restoration activities will emphasize resources and services that have not recovered. Resources and service will be enhanced, as appropriate, to promote restoration. Restoration projects should not adversely affect the ecosystem.
5. Projects designed to restore or enhance an injured service must have a sufficient relationship to an injured resource; must benefit the same user group that was injured; and, should be compatible with the character and public uses of the area.
6. Competitive proposals for restoration projects will be encouraged.
7. Restoration projects will be subject to independent scientific review before Trustee Council approval.
8. Meaningful public participation in restoration decisions will be actively solicited.
9. Government agencies will be funded only for restoration work that they do not normally conduct.

Four types of restoration actions are identified and discussed in the Draft Restoration Plan: General restoration, habitat protection and acquisition, monitoring and research, and public information and administration.

Alternatives to the proposed action will place different emphases on each of these categories of restoration actions.

General Restoration consists of activities that fall within manipulation of the environment, management of human use for reduction of marine pollution. Decisions about conducting general restoration projects would look at the following factors: Extent of natural recovery, the value of an injured resource to the ecosystem and to the public, the duration of benefits, the technical feasibility of the project, the likelihood of success, the relationship of costs to expected benefits, potential for harmful side effects, benefits to more than one resource, effects on health and human safety, consistency with applicable laws, and policies, and duplication with other actions.

Habitat Protection and Acquisition is a category that includes purchase of private land or interests in land such as conservation easements, mineral rights, or timber rights. It also includes recommendations for changing public agency management practices. Specific policies that relate to habitat protection and acquisition are proposed. These policies deal with ranking potential lands to determine potential benefits, the need for a willing seller, purchasing at fair market value, post acquisition management of the acquired lands and involving the public in the prioritization process.

Monitoring and Research consists of recovery monitoring, restoration monitoring and ecological monitoring and research. Specific policies governing the selecting and performance of monitoring activities are discussed in the Draft Restoration Plan.

Public Information and Administration is the last category of restoration actions. It consists of all necessary administrative actions that are not attributable to a particular project. The Draft Restoration Plan goal for this category is for administrative costs to average no more than 5 percent of overall restoration expenditures for the remainder of the settlement period.

General restoration objectives have been developed for resources that are recovering, resources not recovering, resources where the recovery is unknown, resources such as archaeological resources and wilderness, and services. These broad objectives will guide in the development of annual work plans.

Further information regarding the proposed action and possible restoration alternatives is included in the Exxon Valdez Oil Spill Restoration, Volume I: Restoration Framework, April, 1992; the Draft Exxon Valdez Oil Spill Restoration Plan, Summary of Alternatives for Public Comment, April 1993; the Supplement to Draft Exxon Valdez Oil Spill Restoration Plan, Summary of Alternatives for Public Comment, June 1993; the Summary of Public Comment on Alternatives of the Draft Exxon Valdez Oil Spill Restoration Plan, September 1993; and the Draft Exxon Valdez Oil Spill Restoration Plan, November 1993. Copies of these documents may be required from the Oil Spill Public Information Office, 645 G. Street, Anchorage, Alaska, 99501. Phone number 907 278–8008 or within Alaska 800 478–7745, outside Alaska 800 283–7745.

C. Scoping and Issue Development

With publication of this Revised Notice of Intent, the Trustees are continuing a process intended to identify those issues that need to be addressed in preparing the Draft EIS (DEIS). Under the National Environmental Policy Act, this process is called "scoping." Two rounds of public meetings have been held within the spill area soliciting comments on development of the Draft Restoration Plan. The results of the scoping to date have guided the preparation of the Draft Restoration Plan. During the scoping process for development of the proposed action the Trustees obtained information, comments, and assistance from Federal, State and local agencies, and other individuals or organizations interested in, or affected by restoration. Several of the documents referenced above provide summaries of public comments received to date.

Further scoping is being conducted to identify the issues to be addressed in the EIS and the range of alternatives that will need to be developed and analyzed. In addition to publishing this Revised Notice of Intent, interested and affected people within the spill area will be contacted through the news media. The Public Advisory Group will also be contacted soliciting comments.

D. Expected Time for Completion

A DEIS should be filed with EPA by mid June 1994 and the final EIS should be filed in late October 1994. The Trustees will consider the comments, responses, disclosure of environmental consequences, and applicable laws, regulations and policies in making decisions regarding restoration.

E. Comments

The comment period on the DEIS will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the **Federal Register**. It is very important that those interested in this proposed action participate at that time. To be most helpful, comments on the DEIS statement should be as specific as possible, and may address the adequacy of the statement or the merits of the alternatives discussed. (See the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3).

In addition, Federal court decisions have established that reviewers of DEIS statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and concerns. *Vermont Yankee Nuclear Power Corp.* v. *NRDC.* 435 U.S. 519, 553 (1978). Environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final EIS. *Wisconsin Heritage, Inc.* v. *Harris*, 490 F. Supp. 1334, 1138 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final.

Dated: January 6, 1994.

Michael A. Barton,

Regional Forester.

[FR Doc. 94–959 Filed 1–13–94; 8:45 am]

BILLING CODE 3410–11–M

Compartment 28 (Zulu Smoot) Timber Sales; Kootenai National Forest; Lincoln County, MT

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement (EIS) to analyze and disclose the environmental impacts of a proposal to harvest timber and construct and reconstruct roads in the Zulu and Can Creek and South Fork of the Yaak River drainages located about 18 air miles northeast of Troy, Montana. This EIS will tier to the Kootenai National Forest Land and Resource Management Plan and EIS, which provide overall guidance for achieving the desired forest condition of the area. The purpose of the proposed action is to harvest dead, dying or high risk (to mountain pine beetle infestation) stands of lodgepole pine to reduce potential excessive future natural fuel loadings, increase the health and productivity of stands that are currently declining in vigor and

provide a more balanced distribution of timber age classes in the Project Area.

DATES: Written comments and suggestions should be received no later than February 28, 1994.

ADDRESSES: Send written comments to John R. Righter, District Ranger, Three Rivers Ranger District, 1437 North Highway 2, Troy, Montana, 59935.

FOR FURTHER INFORMATION CONTACT: Monte Fujishin, Supervisory Forester, (406) 295–4693.

SUPPLEMENTARY INFORMATION: The timber management activities under consideration would occur within a 13,234 acre analysis area which includes 8,000 acres of Inventoried Roadless Area X166, Pink Mountain (6,400 acres), and portion of 684, Roderick (approximately 1,600 acres).

The proposed action would harvest about 7.2 million board feet from 15 harvest units totalling 706 acres. Approximately six miles of new specified road would be constructed and 2 miles of existing road would be reconstructed. Approximately 1.5 miles of temporary road would be required and approximately .6 miles of constructed skid trail. With this proposed action, a portion of the roadless areas may be affected.

There are a variety of purposes for timber harvest and reforestation in the South Fork Yaak area; the primary purposes are: (1) To improve timber productivity by replacing stands of dead dying or high risk lodgepole pine with younger, more vigorously growing trees; (2) to salvage the dead and lodgepole pine; (3) to reduce potentially future catastrophic wildfire conditions by removal of natural dead or dying fuels; and (4) to increase the overall health and vigor of other stands being considered for management. Additionally, the purpose of road construction and reconstruction is to facilitate access to the timber stands to be harvested.

The project area consists of approximately 13,234 acres located in Sections 2–11, 4–22, 28–30, T34N, R31W; Sections 1, 12, 13, 24, 25, T34N, R32W; Sections 29–34, T35N, R31W; and Section 36, T35N, R32W; P.M.M., Lincoln County, Montana.

The decision to be made is what, if anything, should be done in the South Fork Yaak River Project Area to: (a) Increase timber health and productivity and contribute to the Forest's sustained yield of timber products, (b) reduce natural fuel loadings of dead and dying lodgepole pine as a result of past and potential mountain pine beetle infestations, (c) dispose of slash and reforest harvested lands, (d) develop and manage the road system to facilitate removal of timber, reforest stands and maintain or improve wildlife security and (e) create a situation of better age class distributions of stands within project area.

The Kootenai Forest Plan provides guidance for management activities within the potentially affected area through its goals, objectives, standards and guidelines, and management area direction. The areas of proposed timber harvest and reforestation would occur within Management Areas 12, 15, 17 and 14. Timber harvest would occur only on suitable timber land. Road construction and reconstruction would occur in these four management areas. Below is a brief description of the applicable management direction.

Management Area 12—These are areas that contain productive timber lands which are suitable for timber harvest, provided that big game summer habitat objectives are met.

Management Area 14—These are areas that contain productive timber lands which are suitable for timber harvest, provided that grizzly bear habitat objectives are met.

Management Area 15—These are areas that contain productive timber lands which are suitable for timber harvest.

Management Area 17—These are areas that contain productive timber lands which are suitable for timber harvest, viewing objectives are met.

The Forest Service will consider a range of alternatives. One of these will be the "no action" alternative, in which none of the proposed activities will be implemented. Additional alternatives will examine varying levels and locations for the proposed activities to achieve the proposal's purposes, as well as to respond to the issues and other resource values.

The EIS will analyze the direct, indirect, and cumulative environmental effects of the alternatives. Past, present, and projected activities on National Forest Lands will be considered. The EIS will disclose the analysis of site-specific mitigation measures and their effectiveness.

Public participation is an important part of the analysis, commencing with the initial scoping process (40 CFR 1501.7) which has already occurred in December of 1991. In addition, the public is encouraged to visit with Forest Service officials at any time during the analysis and prior to the decision. The Forest Service will be seeking information, comments, and assistance from Federal, State and local agencies and other individuals or organizations who may be interested in or affected by the proposed action. No public meetings are scheduled at this time.

Comments from the public and other agencies will be used in preparation of the Draft EIS. The scoping process will be used to:

1. Identify potential issues.
2. Identify major issues to be analyzed in depth.
3. Eliminate minor issues or those which have been covered by a relevant previous environmental analysis, such as the Kootenai Forest Plan EIS.
4. Identify alternatives to the proposed action.
5. Identify potential environmental effects of the proposed action and alternatives (i.e., direct, indirect, and cumulative effects).
6. Determine potential cooperating agencies and task assignments.

Preliminary scoping, including public and agency participation, was initiated in December, 1991, and has continued through this year. Until recently, an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) were envisioned. However, it became apparent to the Interdisciplinary Team that there could be significant effects on the human environment in Roadless Areas X166 and 684.

The principal environmental issues identified to date are related to:

1. Impacts on the character of the area of Roadless Area 684 and X166.
2. Impacts on fish habitat and other beneficial uses due to potential sediment increase.
3. Impacts on big game security and habitat.
4. Fuels accumulations in terms of potential catastrophic wildfire situations.

Other issues commonly associated with timber harvesting and road construction include: effects on water quality, cultural resources, soils, old growth, and visuals. This list may be verified, expanded, or modified based on public scoping for this proposal.

Consultation with the U.S. Fish and Wildlife Service has been initiated with regard to listed species. The Montana Department of Health and Welfare-Division of Environmental Quality, Montana Department of Fish and Game, and the Kootenai Salish Indian Tribe will also be consulted.

While public participation in this analysis is welcome at any time, comments received within 45 days of the publication of this notice will be especially useful in the preparation of the draft EIS, which is expected to be filed with the EPA and available for public review in March, 1994. A 45-day comment period will follow publication of a Notice of Availability of the draft

EIS in the **Federal Register**. The comments received will be analyzed and considered in preparation of a final EIS, which will be accompanied by a Record of Decision. The final EIS is expected to be filed in June, 1994.

The Forest Service believes it is important at this early stage to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft EISs must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 513 (1978). Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts *City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Cir, 1986) and *Wisconsin Heritages Inc.* v. *Harris*, 490 F.Supp. 1334, 1338 (E.D. Wis., 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments should be as specific as possible. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

I am the responsible official for this environmental impact statement.

Dated: January 5, 1994.

Robert L. Schrenk,

Forest Supervisor, Kootenai National Forest.

[FR Doc. 94-915 Filed 1-13-94; 8:45 am]

BILLING CODE 3410-11-M

Boppin Basin Salvage Sale; Kootenai National Forest; Lincoln County, MT

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement (EIS) to analyze and disclose the environmental impacts of a proposal to harvest timber and construct and reconstruct roads in the East and West Fork of Basin Creek located about 29 air miles northeast of Troy, Montana. This EIS will tier to the Kootenai National Forest Land and Resource Management Plan and EIS, which provide overall guidance for achieving the desired forest condition of the area. The purpose of the proposed action is to help reduce existing natural fuel loadings of standing and down dead lodgepole pine, increase the productivity on those suitable areas that sites currently are not growing anywhere near full potential and increase the health and vigor of proposed salvage stands which will help maintain a more equal distribution of timber age classes.

DATES: Written comments and suggestions should be received by February 28, 1994.

ADDRESSES: Send written comments to John B. Righter, District Ranger, Three Rivers Ranger District, 1437 North Highway 2, Troy, Montana, 59935.

FOR FURTHER INFORMATION CONTACT: Monte Fujishin, Supervisory Forester, (406) 295-4693.

SUPPLEMENTARY INFORMATION: The timber salvage management activities under consideration would occur within a 6,046 acre analysis area which is immediately adjacent to the East and West Fork of Basin Creek.

The proposed action would harvest about 17.6 million board feet from 10 harvest units totaling 1,258 acres. Approximately 4 miles of new road would be constructed and 3 miles of existing road would be reconstructed.

There are a variety of purposes for timber harvest and reforestation in the Basin Creek area; the primary purposes are: (1) To improve timber productivity by replacing stands of dead, down or dying lodgepole pine with younger, more vigorously growing trees; (2) to salvage the dead; down and dying lodgepole pine; and (3) to reduce potentially catastrophic wildfire conditions by removal of natural dead, down or dying fuels. Additionally, the purpose of road construction and reconstruction is to facilitate access to the timber stands to be harvested.

The project area consists of approximately 6,046 acres located in Sections 20-22, 26-29, and 32-34, T36N, R30N, P.M.M., Lincoln County, Montana.

The decision to be made is what, if anything, should be done in the Basin Creek Project Area to: (a) Increase timber productivity and contribute to the Forest's sustained yield of timber products through salvage operations, (b) reduce natural fuel loadings of dead, down and dying lodgepole pine as a result of past mountain pine beetle infestations, (c) dispose of slash and reforest harvested lands, (d) develop and manage the road system to facilitate removal of timber, reforest stands and maintain or improve wildlife and (e) create a situation of better age class distributions of stands within project area.

The Kootenai Forest Plan provides guidance for management activities within the potentially affected area through its goals, objectives, standards and guidelines, and management area direction. The areas of proposed timber harvest and reforestation would occur within Management Areas 12 and 14. Timber harvest would occur only on suitable timber land. Road construction and reconstruction would occur in these two management areas plus Management Area 13 when crossing the East Fork of Basin Creek. Below is a brief description of the applicable management direction.

Management Area 12—These are areas that contain productive timber lands which are suitable for timber harvest, provided that big game summer habitat objectives are met.

Management Area 13—These are areas that contain special habitat characteristics which are suitable for old-growth dependent wildlife. Local road construction is permitted, providing that they are restricted following use to protect snag characteristics.

Management Area 14—These are areas that contain productive timber lands which are suitable for timber harvest, provided that grizzly bear habitat objectives are met.

The Forest Service will consider a range of alternatives. One of these will be the "no action" alternative, in which none of the proposed activities will be implemented. Additional alternatives will examine varying levels and locations for the proposed activities to achieve the proposal's purposes, as well as to respond to the issues and other resource values.

The EIS will analyze the direct, indirect, and cumulative environmental effects of the alternatives. Past, present, and projected activities on National Forest Lands will be considered. The EIS will disclose the analysis of site-specific mitigation measures and their effectiveness.

Public participation is an important part of the analysis, commencing with the initial scoping process (40 CFR 1501.7) which has already occurred in March of 1992. In addition, public is encouraged to visit with Forest Service officials at any time during the analysis and prior to the decision. The Forest Service will be seeking information, comments, and assistance from Federal, State and local agencies and other

individuals or organizations who may be interested in or affected by the proposed action. No public meetings are scheduled at this time. Comments from the public and other agencies will be used in preparation of the Draft EIS. The scoping process will be used to:

1. Identify potential issues.
2. Identify major issues to by analyzed in depth.
3. Eliminates minor issues or those which have been covered by a relevant previous environmental analysis, such as the Kootenai Forest Plan EIS.
4. Identify alternatives to the proposed action.
5. Identify potential environmental effects of the proposed action and alternatives (i.e. direct, indirect, and cumulative effects).
6. Determine potential cooperating agencies and task assignments.

Preliminary scoping, including public and agency participation, was initiated in March, 1992, and has continued through this year. Until recently, an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) were envisioned. However, it became apparent to the Interdisciplinary Team that due to the size and scope of the proposed action, that effects on the biological characteristics of the area could be considered significant. In such cases, an EIS is required.

The principal environmental issues identified to date are related to:

1. Wildlife habitat and security maintenance.
2. Fuels treatment and accumulations in terms of potential catastrophic wildfire situations.

Other issues commonly associated with timber harvesting and road construction include: effects on water quality, cultural resources, soils, old growth, and visuals. This list may be verified, expanded, or modified based on public scoping for this proposal.

Consultation with the U.S. Fish and Wildlife Service has been initiated with regard to listed species. The Montana Department of Health and Welfare-Division of Environmental Quality, Montana Department of Fish and Game, and the Kootenai Salish Indian Tribe will also be consulted.

While public participation in this analysis is welcome at any time, comments received within 45 days of the publication of this notice will be especially useful in the preparation of the draft EIS, which is expected to be filed with the EPA and available for public review in March, 1994. A 45-day comment period will follow publication of a Notice of Availability of the draft EIS in the **Federal Register**. The comments received will be analyzed and considered in preparation of a final EIS, which will be accompanied by a Record of Decision. The final EIS is expected to be filed in June, 1994.

The Forest Service believes it is important at this early stage to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft EIS's must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 513 (1978). Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts *City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages Inc.* v. *Harris*, 490 F.Supp. 1334, 1338 (E.D. Wis., 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments should be as specific as possible. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

I am the responsible official for this environmental impact statement.

Dated: January 5, 1994.

Robert L. Schrenk,

Forest Supervisor, Kootenai National Forest.

[FR Doc. 94–916 Filed 1–13–94; 8:45 am]

BILLING CODE 3410–11–M

Newberry National Volcanic Monument Advisory Council Meeting

AGENCY: Forest Service, USDA.

ACTION: Newberry National Volcanic Monument Advisory Council Meeting.

SUMMARY: The Newberry National Volcanic Monument Advisory Council will meet on February 3 and 4, 1994 at the Bend/Fort Rock Ranger District, 1230 NE 3rd Street in Bend, Oregon. The meetings will begin at 9 a.m. and continue until 4 p.m. Agenda items to be covered include: reviewing the draft Environmental Impact Statement for the Monument, staff reports on the winter recreation season, and public comments on the draft plan for the Monument.

Interested members of the public are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Carolyn Wisdom, Project Coordinator, Fort Rock Ranger District USFS, 1230 NE 3rd, Bend, OR 97701, (503) 383–4702 or 383–4704.

Dated: December 22, 1993.

Sally Collins,

Deschutes National Forest Supervisor.

[FR Doc. 94–918 Filed 1–13–94; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

Cane-Mussacuna Creeks Watershed, DeSoto County, MS

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR part 1500); the Soil Conservation Service Regulations (7 CFR part 650); and the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Cane-Mussacuna Creeks Watershed, DeSoto County, Mississippi.

FOR FURTHER INFORMATION CONTACT: L. Pete Heard, State Conservationist, Soil Conservation Service, Suite 1321, Dr. A.H. McCoy Federal Building, 100 West Capitol Street, Jackson, Mississippi 39269–1399, telephone (601) 965–5205.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, L. Pete Heard, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project purposes are to reduce damage to agricultural land and public utilities, reduce downstream damages due to sedimentation, reduce land loss from channel instability and to reduce flooding of crop fields. The planned works of improvement include one hundred sixteen minor grade control (pipe) structures, eight road culvert stabilization (rock) sites, five major grade control structures, ten thousand

linear feet of stream bank stabilization, approximately 4.7 miles of channel restoration and accelerated technical assistance for land treatment.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting L. Pete Heard.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904, Watershed Protection and Flood Prevention, and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials.)

L. Pete Heard,

State Conservationist.

[FR Doc. 94–945 Filed 1–13–94; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

Under Secretary for Export Administration

[Docket Number AB–3–89]

Martin Brothers International, Respondent; Order Modifying Administrative Appeal Decision and Order

On November 30, 1993, I entered an Administrative Appeal Decision and Order in the above-captioned matter imposing a civil penalty of $75,000 on Martin Brothers International and denying Martin Brothers International's export privileges for one year, with the last 10 months suspended.

Through inadvertence, that Order failed to state the date upon which the civil penalty is due. To correct that oversight, I hereby order that the $75,000 civil penalty imposed in the November 30, 1993 Administrative Appeal Decision and Order in the above-captioned matter is due and shall be paid in its entirety, in accordance with the attached instructions, within 30 days of the date of this Order.

In addition, that Order failed to list the countries in the Middle East to which Martin Brothers International is denied export privileges for one year, with the last 10 months suspended. To correct that oversight, I hereby order that the September 9, 1992 Supplement to Decision and Order issued by the Administrative Law Judge is modified by adding the following sentence at the end of Part II. thereof:

For purposes of this Order, "Middle East destinations" include Bahrain, Iraq, Jordan, Kuwait, Lebanon, Libya, Oman, Qatar, Saudi Arabia, Syria, United Arab Emirates, and the Republic of Yemen.

This order, which is effective immediately, shall be served on Martin Brothers International and published in the **Federal Register**.

Entered this 6th day of January 1994.

Barry E. Carter,

Acting Under Secretary for Export Administration.

[FR Doc. 94–942 Filed 1–13–94; 8:45 am]

BILLING CODE 3510–DT–M

Minority Business Development Agency

Business Development Center Applications: Las Vegas, Nevada

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: In accordance with Executive Order 11625 and 15 U.S.C. 1512, the Minority Business Development Agency (MBDA) is soliciting competitive applications under its Minority Business Development Center (MBDC) Program. The total cost of performance for the first budget period (12 months) from May 1, 1994 to April 30, 1995, is estimated at $198,971. The application must include a minimum cost-share of 15% of the total project cost through non-Federal contributions. Cost-sharing contributions may be in the form of cash contributions, clients fees, in-kind contributions or combinations thereof. The MBDC will operate in the Las Vegas, Nevada Geographic Service Area.

The funding instrument for this project will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian tribes and educational institutions.

The MBDC program provides business development services to the minority business community to help establish and maintain viable minority businesses. To this end, MBDA funds organizations to identify and coordinate public and private sector resources on behalf of minority individuals and firms; to offer a full range of management and technical assistance to minority entrepreneurs; and to serve as a conduit of information and assistance regarding minority business.

Applications will be evaluated on the following criteria: The experience and capabilities of the firm and its staff in addressing the needs of the business community in general and specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodologies) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to each evaluation criteria category to be considered programmatically acceptable and responsive. Those applications determined to be acceptable and responsive will then be evaluated by the Director of MBDA. Final award selections shall be based on the number or points received, the demonstrated responsibility of the applicant, and the determination of those most likely to further the purpose of the MBDA program. Negative audit findings and recommendations and unsatisfactory performance under prior Federal awards may result in an application not being considered for award. The applicant with the highest point score will not necessarily receive the award.

MBDCs shall be required to contribute at least 15% of the total project cost through non-Federal contributions. To assist in this effort, the MBDCs may charge client fees for management and technical assistance (M&TA) rendered. Based on a standard rate of $50 per hour, the MBDC will charge client fees at 20% of the total cost for firms with gross sales of $500,000 or less, and 35% of the total cost for firms with gross sales of over $500,000.

Quarterly reviews culminating in year-to-date evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the total discretion of MBDA based on such factors as an MBDC's performance, the availability of funds and Agency priorities.

DATES: The closing date for applications is February 18, 1994. Applications must be postmarked on or before February 18, 1994.

The mailing address for submission is: San Francisco Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 221 Main Street, room

1280, San Francisco, California 94105, 415/744–3001.

A pre-application conference to assist all interested applicants will be held at the following address and time: San Francisco Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 221 Main Street, room 1280, San Francisco, California 94105, February 1, 1994 at 10 a.m.

FOR FURTHER INFORMATION CONTACT: Xavier Mena, Regional Director, San Francisco Regional Office at 415/744–3001.

SUPPLEMENTARY INFORMATION: Anticipated processing time of this award is 120 days. Executive Order 12372, "Intergovernmental Review of Federal Programs," is not applicable to this program. The collection of information requirements for this project have been approved by the Office of Management and Budget (OMB) and assigned OMB control number 0640–0006. Questions concerning the preceding information can be answered by the contact person indicated above, and copies of application kits and applicable regulations can be obtained at the above address.

Pre-Award Costs

Applicants are hereby notified that if they incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal assurance that an applicant may have received, there is no obligation on the part of the Department of Commerce to cover pre-award costs.

Awards under this program shall be subject to all Federal laws, and Federal and Departmental regulations, policies, and procedures applicable to Federal financial assistance awards.

Outstanding Account Receivable

No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either the delinquent account is paid in full, a repayment schedule is established and at least one payment is received, or other arrangements satisfactory to the Department of Commerce are made.

Name Check Policy

All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management, honesty or financial integrity.

Award Termination

The Departmental Grants Officer may terminate any grant/cooperative agreement in whole or in part at any time before the date of completion whenever it is determined that the award recipient has failed to comply with the conditions of the grant/cooperative agreement. Examples of some of the conditions which can cause termination are unsatisfactory performance of MBDC work requirements, and reporting inaccurate or inflated claims of client assistance. Such inaccurate or inflated claims may be deemed illegal and punishable by law.

False Statements

A false statement on an application for Federal financial assistance is grounds for denial or termination of funds, and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

Primary Applicant Certifications

All primary applicants must submit a completed Form CD–511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying."

Nonprocurement Debarment and Suspension

Prospective participants (as defined at 15 CFR part 26, section 105) are subject to 15 CFR Part 26, "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies.

Drug Free Workplace

Grantees (as defined at 15 CFR part 26, § 26.605) are subject to 15 CFR part 26, subpart F, "Governmentwide Requirements for Drug-Free Workplace (Grants)" and the related section of the certification form prescribed above applies.

Anti-Lobbying

Persons (as defined at 15 CFR part 28, § 26.105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000.

Anti-Lobbying Disclosures

Any applicant that has paid or will pay for lobbying using any funds must submit an SF–LLL, "Disclosure of Lobbying Activities," as required under 15 CFR part 28, appendix B.

Lower Tier Certifications

Recipients shall require applications/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying" and disclosure form, SF–LLL, "Disclosure of Lobbying Activities." Form CD–512 is intended for the use of recipients and should not be transmitted to DOC. SF–LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance).

Dated: January 7, 1994.

Xavier Mena,

Regional Director, San Francisco Regional Office.

[FR Doc. 94–960 Filed 1–13–94; 8:45 am]

BILLING CODE 3510–21–M

National Oceanic and Atmospheric Administration

[I.D. 010794B]

Mid-Atlantic Fishery Management Council; Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) and its Large Pelagic/Shark Committee, Executive Committee, Summer Flounder Monitoring Committee, and Scallop and Lobster Committee will meet on January 24–27, 1994, at the Dunes Manor Hotel, 28th Street and the Ocean, Ocean City, MD; telephone: (410) 289–1100.

The Large Pelagic/Shark Committee will meet on January 25 at 3:30 p.m. and continue until 5 p.m. The Council will meet on January 26 at 8 a.m. and continue until 5 p.m. On January 27 the Council will reconvene at 8 a.m. and continue until 12 noon.

The following topics will be discussed:

(1) NMFS proposed rule on undersized swordfish;

(2) NMFS proposed rule on shark trip limits;

(3) Possible action on National Fishing Association petition;

(4) Summer flounder recreational fishery management measures for 1994;

(5) American Lobster fishery management plan Amendment #5; and

(6) Committee reports and other fishery matters as deemed necessary.

The Council meeting may be lengthened or shortened based on the progress of the agenda. The Council may go into closed session (not open to the public) to discuss personnel or national security matters. The Summer Flounder Monitoring Committee will meet with the Council during part of the session.

In addition, the Stock Assessment Workshop (SAW) will meet on January 24 beginning at 1 p.m. until approximately 5 p.m. On January 25 the SAW meeting will reconvene at 8 a.m. and adjourn at 12 noon.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis on (302) 674–2331 at least five (5) days prior to the meeting date.

FOR FURTHER INFORMATION CONTACT: David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, room 2115, Federal Building, 300 South New Street, Dover, DE 19901; telephone: (302) 674–2331.

Dated: January 10, 1994.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 94–1029 Filed 1–13–94; 8:45 am]

BILLING CODE 3510–22–P

[I.D. 010794A]

Pacific Fishery Management Council; Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Pacific Fishery Management Council's Groundfish Permit Review Board will hold a public meeting on February 1–3, 1994, at the Red Lion Sea-Tac, 18740 Pacific Highway South, Seattle, WA; telephone: (206) 246-8600. The meeting will begin on February 1 at 1 p.m., and reconvene on February 2 and February 3 at 8 a.m. The sessions will not adjourn until the business for each day is completed and therefore may go into the evening hours.

The purpose of the meeting is to review appeals on applications for West Coast groundfish limited entry permits which were denied by the National Marine Fisheries Service.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas Bigford on (206) 526-6140 at least five (5) days prior to the meeting date.

FOR FURTHER INFORMATION CONTACT: Thomas Bigford, National Marine Fisheries Service, 7600 Sand Point Way NE, BIN C15700, Seattle, WA 98115; telephone: (206) 526-6140.

Dated: January 10, 1994.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 94–1030 Filed 1–13–94; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the procurement list.

SUMMARY: This action adds to the Procurement List commodities and a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: February 14, 1994.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On October 22, November 19, and November 29, 1993, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (58 FR 54559, 61072 and 62646) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities and service, fair market price, and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and service to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities and service.

3. The action will result in authorizing small entities to furnish the commodities and service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and service proposed for addition to the Procurement List.

Accordingly, the following commodities and service are hereby added to the Procurement List:

Commodities

Box, Seedling Growing
3990–00–NSH–0070
(Requirements of the U.S. Department of Agriculture, Roseburg, Oregon)

Pallet, Greenhouse
3990–00–NSH–0071
(Requirements of the U.S. Department of Agriculture, Roseburg, Oregon)

Lath, Wood
5510–00–NSH–0041
(Requirements of the U.S. Department of Agiculture, Eugene, OR)

Dispenser, Tape
7520–00–240–2411

Necktab, Women's Shirt
8445–01–295–3434

Service

Mailroom Operation, National Archives, 8601 Aldelphi Road, College Park, MD and all Washington, DC Metropolitan Area Locations.

This action does not affect current contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 94–1026 Filed 1–13–94; 8:45 am]

BILLING CODE 6820–33–P

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: February 14, 1994.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2–3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodities and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Pitcher, Water
7350–01–138–0022
NPA: Knox County Association for Retarded Citizens, Inc. Vincennes, Indiana
Cup, Specimen
6530–01–163–3704
NPA: Columbia County Chapter, NYSARC Mellenville, New York
Stake, Wood, Survey
5510–00–NSH–0039
(Requirements for the Federal Highway Administration, Vancouver, Washington)
NPA: Sunrise Enterprises of Roseburg, Inc. Roseburg, Oregon
Hub, Full Length
5510–00–NSH–0040
(Requirements for the Federal Highway Administration, Vancouver, Washington)
NPA: Sunrise Enterprises of Roseburg, Inc. Roseburg, Oregon

Services

Laundry Service, McChord Air Force Base, Washington
NPA: Northwest Center for the Retarded Seattle, Washington
Laundry Service, Naval Air Station, Whidbey Island, Oak Harbor, Washington
NPA: Northwest Center for the Retarded Seattle, Washington
Sharpening of Drill Bits, Fleet and Industrial Supply Center, Jacksonville, Florida
NPA: Tampa Lighthouse for the Blind Tampa, Florida
Commissary Shelf Stocking, Custodial and Receiving, Los Angeles Air Force Base, California
NPA: Goodwill Industries of Southern California Los Angeles, California
Operation of the Postal Service Center, Eglin Air Force Base, Florida
NPA: Lakeview Center, Inc. Pensacola, Florida
Janitorial/Custodial, U.S. Courthouse, 500 State Avenue, Kansas City, Kansas
NPA: The Helping Hand of Goodwill Industries Extended Employment Sheltered Workshop, Inc., Kansas City, Missouri.

Beverly L. Milkman,

Executive Director.

[FR Doc. 94–1027 Filed 1–13–94; 8:45 am]

BILLING CODE 6820–33–P

COMMODITY FUTURES TRADING COMMISSION

New York Cotton Exchange Futures and Futures Option Contracts Based on Five Currency Cross-Rates: French Franc/Deutsche Mark, et al.

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures and option contracts.

SUMMARY: The New York Cotton Exchange (NYCE or Exchange) has applied for designation as a contract market in currency cross-rate futures and futures option contracts based on each of the following five currency crosses: French franc/Deutsche mark; Swedish krona/Deutsche mark; Italian lira/Deutsche mark; Japanese yen/Deutsche mark; and Deutsche mark/British pound. The Acting Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposals for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATES: Comments must be received on or before February 14, 1994.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Reference should be made to the NYCE currency cross-rate futures and futures option contracts.

FOR FURTHER INFORMATION CONTACT: Please contact Steve Sherrod of the Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581, telephone 202–254–7303.

SUPPLEMENTARY INFORMATION: Copies of the terms and conditions will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the Exchange in support of the applications for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's Regulations thereunder (17 CFR part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's

headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed terms and conditions, or with respect to other materials submitted by the Exchange, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581 by the specified date.

Issued in Washington, DC, on January 10, 1994.

Blake Imel,

Acting Director.

[FR Doc. 94–963 Filed 1–13–94; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of the Special Operations Policy Advisory Group (SOPAG)

ACTION: Notice.

SUMMARY: The SOPAG is being renewed for a two-year period in consonance with the public interest, and in accordance with the provisions of Public Law 92–463, the "Federal Advisory Committee Act."

The SOPAG provides advice to the Secretary of Defense, the Under Secretary of Defense for Policy, and the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict (SOLIC) on key issues related to the formulation of policy concerning special operations and low intensity conflict matters. The types of activities for which the SOPAG renders advice include: strategic and tactical reconnaissance, unconventional warfare, theater search and rescue, counter-terrorism, counter-narcotics, special forces operations, and humanitarian assistance.

The Group will continue to be a well-balanced unit, composed of approximately ten members, who are recognized experts in military activities focusing on special operations. Members will be selected from among DoD military and civilian officials, retired flag officers, former diplomatic representatives, and academic and other private communities, to ensure a balanced perspective from the standpoint of functions performed and interest groups represented.

For further information regarding the SOPAG, contact: Col. Dick Blair, Office of the Assistant Secretary (SOLIC), (703) 693–2896.

Dated: January 11, 1994.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 94–975 Filed 1–13–94; 8:45 am]

BILLING CODE 5000–04–M

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Environment Impact Statement for the Proposed Coast Rock Products Mining and Reclamation Plan In and Along the Sisquoc and Santa Maria Rivers In Santa Barbara and San Luis Obispo Counties, CA

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent.

SUMMARY: The proposed action is to mine construction-grade aggregate deposits from a seventeen-mile stretch of the Santa Maria and Sisquoc Rivers, both waters of the United States. The California Division of Mines and Geology has determined that the most significant concentration of construction-grade aggregate in the region occurs in and just adjacent to the rivers. This deposit contains material that is important to two counties for the construction, maintenance and rehabilitation of public and private facilities. The proposed action is intended to help satisfy the long-term demand for commercially-useable aggregate material in the region.

Because the action will require a permit under section 404 of the Clean Water Act (as amended) and adverse impacts to the aquatic ecosystem may result, the Corps has determined that the proposed action warrants an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act.

A Joint Review Panel (JRP) consisting of the primary permitting agencies for the project has been formed to coordinate multi-agency review. The JRP includes representatives of the U.S. Army Corps of Engineers, California Division of Mines and Geology, County of Santa Barbara and San Luis Obispo will serve as co-lead agencies under the California Environmental Quality Act (CEQA). The environmental document will therefore be circulated as a joint Environmental Impact Statement/ Environmental Impact Report (EIS/EIR).

DATES: The scoping comment period will expire February 28, 1994.

ADDRESSES: U.S. Army Corps of Engineers, ATTN: Regulatory Branch, 2151 Alessandro Drive, suite 100, Ventura, California 93001.

FOR FURTHER INFORMATION: Mr. Michael Jewell, (805) 641–0301.

SUPPLEMENTARY INFORMATION:

1. Proposed Action

Coast Rock Products, Inc. (Coast Rock), has applied to the Corps of Engineers for a section 404 individual permit to remove sand and gravel material from a seventeen-mile stretch of the Santa Maria and Sisquoc Rivers over the course of the next 25 years. In 1989, the California Division of Mines and Geology (CDMG) reported that currently permitted sources of construction-grade aggregate (classified as MRZ–2 by CDMG) are theoretically sufficient to supply only 65 percent of the projected aggregate demand in San Luis Obispo and Santa Barbara Counties (the service area) over the next 50 years. CDMG further found that the largest concentration of construction-grade material in the service area extends along these rivers from a narrow canyon in the Sisquoc Ranch to the ancient floodplain underlying the City of Santa Maria. Because much of this material is no longer accessible due to surface improvements or established land use, the most viable long-term sources have been identified to occur within and adjacent to the rivers. Thus, the overall purpose of the proposed action is to mine high-quality, construction-grade aggregate (MRZ–2 classified) deposits from within the service area for the long-term utilization of the resource (at least the next 25 years) and reclaim mined lands in accordance with the requirements of the California State Surface Mining and Reclamation Act (SMARA).

In addition to mining sand and gravel, Coast Rock proposes several secondary objectives to the overall project purpose. These include providing flood protection, enhancing groundwater recharge, reclaiming farm land lost to erosion and past mining, and establishing wildlife habitat.

2. Alternatives

At least the following alternatives will be considered: (1) No action; (2) applicant's preferred project; (3) off-site (outside the 100-year floodplain) mining; (4) mining in the river (within the 100-year floodplain) but not within section 404 jurisdiction; (5) a reduced-scale project; and (6) alternative landuse/reclamation scenarios.

3. Scoping Process

a. Federal, State and local agencies and other interested private citizens and

organizations are encouraged to send their written comments to Mr. Michael Jewell at the address provided. This scoping comments period will expire 45 days from the date of this notice appearing in the **Federal Register**.

b. Significant issues to be analyzed in depth in the draft Environmental Impact Statement (DEIS) include hydrology/hydraulics, biological resources, water quality, cultural resources, air quality, transportation, groundwater recharge, noise, aesthetics, and socioeconomic.

c. Coordination will be undertaken with the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, California Department of Fish and Game, State Historic Preservation Office, and California Regional Water Quality Control Board.

d. As noted above, the project will also undergo review under the California Environmental Quality Act. A draft EIS/EIR will be published which will discuss both NEPA and CEQA issues.

4. Scoping Meeting

A scoping meeting will be held on Thursday, January 27, 1994 from 1:30 to 4:30 and then again from 6:30 to 8:00 to assess preliminary issues relative to the Coast Rock Mining and Reclamation Plan. The scoping meeting will be held at the County Government Center, Board of Supervisors Hearing Room, 511 East Lakeside Parkway, City of Santa Maria, County of Santa Barbara, California. Participation in the scoping meeting by Federal, State and local agencies, and other interested private citizens and organizations is encouraged.

5. DEIS Schedule

The current schedule estimates that the DEIS will be available for public review and comment in May 1994.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 94–1093 Filed 1–13–94; 8:45 am]

BILLING CODE 3710–08–M

Record of Decision: Relocation of the Woodbridge Research Facility Electromagnetic Pulse Simulators

AGENCY: Department of the Army, DoD.

ACTION: Availability of record of decision.

SUMMARY: This announces the availability of the Record of Decision (ROD) regarding the relocation of the Army's electromagnetic pulse (EMP) simulators currently located at the Woodbridge Research Facility (WRF), in Woodbridge, Virginia, to a new location selected from six candidate relocation sites evaluated for the facility. The Army has decided to relocate its four existing simulators, construct a new simulator, the Vertical EMP Simulator-Second Generation (VEMPS II), and operate the new facility at the Orogrande Site at White Sands Missile Range, New Mexico.

SUPPLEMENTARY INFORMATION: On October 27, 1989, the Army announced a proposal to relocate the WRF EMP simulators to a new site, citing the following reasons: The need to continue simulated EMP testing in accordance with Army requirements, the desire to use the economics of collocation of test operations, and the concern to adjust to the rapidly expanding population in the Woodbridge and Northern Virginia areas. In 1991, after the Army announced its proposal to relocate the WRF EMP simulators, the WRF was designated for closure in accordance with the Defense Base Closure and Realignment Act (Pub. L. 101–510). The Army is planning to close the WRF in September 1994.

As presented in the Final EIS, the Department of the Army's proposed action is to relocate its existing electromagnetic pulse (EMP) simulators from the Woodbridge Research Facility, Woodbridge, Virginia, construct a new simulator, the Vertical EMP Simulator II (VEMPS II), and operate them at a site selected from six candidate sites at Army installations in Arizona, New Mexico, and Utah. This action entails the dismantling of the existing EMP simulators at the WRF, transporting the equipment to the selected new site, preparation of the site facilities at the new location and the construction and operation of the EMP simulators at the new site.

Council on Environmental Quality regulations (40 CFR 1505.2) for implementing the provisions of the National Environmental Policy Act direct the preparation of a public Record of Decision concerning decisions reached on actions considered in Environmental Impact Statements. The relocation of the WRF EMP simulators to a new location and its potential impacts have been discussed in the final environmental documents filed with the Environmental Protection Agency, as announced on November 26, 1993 (58 FR, No. 226; p. 62345).

The ROD identifies the Orogrande Site as the site for construction of the new facility and summarizes the alternatives considered, the basis for selection of this site, and measures that will be undertaken to minimize environmental effects. This site was both the Army's preferred site and the environmentally preferred site because Orogrande is the location of the U.S. Army Test and Evaluation Command Nuclear Effects Directorate, and essentially all Army scientists and engineers who perform EMP testing are located in this area, thus simplifying logistics for operating the site. Further, the availability of these technologists and easily accessible operations and maintenance support from the main post area at WSMR simplifies test support logistics, thereby, minimizing the costs and time required to complete tests. Additionally, laboratory and administrative space is available at the existing Nuclear Effects Directorate offices, thereby minimizing the dollar investment to construct the site. The utilization of these spaces also eliminates the ground disturbance and loss of biological habitat and archeological resources associated with constructing the administrative staging areas and buildings, the need to construct four miles of security fencing and perimeter roadways, thus reducing cost and additional loss of biological habitat and archeological resources, and the impact to biological species. Also the roadways and test areas of the EMP facilities can be sited to avoid archeological resources and their operation at the Orogrande Site will have the least impact on the operations and facilities at WSMR.

Interested individuals or organizations may obtain copies of the ROD by contacting: U.S. Army Research Laboratory, Attn: David Davison (AMSRL–CP–S–PA), 2800 Powder Mill Road, Adephi, MD 20783–1145, (301) 394–3590.

Dated: January 6, 1994.

Lewis D. Walker,

Deputy Assistant Secretary of the Army, (Environment, Safety and Occupational Health) OASA (I,L&E).

[FR Doc. 94–899 Filed 1–13–94; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Management Service, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before February 14, 1994.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Cary Green, Department of Education, 400 Maryland Avenue, SW., room 4682, Regional Office Building 3, Washington, DC 20202-4651.

FOR FURTHER INFORMATION CONTACT: Cary Green (202) 401-3200. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Management Service, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Cary Green at the address specified above.

Dated: January 10, 1994.

Cary Green,

Director, Information Resources Management Service.

Office of Postsecondary Education

Type of Review: Revision.
Title: Application to Participate in the State Student Incentive Grant Program.
Frequency: Annually.
Affected Public: State or local governments.
Reporting Burden:
Responses: 57
Burden Hours: 228
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0
Abstract: This form will be used by the State Educational agencies to apply for funding under the State Student Incentive Grant Program. The Department will use the information to make grant awards.

Office of the Under Secretary

Type of Review: New.
Title: State Surveys for the Drug-Free Schools and Communities Act—Outcomes of State and Local Programs.
Frequency: One time.
Affected Public: State or local governments.
Reporting Burden:
Responses: 104
Burden Hours: 5,720
Recordkeeping Burden:
Recordkeepers: 0
Burden Hours: 0
Abstract: This study will be used to describe state and local activities associated with DFSCA programs and to prepare a 1991-1993 biennial performance report to Congress. The Department will use the information to improve the administration of DFSCA-funded programs and to provide support to strengthening state-level evaluation activities.

[FR Doc. 94-906 Filed 1-13-94; 8:45 am]

BILLING CODE 4000-01-M

CFDA No: 84.097A

Law School Clinical Experience Program; Technical Assistance Workshop

AGENCY: Law School Clinical Experience Program, Education.

ACTION: Notice of technical assistance workshop.

SUMMARY: The Department of Education will conduct a technical assistance workshop to assist prospective applicants in developing applications for the Law School Clinical Experience Program for fiscal year 1994. Reservations are not required for attendance at this workshop, which will be conducted from 9 a.m. to 3 at the site. The date and workshop location are as follows:

Date: Friday, January 14, 1994.
Location: Federal Office Building 6, Henry Barnard Auditorium (Room 1134), 400 Maryland Avenue, SW., Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: John J. Lank, U.S. Department of Education, 400 Maryland Avenue, SW., ROB-3, room 3106B, Washington, DC 20202-5251. Telephone: (202) 708-7863. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Program Authority: 20 U.S.C. 1134u, 1134v.

Dated: January 12, 1994.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 94-1107 Filed 1-12-94; 12:51 pm]

BILLING CODE 4000-01-P

Office of Postsecondary Education

Direct Student Loan Regulations Negotiated Rulemaking Advisory Committee; Meeting

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice of first meeting of the Direct Student Loan Regulations-Negotiated Rulemaking Advisory Committee.

SUMMARY: This notice sets forth the date and location of the forthcoming meeting of the Direct Student Loan Regulations Negotiated Rulemaking Advisory Committee. This notice also describes the functions of the committee. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: January 26-27, 1994 from 9 a.m. to 5 p.m.

LOCATION: The Radisson Plaza Hotel at Mark Center, 5000 Seminary Road, Alexandria, Virginia, 22311.

FOR FURTHER INFORMATION CONTACT: Jennifer Peck, Office of the Assistant for Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue, SW. (room 4082, ROB-3), Washington, DC 20202-5100, Telephone: (202) 708-5547. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Direct Student Loan Regulations Negotiated Rulemaking Advisory Committee is

established by sections 422 and 457 of the Higher Education Act of 1965, as amended by the Student Loan Reform Act of 1993 (Pub. L. 103–66; 20 USC 1087g). The Committee is also established in accordance with the provisions of the Negotiated Rulemaking Act (Pub. L. 101–648, as amended; 5 U.S.C. 561). The Advisory Committee is established to provide advice to the Secretary on the standards, criteria, procedures, and regulations governing the Direct Student Loan Program beginning with academic year 1995–1996. The Direct Student Loan Program is authorized by the Student Loan Reform Act of 1993. The Act authorizes the Secretary of Education to enter into agreements with selected institutions of higher education. These agreements will enable the institutions to originate loans to eligible students and eligible parents of such students.

The meeting is open to the public. The agenda for the initial meeting will include discussion of the committee's organizational structure and protocols, and establish a schedule to negotiate proposed rules by the summer.

Records are kept of all committee proceedings and are available for public inspection at the Office of the Assistant Secretary for Postsecondary Education, room 4082, ROB–3, 7th and D Streets SW., Washington, DC from the hours of 9 a.m. to 5 p.m. weekdays, except Federal holidays.

David A. Longanecker,

Assistant Secretary, Office of Postsecondary Education, U.S. Department of Education.

[FR Doc. 94–948 Filed 1–13–94; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER94–347–000 through ER94–887–000]

Electric Rate Filings Made Between December 22, 1993 and January 3, 1994, Including Amnesty Filings; Notice of Certain Rate Filings

January 11, 1994.

The Commission has received 438 rate filings, made under section 205 of the Federal Power Act, during the period December 22, 1993 through January 3, 1994. Many of the filings reflect the submission of multiple * agreements for Commission review. Most of the filings have been made to take advantage of a general amnesty period, announced on July 30, 1993, for the filing of agreements under which jurisdictional service was being provided as of that date under previously-unfiled rates, terms and conditions. See Prior Notice and Filing Requirements Under Part II of the Federal Power Act, 64 FERC ¶ 61,139, reh'g denied, 65 FERC ¶ 61,081 (1993).

Attachment A to this notice lists all of these rate filings in chronological and numerical order, starting with filings made on December 22, 1993. Attachment B to this notice lists all of these filings in alphabetical order, by applicant.

Because of the extremely large number of rate filings made during the period December 22, 1993 through January 3, 1994, the Commission is unable to issue individual notices of filing for each of the filings made during this period. In order to ensure issuance of notice of filings at the earliest possible date, and to allow sufficient time for review and response, the Commission hereby issues this single notice for all of the filings listed in the Attachments. [1] Any person desiring to inspect a copy of any of the filings may do so during normal business hours in the Commission's public reference room, room 3104, 941 North Capitol Street NE., Washington, DC 20426. (Of course, customers to the filed agreements and, in many cases, affected state commissions already have actual notice of the contents of the filings by virtue of the Commission's regulations, see 18 CFR 35.2(d)).

Any person desiring to be heard or to protest any of the enumerated filings should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211, 385.214. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to any of the proceedings. Any person desiring to become a party must file a motion to intervene.

Motions or protests in response to filings made from December 22, 1993 through December 27, 1993, as indicated in the Attachments, should be filed on or before January 19, 1994. Motions or protests in response to filings made from December 28, 1993 through December 29, 1993 should be filed on or before January 20, 1994. Motions or protests in response to filings made from December 30, 1993 through January 3, 1994 should be made on or before January 21, 1994.

Lois D. Cashell,

Secretary.

ATTACHMENT A.—CHRONOLOGICAL LIST OF RATE FILINGS BETWEEN DECEMBER 22, 1993 AND JANUARY 3, 1994

ER94–347	000	Niagara Mohawk Power Corporation	12–22–93
ER94–348	000	Public Service Co. of New Mexico	12–22–93
ER94–349	000	Midwest Power Systems Inc	12–22–93
ER94–350	000	Jersey Central Pwr & Light, et al	12–22–93
ER94–351	000	Midwest Power Systems, Inc	12–22–93
ER94–352	000	Pacificorp	12–22–93
ER94–353	000	Pacificorp	12–22–93
ER94–354	000	PacifiCorp	12–22–93
ER94–355	000	Public Service Co of New Mexico	12–22–93
ER94–356	000	Nevada Power Company	12–22–93
ER94–357	000	Nevada Power Company	12–22–93
ER94–358	000	Nevada Power Company	12–22–93
ER94–359	000	Nevada Power Company	12–22–93
ER94–360	000	San Diego Gas & Electric	12–22–93
ER94–361	000	Public Svc Electric & Gas Co, et al	12–22–93
ER94–362	000	Public Svc Electric & Gas Co, et al	12–22–93
ER94–363	000	Portland General Electric Company	12–22–93
ER94–364	000	Arizona Public Service Company	12–22–93
ER94–365	000	Western Resources, Inc	12–22–93

[1] If an individual notice of filing has issued or does issue in any one of the enumerated dockets, then that notice will control the deadline for interventions and protests.

ATTACHMENT A.—CHRONOLOGICAL LIST OF RATE FILINGS BETWEEN DECEMBER 22, 1993 AND JANUARY 3, 1994—Continued

ER94-366	000	Western Resources, Inc	12-22-93
ER94-367	000	Western Resources, Inc	12-22-93
ER94-368	000	Georgia Power Company	12-22-93
ER94-369	000	Wisconsin Power & Light Company	12-23-93
ER94-370	000	Black Hills Power & Light Company	12-23-93
ER94-371	000	New England Power Company	12-23-93
ER94-372	000	New England Power Company	12-23-93
ER94-373	000	Midwest Power Systems, Inc	12-23-93
ER94-374	000	New England Power Company	12-23-93
ER94-375	000	Public Service Co. of New Mexico	12-23-93
ER94-376	000	Public Service Co. of New Mexico	12-23-93
ER94-377	000	Public Service Co. of New Mexico	12-23-93
ER94-378	000	Public Service Co. of New Mexico	12-23-93
ER94-379	000	Florida Power Corporation	12-23-93
ER94-380	000	Florida Power Corporation	12-23-93
ER94-381	000	Puget Sound Power & Light Company	12-23-93
ER94-382	000	Puget Sound Power & Light Company	12-23-93
ER94-383	000	Puget Sound Power & Light Company	12-23-93
ER94-384	000	Puget Sound Power & Light Company	12-23-93
ER94-385	000	Puget Sound Power & Light Company	12-23-93
ER94-386	000	Puget Sound Power & Light Company	12-23-93
ER94-387	000	Ollahoma Gas and Elec. Company	12-23-93
ER94-388	000	Public Service Co. of New Mexico	12-23-93
ER94-389	000	Tenaska Power Services Company	12-23-93
ER94-390	000	Allegheny Power Service Corporation	12-23-93
ER94-391	000	Consumers Power Company	12-23-93
ER94-392	000	Washington Water Power Company	12-23-93
ER94-393	000	Washington Water Power Company	12-23-93
ER94-394	000	Washington Water Power Company	12-23-93
ER94-395	000	Public Service Elec. & Gas Company	12-23-93
ER94-396	000	Public Service Elec. & Gas Company	12-23-93
ER94-397	000	Montana Power Company	12-23-93
ER94-398	000	Montana Power Company	12-23-93
ER94-399	000	Montana Power Company	12-23-93
ER94-400	000	Montana Power Company	12-23-93
ER94-401	000	Montana Power Company	12-23-93
ER94-402	000	Nevada Power Company	12-23-93
ER94-403	000	Nevada Power Company	12-23-93
ER94-404	000	Nevada Power Company	12-23-93
ER94-405	000	Nevada Power Company	12-23-93
ER94-406	000	Nevada Power Company	12-23-93
ER94-407	000	Northern States Power Co. (MN)	12-23-93
ER94-408	000	Portland General Elec. Company	12-23-93
ER94-409	000	Portland General Elec. Company	12-23-93
ER94-410	000	Western Resources, Inc	12-23-93
ER94-411	000	Western Resources, Inc	12-23-93
ER94-412	000	Portland General Elec. Company	12-23-93
ER94-413	000	Texas New Mexico Power Company	12-23-93
ER94-414	000	Arizona Public Service Company	12-23-93
ER94-415	000	Orange & Rockland Utilities Inc	12-23-93
ER94-416	000	Cleveland Elec. Illuminating Co	12-23-93
ER94-417	000	Cleveland Elec. Illuminating Co	12-23-93
ER94-418	000	Toledo Edison Company	12-23-93
ER94-419	000	Arizona Public Service Company	12-23-93
ER94-420	000	Niagara Mohawk Power Corporation	12-23-93
ER94-421	000	Wisconsin Elec. Power Company	12-23-93
ER94-422	000	Niagara Mohawk Power Corporation	12-23-93
ER94-423	000	Niagara Mohawk Power Corporation	12-27-93
ER94-424	000	Niagara Mohawk Power Corporation	12-27-93
ER94-425	000	Niagara Mohawk Power Corporation	12-27-93
ER94-426	000	Boston Edison Company	12-27-93
ER94-427	000	Pennsylvania Electric Company	12-27-93
ER94-428	000	Niagara Mohawk Power Corporation	12-27-93
ER94-429	000	Washington Water Power Company	12-27-93
ER94-430	000	Rochester Gas & Electric Corp	12-27-93
ER94-431	000	Rochester Gas & Electric Corp	12-27-93
ER94-432	000	Rochester Gas & Electric Corp	12-27-93
ER94-433	000	Rochester Gas & Electric Corp	12-27-93
ER94-434	000	Rochester Gas & Electric Corp	12-27-93
ER94-435	000	Public Service Elec. & Gas Company	12-27-93
ER94-436	000	Iowa Electric Light & Power Company	12-27-93
ER94-437	000	Rochester Gas & Electric Corp	12-27-93
ER94-438	000	Montana Power Company	12-27-93

ATTACHMENT A.—CHRONOLOGICAL LIST OF RATE FILINGS BETWEEN DECEMBER 22, 1993 AND JANUARY 3, 1994—Continued

ER94–439	000	Montana Power Company	12–27–93
ER94–440	000	Montana Power Company	12–27–93
ER94–441	000	Washington Water Power Company	12–27–93
ER94–442	000	Pennsylvania Electric Company	12–27–93
ER94–443	000	Pennsylvania Electric Company	12–27–93
ER94–444	000	Idaho Power Company	12–27–93
ER94–445	000	Idaho Power Company	12–27–93
ER94–446	000	Southwire Company	12–27–93
ER94–447	000	Texas-New Mexico Power Company	12–27–93
ER94–448	000	Texas-New Mexico Power Company	12–27–93
ER94–449	000	Illinois Power Company	12–27–93
ER94–450	000	Northeast Utilities Svc. Company	12–28–93
ER94–451	000	Northeast Utilities Svc. Company	12–28–93
ER94–452	000	Northeast Utilities Svc. Company	12–28–93
ER94–453	000	Kansas City Power & Light Company	12–28–93
ER94–454	000	Kansas City Power & Light Company	12–28–93
ER94–455	000	Kansas City Power & Light Company	12–28–93
ER94–456	000	Pacificorp	12–28–93
ER94–457	000	Pacificorp	12–28–93
ER94–458	000	Ohio Valley Electric Corporation	12–28–93
ER94–459	000	Pennsylvania Electric Co., et al	12–28–93
ER94–460	000	Vermont Electric Power Company, Inc	12–28–93
ER94–461	000	Portland General Electric Company	12–28–93
ER94–462	000	Portland General Electric Company	12–28–93
ER94–463	000	Portland General Electric Company	12–28–93
ER94–464	000	Portland General Electric Company	12–28–93
ER94–465	000	Beebee Island Corporation	12–28–93
ER94–466	000	Moreau Manufacturing Corporation	12–28–93
ER94–467	000	PSI Energy, Inc	12–28–93
ER94–468	000	Texas-New Mexico Power Company	12–28–93
ER94–469	000	Nevada Power Company	12–28–93
ER94–470	000	Portland General Electric Company	12–28–93
ER94–471	000	Portland General Electric Company	12–28–93
ER94–472	000	Portland General Electric Company	12–28–93
ER94–473	000	Union Electric Company	12–28–93
ER94–474	000	Montana Power Company	12–28–93
ER94–475	000	Wisconsin Power & Light Company	12–28–93
ER94–476	000	Wisconsin Public Service Corp	12–28–93
ER94–477	000	Arizona Public Service Company	12–28–93
ER94–478	000	Medina Power Company	12–28–93
ER94–479	000	Public Svc Company of New Hampshire	12–28–93
ER94–480	000	Arizona Public Service Company	12–28–93
ER94–481	000	Pennsylvania Electric Company	12–28–93
ER94–483	000	Pacificorp	12–28–93
ER94–484	000	New England Power Company	12–28–93
ER94–485	000	Puget Sound Power & Light Company	12–28–93
ER94–486	000	Puget Sound Power & Light Company	12–28–93
ER94–487	000	Puget Sound Power & Light Company	12–28–93
ER94–488	000	Puget Sound Power & Light Company	12–28–93
ER94–489	000	Puget Sound Power & Light Company	12–28–93
ER94–490	000	Puget Sound Power & Light Company	12–28–93
ER94–491	000	Puget Sound Power & Light Company	12–28–93
ER94–492	000	Puget Sound Power & Light Company	12–28–93
ER94–493	000	Orange and Rockland Utilities, Inc	12–28–93
ER94–494	000	Pacific Gas and Electric Company	12–29–93
ER94–495	000	Pacific Gas and Electric Company	12–29–93
ER94–496	000	Portland General Electric Company	12–28–93
ER94–497	000	Arizona Public Service Company	12–23–93
ER94–498	000	Public Service Company of Colorado	12–29–93
ER94–499	000	Alabama Power Company	12–23–93
ER94–500	000	Public Service Company of Colorado	12–29–93
ER94–501	000	Public Service Company of Colorado	12–29–93
ER94–502	000	Public Service Company of Colorado	12–29–93
ER94–503	000	Public Service Company of Colorado	12–29–93
ER94–504	000	Public Service Company of Colorado	12–29–93
ER94–505	000	Public Service Company of Colorado	12–29–93
ER94–506	000	Public Service Company of Colorado	12–29–93
ER94–507	000	Public Service Company of Colorado	12–29–93
ER94–508	000	Public Service Company of Colorado	12–29–93
ER94–509	000	Public Service Company of Colorado	12–29–93
ER94–510	000	Public Service Company of Colorado	12–29–93
ER94–511	000	Public Service Company of Colorado	12–29–93
ER94–512	000	Public Service Company of Colorado	12–29–93

ATTACHMENT A.—CHRONOLOGICAL LIST OF RATE FILINGS BETWEEN DECEMBER 22, 1993 AND JANUARY 3, 1994—Continued

ER94-513	000	Public Service Company of Colorado	12-29-93
ER94-514	000	Public Service Company of Colorado	12-29-93
ER94-515	000	Public Service Company of Colorado	12-29-93
ER94-516	000	Public Service Company of Colorado	12-29-93
ER94-517	000	Public Service Company of Colorado	12-29-93
ER94-518	000	Public Service Company of Colorado	12-29-93
ER94-519	000	Public Service Company of Colorado	12-29-93
ER94-520	000	Public Service Company of Colorado	12-29-93
ER94-521	000	Great Bay Power Corporation	12-29-93
ER94-522	000	Public Service Co. of New Mexico	12-29-93
ER94-523	000	Public Service Co. of New Mexico	12-29-93
ER94-524	000	Public Service Co. of New Mexico	12-29-93
ER94-525	000	Pennsylvania Electric Company	12-29-93
ER94-526	000	Consumers Power Company	12-29-93
ER94-527	000	Pennsylvania Electric Company	12-29-93
ER94-528	000	Wisconsin Power and Light Company	12-29-93
ER94-529	000	Detroit Edison Company	12-29-93
ER94-530	000	Detroit Edison Company	12-29-93
ER94-531	000	Pacificorp	12-29-93
ER94-532	000	Philadelphia Electric Company	12-29-93
ER94-533	000	PSI Energy, Inc	12-29-93
ER94-534	000	Puget Sound Power and Light Company	12-29-93
ER94-535	000	Puget Sound Power and Light Company	12-29-93
ER94-536	000	Puget Sound Power and Light Company	12-29-93
ER94-537	000	Old Dominion Electric Cooperative	12-23-93
ER94-538	000	New England Power Company	12-29-93
ER94-539	000	Portland General Electric Company	12-29-93
ER94-540	000	Portland General Electric Company	12-29-93
ER94-541	000	Portland General Electric Company	12-29-93
ER94-542	000	Portland General Electric Company	12-29-93
ER94-543	000	Portland General Electric Company	12-29-93
ER94-544	000	Portland General Electric Company	12-29-93
ER94-545	000	Portland General Electric Company	12-29-93
ER94-546	000	Portland General Electric Company	12-29-93
ER94-547	000	Portland General Electric Company	12-29-93
ER94-548	000	Portland General Electric Company	12-29-93
ER94-549	000	Portland General Electric Company	12-29-93
ER94-550	000	Portland General Electric Company	12-29-93
ER94-551	000	Sierra Pacific Power Company	12-29-93
ER94-552	000	Sierra Pacific Power Company	12-29-93
ER94-553	000	Sierra Pacific Power Company	12-29-93
ER94-554	000	Sierra Pacific Power Company	12-29-93
ER94-555	000	Cleveland Electric Illuminating Co	12-29-93
ER94-556	000	Montana-Dakota Utilities Co	12-29-93
ER94-557	000	Pennsylvania Electric Company	12-29-93
ER94-558	000	Arizona Public Service Company	12-29-93
ER94-559	000	Northeast Utilities Service Company	12-29-93
ER94-560	000	Oregon Trail Elec. Consumers Coop	12-29-93
ER94-561	000	Public Service Company of Colorado	12-29-93
ER94-562	000	Nevada Power Company	12-29-93
ER94-563	000	Nevada Power Company	12-29-93
ER94-564	000	Nevada Power Company	12-29-93
ER94-565	000	Nevada Power Company	12-29-93
ER94-566	000	Detroit Edison Company	12-29-93
ER94-567	000	Toledo Edison Company	12-29-93
ER94-568	000	Cleveland Elec. Illuminating Co	12-29-93
ER94-569	000	Toledo Edison Company	12-29-93
ER94-570	000	Cleveland Elec. Illuminating Co	12-29-93
ER94-571	000	Alabama Power Company	12-29-93
ER94-572	000	Southern California Edison Company	12-29-93
ER94-573	000	Florida Power & Light Company	12-29-93
ER94-574	000	Southern California Edison Co	12-29-93
ER94-575	000	Montana Power Company	12-29-93
ER94-576	000	Montana Power Company	12-29-93
ER94-577	000	Montana Power Company	12-29-93
ER94-578	000	Montana Power Company	12-29-93
ER94-579	000	Montana Power Company	12-29-93
ER94-580	000	Superior Water, Light and Power Co	12-29-93
ER94-581	000	Minnesota Power and Light Co	12-29-93
ER94-582	000	Southern Calif. Edison Company	12-29-93
ER94-583	000	Southern Calif. Edison Company	12-29-93
ER94-584	000	Southern Calif. Edison Company	12-29-93
ER94-585	000	Southern Calif. Edison Company	12-29-93

ATTACHMENT A.—CHRONOLOGICAL LIST OF RATE FILINGS BETWEEN DECEMBER 22, 1993 AND JANUARY 3, 1994—Continued

ER94-586	000	Southern Calif. Edison Company	12-29-93
ER94-587	000	Southern Calif. Edison Company	12-29-93
ER94-588	000	Southern Calif. Edison Company	12-29-93
ER94-589	000	Southern Calif. Edison Company	12-29-93
ER94-590	000	Southern Calif. Edison Company	12-29-93
ER94-591	000	Southern Calif. Edison Company	12-29-93
ER94-592	000	Southern Calif. Edison Company	12-29-93
ER94-593	000	Minnesota Power and Light Company	12-29-93
ER94-594	000	Southern Calif. Edison Company	12-29-93
ER94-595	000	Southern Calif. Edison Company	12-29-93
ER94-596	000	Southern Calif. Edison Company	12-29-93
ER94-598	000	Arizona Public Service Company	12-29-93
ER94-599	000	Washington Water Power	12-29-93
ER94-600	000	Washington Water Power	12-29-93
ER94-601	000	Washington Water Power	12-29-93
ER94-602	000	Washington Water Power	12-29-93
ER94-603	000	Washington Water Power	12-29-93
ER94-604	000	Washington Water Power	12-29-93
ER94-605	000	Washington Water Power	12-29-93
ER94-606	000	Washington Water Power	12-29-93
ER94-607	000	Entergy Services, Inc	12-29-93
ER94-608	000	Entergy Services, Inc	12-29-93
ER94-609	000	Entergy Services, Inc	12-29-93
ER94-610	000	Entergy Services, Inc	12-29-93
ER94-611	000	Entergy Services, Inc	12-29-93
ER94-612	000	Entergy Services, Inc	12-29-93
ER94-613	000	Entergy Services, Inc	12-29-93
ER94-614	000	Missouri Public Service	12-29-93
ER94-615	000	Missouri Public Service	12-29-93
ER94-616	000	Missouri Public Service	12-29-93
ER94-617	000	Southern Calif. Edison Company	12-30-93
ER94-618	000	Pennsylvania Power & Light Company	12-30-93
ER94-619	000	Pennsylvania Power & Light Company	12-30-93
ER94-620	000	Pennsylvania Power & Light Company	12-30-93
ER94-621	000	Pennsylvania Power & Light Company	12-30-93
ER94-622	000	Pennsylvania Power & Light Company	12-30-93
ER94-623	000	Pennsylvania Power & Light Company	12-30-93
ER94-624	000	Pennsylvania Power & Light Company	12-30-93
ER94-625	000	Pennsylvania Power & Light Company	12-30-93
ER94-626	000	Pennsylvania Power & Light Company	12-30-93
ER94-627	000	Pennsylvania Power & Light Company	12-30-93
ER94-628	000	Pennsylvania Power & Light Company	12-30-93
ER94-629	000	Pennsylvania Power & Light Company	12-30-93
ER94-630	000	Pennsylvania Power & Light Company	12-30-93
ER94-631	000	Pennsylvania Power & Light Company	12-30-93
ER94-632	000	Pennsylvania Power & Light Company	12-30-93
ER94-633	000	Pennsylvania Power & Light Company	12-30-93
ER94-634	000	Pennsylvania Power & Light Company	12-30-93
ER94-635	000	Pennsylvania Power & Light Company	12-30-93
ER94-636	000	Wisconsin Public Service Corp	12-30-93
ER94-637	000	Connecticut Valley Elec. Co. Inc	12-30-93
ER94-638	000	Connecticut Valley Elec. Co. Inc	12-30-93
ER94-639	000	Central Vermont Public Service Corp	12-30-93
ER94-640	000	Central Vermont Public Service Corp	12-30-93
ER94-641	000	Northeast Utilities Service Company	12-30-93
ER94-642	000	Northeast Utilities Service Company	12-30-93
ER94-643	000	Central Maine Power Company	12-30-93
ER94-644	000	Arizona Public Service Company	12-30-93
ER94-645	000	Arizona Public Service Company	12-30-93
ER94-646	000	Black Hills Power and Light Company	12-30-93
ER94-647	000	Pacificorp	12-30-93
ER94-648	000	New York State Elec. & Gas Corp	12-30-93
ER94-649	000	Duquesne Light Company	12-30-93
ER94-650	000	Cleveland Elec. Illum. Co., et al	12-30-93
ER94-651	000	Public Service Company of Oklahoma	12-30-93
ER94-652	000	Florida Power & Light Company	12-30-93
ER94-653	000	Interstate Power Company	12-30-93
ER94-654	000	Interstate Power Company	12-30-93
ER94-655	000	Interstate Power Company	12-30-93
ER94-656	000	Commonwealth Edison Company	12-30-93
ER94-657	000	Eastern Edison Co., et al	12-30-93
ER94-658	000	Wisconsin Power and Light Company	12-30-93
ER94-659	000	Iowa Southern Utilities Company	12-30-93

ATTACHMENT A.—CHRONOLOGICAL LIST OF RATE FILINGS BETWEEN DECEMBER 22, 1993 AND JANUARY 3, 1994—Continued

ER94-660	000	Midwest Power Systems Inc	12-30-93
ER94-661	000	New England Power Company	12-30-93
ER94-662	000	Northeast Util. Service et al	12-30-93
ER94-663	000	Connecticut Light and Power Co	12-30-93
ER94-664	000	Pennsylvania Power Company	12-30-93
ER94-665	000	Pennsylvania Power Company	12-30-93
ER94-666	000	Midwest Power Systems Inc.	12-30-93
ER94-667	000	Public Service Co. of New Mexico	12-30-93
ER94-668	000	Public Service Co. of New Mexico	12-30-93
ER94-669	000	Public Service Co. of New Mexico	12-30-93
ER94-670	000	Black Hills Power and Light Company	12-30-93
ER94-671	000	Black Hills Power and Light Company	12-30-93
ER94-672	000	Central Maine Power Company	12-30-93
ER94-673	000	Citizens Utilities Company	12-30-93
ER94-674	000	Public Service Co. of New Mexico	12-30-93
ER94-675	000	Long Island Lighting Company	12-30-93
ER94-676	000	Metropolitan Edison Co., et al	12-30-93
ER94-677	000	Pacificorp	12-30-93
ER94-678	000	Pacific Gas and Electric Company	12-30-93
ER94-679	000	Pacificorp	12-30-93
ER94-680	000	Pacificorp	12-30-93
ER94-681	000	Pacificorp	12-30-93
ER94-682	000	Sierra Pacific Power Company	12-30-93
ER94-683	000	Sierra Pacific Power Company	12-30-93
ER94-684	000	Pacificorp	12-30-93
ER94-685	000	Pacificorp	12-30-93
ER94-686	000	Nevada Power Company	12-30-93
ER94-687	000	Nevada Power Company	12-30-93
ER94-688	000	Sierra Pacific Power Company	12-30-93
ER94-689	000	El Paso Electric Company	12-30-93
ER94-690	000	El Paso Electric Company	12-30-93
ER94-691	000	El Paso Electric Company	12-30-93
ER94-692	000	Concord Electric Company	12-30-93
ER94-693	000	Maine Electric Power Company, Inc	12-30-93
ER94-694	000	Pacific Gas & Electric Company	12-30-93
ER94-695	000	Blackstone Valley Electric Company	12-30-93
ER94-696	000	Montaup Electric Company	12-30-93
ER94-697	000	Ohio Edison Company	12-30-93
ER94-698	000	Ohio Edison Company	12-30-93
ER94-699	000	Pacific Gas and Electric Company	12-30-93
ER94-700	000	Pacific Gas and Electric Company	12-30-93
ER94-701	000	Portland General Electric Company	12-30-93
ER94-702	000	Portland General Electric Company	12-30-93
ER94-703	000	Portland General Electric Company	12-30-93
ER94-704	000	Portland General Electric Company	12-30-93
ER94-705	000	Portland General Electric Company	12-30-93
ER94-706	000	Portland General Electric Company	12-30-93
ER94-707	000	Portland General Electric Company	12-30-93
ER94-708	000	Portland General Electric Company	12-30-93
ER94-709	000	Portland General Electric Company	12-30-93
ER94-710	000	Portland General Electric Company	12-30-93
ER94-711	000	Portland General Electric Company	12-30-93
ER94-712	000	Portland General Electric Company	12-30-93
ER94-713	000	Portland General Electric Company	12-30-93
ER94-714	000	Portland General Electric Company	12-30-93
ER94-715	000	Portland General Electric Company	12-30-93
ER94-716	000	Portland General Electric Company	12-30-93
ER94-717	000	Portland General Electric Company	12-30-93
ER94-718	000	Portland General Electric Company	12-30-93
ER94-719	000	Portland General Electric Company	12-30-93
ER94-720	000	Portland General Electric Company	12-30-93
ER94-721	000	Portland General Electric Company	12-30-93
ER94-722	000	Pacific Gas and Electric Company	12-30-93
ER94-723	000	Central Vermont Public Service Corp	12-30-93
ER94-724	000	Fourth Branch Assoc. Mechanicville	12-30-93
ER94-725	000	New York State Elec. and Gas Corp	12-30-93
ER94-726	000	New York State Elec. and Gas Corp	12-30-93
ER94-727	000	New York State Elec. and Gas Corp	12-30-93
ER94-728	000	New York State Elec. and Gas Corp	12-30-93
ER94-729	000	New York State Elec. and Gas Corp	12-30-93
ER94-730	000	New York State Elec. and Gas Corp	12-30-93
ER94-731	000	New York State Elec. and Gas Corp	12-30-93
ER94-732	000	New York State Elec. and Gas Corp	12-30-93

ATTACHMENT A.—CHRONOLOGICAL LIST OF RATE FILINGS BETWEEN DECEMBER 22, 1993 AND JANUARY 3, 1994—Continued

ER94-733	000	Southwestern Electric Power Co	12-30-93
ER94-734	000	New Charleston Power I, L. P	12-30-93
ER94-735	000	Washington Water Power	12-30-93
ER94-736	000	Washington Water Power	12-30-93
ER94-737	000	Washington Water Power	12-30-93
ER94-738	000	Washington Water Power	12-30-93
ER94-739	000	Minnesota Power and Light Company	12-30-93
ER94-740	000	Minnesota Power and Light Company	12-30-93
ER94-741	000	Minnesota Power and Light Company	12-30-93
ER94-742	000	Green Mountain Power Corporation	12-30-93
ER94-743	000	Green Mountain Power Corporation	12-30-93
ER94-744	000	Entergy Services, Inc	12-30-93
ER94-745	000	Minnesota Power and Light Company	12-30-93
ER94-746	000	Minnesota Power and Light Company	12-30-93
ER94-747	000	Energy Services, Inc	12-30-93
ER94-748	000	Puget Sound Power & Light Company	12-30-93
ER94-749	000	Puget Sound Power & Light Company	12-30-93
ER94-750	000	Puget Sound Power & Light Company	12-30-93
ER94-751	000	Puget Sound Power & Light Company	12-30-93
ER94-752	000	Puget Sound Power & Light Company	12-30-93
ER94-753	000	Puget Sound Power & Light Company	12-30-93
ER94-754	000	Puget Sound Power & Light Company	12-30-93
ER94-755	000	Puget Sound Power & Light Company	12-30-93
ER94-756	000	Puget Sound Power & Light Company	12-30-93
ER94-757	000	Puget Sound Power & Light Company	12-30-93
ER94-758	000	Puget Sound Power & Light Company	12-30-93
ER94-759	000	Puget Sound Power & Light Company	12-30-93
ER94-760	000	Puget Sound Power & Light Company	12-30-93
ER94-761	000	Puget Sound Power & Light Company	12-30-93
ER94-762	000	Puget Sound Power & Light Company	12-30-93
ER94-763	000	Puget Sound Power & Light Company	12-30-93
ER94-764	000	Puget Sound Power & Light Company	12-30-93
ER94-765	000	Puget Sound Power & Light Company	12-30-93
ER94-766	000	Puget Sound Power & Light Company	12-30-93
ER94-767	000	Puget Sound Power & Light Company	12-30-93
ER94-768	000	Puget Sound Power & Light Company	12-30-93
ER94-769	000	Puget Sound Power & Light Company	12-30-93
ER94-770	000	Puget Sound Power & Light Company	12-30-93
ER94-771	000	Puget Sound Power & Light Company	12-30-93
ER94-772	000	Puget Sound Power & Light Company	12-30-93
ER94-773	000	Long Island Lighting Company	12-30-93
ER94-774	000	Southwestern Public Service Co	12-30-93
ER94-775	000	Southern Calif. Edison Co., et al	12-30-93
ER94-776	000	Westplains Energy	12-30-93
ER94-777	000	Westplains Energy	12-30-93
ER94-778	000	Westplains Energy	12-30-93
ER94-779	000	Westplains Energy	12-30-93
ER94-780	000	Gulf States Utilities Company	12-30-93
ER94-781	000	Georgia Power Company	12-30-93
ER94-782	000	Tucson Elec. Power Company	12-30-93
ER94-783	000	South Florida Cogeneration Associat	12-30-93
ER94-784	000	Idaho Power Company	12-30-93
ER94-785	000	Idaho Power Company	12-30-93
ER94-786	000	Idaho Power Company	12-30-93
ER94-787	000	Idaho Power Company	12-30-93
ER94-788	000	Idaho Power Company	12-30-93
ER94-789	000	Public Service Co. of New Hampshire	12-30-93
ER94-790	000	Virginia Electric and Power Company	12-30-93
ER94-791	000	Black Hills Power and Light Company	12-30-93
ER94-792	000	UGI Utilities, Inc	12-30-93
ER94-793	000	Midwest Power Systems Inc	01-03-94
ER94-794	000	Midwest Power Systems Inc	01-03-94
ER94-795	000	United Illuminating Company	01-03-94
ER94-796	000	Illinois Gas & Electric Company	01-03-94
ER94-797	000	New England Power Company	01-03-94
ER94-798	000	Massachusetts Electric Company	01-03-94
ER94-799	000	Montana Power Company	01-03-94
ER94-800	000	Montana Power Company	01-03-94
ER94-801	000	Montana Power Company	01-03-94
ER94-802	000	Midwest Power Systems Inc	01-03-94
ER94-803	000	Iowa-Illinois Gas and Electric Co	01-03-94
ER94-804	000	Midwest Power Systems Inc	01-03-94
ER94-805	000	Old Dominion Electric Cooperative	01-03-94

ATTACHMENT A.—CHRONOLOGICAL LIST OF RATE FILINGS BETWEEN DECEMBER 22, 1993 AND JANUARY 3, 1994—Continued

ER94–806	000	Northern States Power Company (MN)	01–03–94
ER94–807	000	Louisville Gas & Electric Company	01–03–94
ER94–808	000	Carolina Power & Light Company	01–03–94
ER94–809	000	Niagara Mohawk Power Corporation	01–03–94
ER94–810	000	Niagara Mohawk Power Corporation	01–03–94
ER94–811	000	Canal Electric Company	01–03–94
ER94–812	000	American Elec. Pwr. Svc. Corp, et al	01–03–94
ER94–813	000	Westplains Energy	01–03–94
ER94–814	000	Northern States Power Company	12–30–93
ER94–815	000	Northern States Power Company	12–30–93
ER94–816	000	Northern States Power Company	12–30–93
ER94–817	000	Northern States Power Company	12–30–93
ER94–818	000	Northern States Power Company	12–30–93
ER94–819	000	Northern States Power Company	12–30–93
ER94–820	000	Northern States Power Company	12–30–93
ER94–821	000	Northern States Power Company	12–30–93
ER94–822	000	Northern States Power Company	12–30–93
ER94–823	000	Northern States Power Company	12–30–93
ER94–824	000	Northern States Power Company	12–30–93
ER94–825	000	Northern States Power Company	12–30–93
ER94–826	000	Northern States Power Company	12–30–93
ER94–827	000	Northern States Power Company	12–30–93
ER94–828	000	Northern States Power Company	12–30–93
ER94–829	000	Northern States Power Company	12–30–93
ER94–830	000	Northern States Power Company	12–30–93
ER94–831	000	Northern States Power Company	12–30–93
ER94–832	000	Northern States Power Company (MN)	12–30–93
ER94–833	000	Northern States Power Company	12–30–93
ER94–834	000	Northern States Power Company	12–30–93
ER94–835	000	Northern States Power Company	12–30–93
ER94–836	000	Northern States Power Company (WI)	12–30–93
ER94–837	000	Northern States Power Company	12–30–93
ER94–838	000	Northern States Power Company	12–30–93
ER94–839	000	Northern States Power Company	12–30–93
ER94–840	000	Northern States Power Company	12–30–93
ER94–841	000	Northern States Power Company	12–30–93
ER94–842	000	Northern States Power Company	12–30–93
ER94–843	000	Northern States Power Company	12–30–93
ER94–844	000	Northern States Power Company	12–30–93
ER94–845	000	Northern States Power Company	12–30–93
ER94–846	000	Northern States Power Company	12–30–93
ER94–847	000	Northern States Power Company	12–30–93
ER94–848	000	Northern States Power Company	12–30–93
ER94–849	000	Northern States Power Company	12–30–93
ER94–850	000	Northern States Power Company	12–30–93
ER94–851	000	Northern States Power Company	12–30–93
ER94–852	000	Northern States Power Company	12–30–93
ER94–853	000	Northern States Power Company	12–30–93
ER94–854	000	Northern States Power Company	12–30–93
ER94–855	000	Northern States Power Company (MN)	12–30–93
ER94–856	000	Northern States Power Company (MN)	12–30–93
ER94–857	000	Northern States Power Company (MN)	12–30–93
ER94–858	000	Northern States Power Company (MN)	12–30–93
ER94–859	000	Northern States Power Company (MN)	12–30–93
ER94–860	000	Northern States Power Company (MN)	12–30–93
ER94–861	000	Northern States Power Company (MN)	12–30–93
ER94–862	000	Northern States Power Company (MN)	12–30–93
ER94–863	000	Northern States Power Company (MN)	12–30–93
ER94–864	000	Northern States Power Company (MN)	12–30–93
ER94–865	000	Northern States Power Company (MN)	12–30–93
ER94–866	000	Northern States Power Company (MN)	12–30–93
ER94–867	000	Northern States Power Company (MN)	12–30–93
ER94–868	000	Northern States Power Company (MN)	12–30–93
ER94–869	000	Northern States Power Company (WI)	12–30–93
ER94–870	000	Northern States Power Company (MN)	12–30–93
ER94–871	000	Northern States Power Company (MN)	12–30–93
ER94–872	000	Northern States Power Company (WI)	12–30–93
ER94–873	000	Northern States Power Company (WI)	12–30–93
ER94–874	000	Northern States Power Company (MN)	12–30–93
ER94–875	000	Northern States Power Company (MN)	12–30–93
ER94–876	000	Northern States Power Company (MN)	12–30–93
ER94–877	000	Northern States Power Company (MN)	12–30–93
ER94–878	000	Northern States Power Company (MN)	12–30–93

ATTACHMENT A.—CHRONOLOGICAL LIST OF RATE FILINGS BETWEEN DECEMBER 22, 1993 AND JANUARY 3, 1994.—Continued

ER94–879	000	Northern States Power Company (MN)	12–30–93
ER94–880	000	Northern States Power Company (MN)	12–30–93
ER94–881	000	Northern States Power Company (MN)	12–30–93
ER94–882	000	Northern States Power Company (MN)	12–30–93
ER94–883	000	Northern States Power Company (MN)	12–30–93
ER94–884	000	Northern States Power Company (MN)	12–30–93
ER94–885	000	Northern States Power Company (MN)	12–30–93
ER94–886	000	Northern States Power Company (MN)	12–30–93
ER94–887	000	PSI Energy, Inc	12–28–93

ATTACHMENT B.—ALPHABETICAL LIST OF RATE FILINGS BETWEEN DECEMBER 22, 1993 AND JANUARY 3, 1994

ER94–499	000	Alabama Power Company	12–23–93
ER94–571	000	Alabama Power Company	12–29–93
ER94–390	000	Allegheny Power Service Corporation	12–23–93
ER94–812	000	American Elec. Pwr. Svc. Corp, et al	01–03–94
ER94–364	000	Arizona Public Service Company	12–22–93
ER94–414	000	Arizona Public Service Company	12–23–93
ER94–419	000	Arizona Public Service Company	12–23–93
ER94–477	000	Arizona Public Service Company	12–28–93
ER94–480	000	Arizona Public Service Company	12–28–93
ER94–497	000	Arizona Public Service Company	12–23–93
ER94–558	000	Arizona Public Service Company	12–29–93
ER94–598	000	Arizona Public Service Company	12–29–93
ER94–644	000	Arizona Public Service Company	12–30–93
ER94–645	000	Arizona Public Service Company	12–30–93
ER94–465	000	Beebee Island Corporation	12–28–93
ER94–370	000	Black Hills Power & Light Company	12–23–93
ER94–646	000	Black Hills Power & Light Company	12–30–93
ER94–670	000	Black Hills Power & Light Company	12–30–93
ER94–671	000	Black Hills Power & Light Company	12–30–93
ER94–791	000	Black Hills Power & Light Company	12–30–93
ER94–695	000	Blackstone Valley Electric Company	12–30–93
ER94–426	000	Boston Edison Company	12–27–93
ER94–811	000	Canal Electric Company	01–03–94
ER94–808	000	Carolina Power & Light Company	01–03–94
ER94–643	000	Central Maine Power Company	12–30–93
ER94–672	000	Central Maine Power Company	12–30–93
ER94–639	000	Central Vermont Public Service Corp	12–30–93
ER94–640	000	Central Vermont Public Service Corp	12–30–93
ER94–723	000	Central Vermont Public Service Corp	12–30–93
ER94–673	000	Citizens Utilities Company	12–30–93
ER94–416	000	Cleveland Elec. Illuminating Co	12–23–93
ER94–417	000	Cleveland Elec. Illuminating Co	12–23–93
ER94–568	000	Cleveland Elec. Illuminating Co	12–29–93
ER94–570	000	Cleveland Elec. Illuminating Co	12–29–93
ER94–650	000	Cleveland Elec. Illuminating Co., et al	12–30–93
ER94–555	000	Cleveland Elec. Illuminating Co	12–29–93
ER94–656	000	Commonwealth Edison Company	12–30–93
ER94–692	000	Concord Electric Company	12–30–93
ER94–663	000	Connecticut Light and Power Co	12–30–93
ER94–637	000	Connecticut Valley Elec. Co. Inc	12–30–93
ER94–638	000	Connecticut Valley Elec. Co. Inc	12–30–93
ER94–391	000	Consumers Power Company	12–23–93
ER94–526	000	Consumers Power Company	12–29–93
ER94–529	000	Detroit Edison Company	12–29–93
ER94–530	000	Detroit Edison Company	12–29–93
ER94–566	000	Detroit Edison Company	12–29–93
ER94–649	000	Duquesne Light Company	12–30–93
ER94–657	000	Eastern Edison Co., et al	12–30–93
ER94–689	000	El Paso Electric Company	12–30–93
ER94–690	000	El Paso Electric Company	12–30–93
ER94–691	000	El Paso Electric Company	12–30–93
ER94–747	000	Energy Services, Inc	12–30–93
ER94–607	000	Entergy Services, Inc	12–29–93
ER94–608	000	Entergy Services, Inc	12–29–93
ER94–609	000	Entergy Services, Inc	12–29–93
ER94–610	000	Entergy Services, Inc	12–29–93
ER94–611	000	Entergy Services, Inc	12–29–93
ER94–612	000	Entergy Services, Inc	12–29–93
ER94–613	000	Entergy Services, Inc	12–29–93
ER94–744	000	Entergy Services, Inc	12–30–93
ER94–379	000	Florida Power Corporation	12–23–93

ATTACHMENT B.—ALPHABETICAL LIST OF RATE FILINGS BETWEEN DECEMBER 22, 1993 AND JANUARY 3, 1994—Continued

ER94-380	000	Florida Power Corporation	12-23-93
ER94-573	000	Florida Power & Light Company	12-29-93
ER94-652	000	Florida Power & Light Company	12-30-93
ER94-724	000	Fourth Branch Assoc. Mechanicville	12-30-93
ER94-368	000	Georgia Power Company	12-22-93
ER94-781	000	Georgia Power Company	12-30-93
ER94-521	000	Great Bay Power Corporation	12-29-93
ER94-742	000	Green Mountain Power Corporation	12-30-93
ER94-743	000	Green Mountain Power Corporation	12-30-93
ER94-780	000	Gulf States Utilities Company	12-30-93
ER94-444	000	Idaho Power Company	12-27-93
ER94-445	000	Idaho Power Company	12-27-93
ER94-784	000	Idaho Power Company	12-30-93
ER94-785	000	Idaho Power Company	12-30-93
ER94-786	000	Idaho Power Company	12-30-93
ER94-787	000	Idaho Power Company	12-30-93
ER94-788	000	Idaho Power Company	12-30-93
ER94-796	000	Illinois Gas & Electric Company	01-03-94
ER94-449	000	Illinois Power Company	12-27-93
ER94-653	000	Interstate Power Company	12-30-93
ER94-654	000	Interstate Power Company	12-30-93
ER94-655	000	Interstate Power Company	12-30-93
ER94-436	000	Iowa Electric Light & Power Company	12-27-93
ER94-803	000	Iowa-Illinois Gas and Electric Co.	01-03-94
ER94-659	000	Iowa Southern Utilities Company	12-30-93
ER94-350	000	Jersey Central Pwr & Light, et al	12-22-93
ER94-453	000	Kansas City Power & Light Company	12-28-93
ER94-454	000	Kansas City Power & Light Company	12-28-93
ER94-455	000	Kansas City Power & Light Company	12-28-93
ER94-675	000	Long Island Lighting Company	12-30-93
ER94-773	000	Long Island Lighting Company	12-30-93
ER94-807	000	Louisville Gas & Electric Company	01-03-94
ER94-693	000	Maine Electric Power Company, Inc	12-30-93
ER94-798	000	Massachusetts Electric Company	01-03-94
ER94-478	000	Medina Power Company	12-28-93
ER94-676	000	Metropolitan Edison Co., et al	12-30-93
ER94-349	000	Midwest Power Systems, Inc	12-22-93
ER94-351	000	Midwest Power Systems, Inc	12-22-93
ER94-373	000	Midwest Power Systems, Inc	12-23-93
ER94-660	000	Midwest Power Systems, Inc	12-30-93
ER94-666	000	Midwest Power Systems Inc	12-30-93
ER94-793	000	Midwest Power Systems Inc	01-03-94
ER94-794	000	Midwest Power Systems Inc	01-03-94
ER94-802	000	Midwest Power Systems Inc	01-03-94
ER94-804	000	Midwest Power Systems Inc	01-03-94
ER94-581	000	Minnesota Power and Light Co	12-29-93
ER94-593	000	Minnesota Power and Light Company	12-29-93
ER94-739	000	Minnesota Power and Light Company	12-30-93
ER94-740	000	Minnesota Power and Light Company	12-30-93
ER94-741	000	Minnesota Power and Light Company	12-30-93
ER94-745	000	Minnesota Power and Light Company	12-30-93
ER94-746	000	Minnesota Power and Light Company	12-30-93
ER94-614	000	Missouri Public Service	12-29-93
ER94-615	000	Missouri Public Service	12-29-93
ER94-616	000	Missouri Public Service	12-29-93
ER94-556	000	Montana-Dakota Utilities Co	12-29-93
ER94-397	000	Montana Power Company	12-23-93
ER94-398	000	Montana Power Company	12-23-93
ER94-399	000	Montana Power Company	12-23-93
ER94-400	000	Montana Power Company	12-23-93
ER94-401	000	Montana Power Company	12-23-93
ER94-438	000	Montana Power Company	12-27-93
ER94-439	000	Montana Power Company	12-27-93
ER94-440	000	Montana Power Company	12-27-93
ER94-474	000	Montana Power Company	12-28-93
ER94-575	000	Montana Power Company	12-29-93
ER94-576	000	Montana Power Company	12-29-93
ER94-577	000	Montana Power Company	12-29-93
ER94-578	000	Montana Power Company	12-29-93
ER94-579	000	Montana Power Company	12-29-93
ER94-799	000	Montana Power Company	01-03-94
ER94-800	000	Montana Power Company	01-03-94
ER94-801	000	Montana Power Company	01-03-94

ATTACHMENT B.—ALPHABETICAL LIST OF RATE FILINGS BETWEEN DECEMBER 22, 1993 AND JANUARY 3, 1994—Continued

ER94-696	000	Montaup Electric Company	12-30-93
ER94-466	000	Moreau Manufacturing Corporation	12-28-93
ER94-356	000	Nevada Power Company	12-22-93
ER94-357	000	Nevada Power Company	12-22-93
ER94-358	000	Nevada Power Company	12-22-93
ER94-359	000	Nevada Power Company	12-22-93
ER94-402	000	Nevada Power Company	12-23-93
ER94-403	000	Nevada Power Company	12-23-93
ER94-404	000	Nevada Power Company	12-23-93
ER94-405	000	Nevada Power Company	12-23-93
ER94-406	000	Nevada Power Company	12-23-93
ER94-469	000	Nevada Power Company	12-28-93
ER94-562	000	Nevada Power Company	12-29-93
ER94-563	000	Nevada Power Company	12-29-93
ER94-564	000	Nevada Power Company	12-29-93
ER94-565	000	Nevada Power Company	12-29-93
ER94-686	000	Nevada Power Company	12-30-93
ER94-687	000	Nevada Power Company	12-30-93
ER94-734	000	New Charleston Power I, L. P	12-30-93
ER94-371	000	New England Power Company	12-23-93
ER94-372	000	New England Power Company	12-23-93
ER94-374	000	New England Power Company	12-23-93
ER94-484	000	New England Power Company	12-28-93
ER94-538	000	New England Power Company	12-29-93
ER94-661	000	New England Power Company	12-30-93
ER94-797	000	New England Power Company	01-03-94
ER94-648	000	New York State Elec. and Gas Corp	12-30-93
ER94-725	000	New York State Elec. and Gas Corp	12-30-93
ER94-726	000	New York State Elec. and Gas Corp	12-30-93
ER94-727	000	New York State Elec. and Gas Corp	12-30-93
ER94-728	000	New York State Elec. and Gas Corp	12-30-93
ER94-729	000	New York State Elec. and Gas Corp	12-30-93
ER94-730	000	New York State Elec. and Gas Corp	12-30-93
ER94-731	000	New York State Elec. and Gas Corp	12-30-93
ER94-732	000	New York State Elec. and Gas Corp	12-30-93
ER94-347	000	Niagara Mohawk Power Corporation	12-22-93
ER94-420	000	Niagara Mohawk Power Corporation	12-23-93
ER94-422	000	Niagara Mohawk Power Corporation	12-27-93
ER94-423	000	Niagara Mohawk Power Corporation	12-27-93
ER94-424	000	Niagara Mohawk Power Corporation	12-27-93
ER94-425	000	Niagara Mohawk Power Corporation	12-27-93
ER94-428	000	Niagara Mohawk Power Corporation	12-27-93
ER94-809	000	Niagara Mohawk Power Corporation	01-03-94
ER94-810	000	Niagara Mohawk Power Corporation	01-03-94
ER94-662	000	Northeast Utilities Service Company et al	12-30-93
ER94-450	000	Northeast Utilities Service Company	12-28-93
ER94-451	000	Northeast Utilities Service Company	12-28-93
ER94-452	000	Northeast Utilities Service Company	12-28-93
ER94-559	000	Northeast Utilities Service Company	12-29-93
ER94-641	000	Northeast Utilities Service Company	12-30-93
ER94-642	000	Northeast Utilities Service Company	12-30-93
ER94-407	000	Northern States Power Company (MN)	12-23-93
ER94-806	000	Northern States Power Company (MN)	01-03-94
ER94-814	000	Northern States Power Company	12-30-93
ER94-815	000	Northern States Power Company	12-30-93
ER94-816	000	Northern States Power Company	12-30-93
ER94-817	000	Northern States Power Company	12-30-93
ER94-818	000	Northern States Power Company	12-30-93
ER94-819	000	Northern States Power Company	12-30-93
ER94-820	000	Northern States Power Company	12-30-93
ER94-821	000	Northern States Power Company	12-30-93
ER94-822	000	Northern States Power Company	12-30-93
ER94-823	000	Northern States Power Company	12-30-93
ER94-824	000	Northern States Power Company	12-30-93
ER94-825	000	Northern States Power Company	12-30-93
ER94-826	000	Northern States Power Company	12-30-93
ER94-827	000	Northern States Power Company	12-30-93
ER94-828	000	Northern States Power Company	12-30-93
ER94-829	000	Northern States Power Company	12-30-93
ER94-830	000	Northern States Power Company	12-30-93
ER94-831	000	Northern States Power Company	12-30-93
ER94-832	000	Northern States Power Company (MN)	12-30-93
ER94-833	000	Northern States Power Company	12-30-93

ATTACHMENT B.—ALPHABETICAL LIST OF RATE FILINGS BETWEEN DECEMBER 22, 1993 AND JANUARY 3, 1994—Continued

ER94-834	000	Northern States Power Company	12-30-93
ER94-835	000	Northern States Power Company	12-30-93
ER94-836	000	Northern States Power Company (WI)	12-30-93
ER94-837	000	Northern States Power Company	12-30-93
ER94-838	000	Northern States Power Company	12-30-93
ER94-839	000	Northern States Power Company	12-30-93
ER94-840	000	Northern States Power Company	12-30-93
ER94-841	000	Northern States Power Company	12-30-93
ER94-842	000	Northern States Power Company	12-30-93
ER94-843	000	Northern States Power Company	12-30-93
ER94-844	000	Northern States Power Company	12-30-93
ER94-845	000	Northern States Power Company	12-30-93
ER94-846	000	Northern States Power Company	12-30-93
ER94-847	000	Northern States Power Company	12-30-93
ER94-848	000	Northern States Power Company	12-30-93
ER94-849	000	Northern States Power Company	12-30-93
ER94-850	000	Northern States Power Company	12-30-93
ER94-851	000	Northern States Power Company	12-30-93
ER94-852	000	Northern States Power Company	12-30-93
ER94-853	000	Northern States Power Company	12-30-93
ER94-854	000	Northern States Power Company	12-30-93
ER94-855	000	Northern States Power Company (MN)	12-30-93
ER94-856	000	Northern States Power Company (MN)	12-30-93
ER94-857	000	Northern States Power Company (MN)	12-30-93
ER94-858	000	Northern States Power Company (MN)	12-30-93
ER94-859	000	Northern States Power Company (MN)	12-30-93
ER94-860	000	Northern States Power Company (MN)	12-30-93
ER94-861	000	Northern States Power Company (MN)	12-30-93
ER94-862	000	Northern States Power Company (MN)	12-30-93
ER94-863	000	Northern States Power Company (MN)	12-30-93
ER94-864	000	Northern States Power Company (MN)	12-30-93
ER94-865	000	Northern States Power Company (MN)	12-30-93
ER94-866	000	Northern States Power Company (MN)	12-30-93
ER94-867	000	Northern States Power Company (MN)	12-30-93
ER94-868	000	Northern States Power Company (MN)	12-30-93
ER94-869	000	Northern States Power Company (WI)	12-30-93
ER94-870	000	Northern States Power Company (MN)	12-30-93
ER94-871	000	Northern States Power Company (MN)	12-30-93
ER94-872	000	Northern States Power Company (WI)	12-30-93
ER94-873	000	Northern States Power Company (WI)	12-30-93
ER94-874	000	Northern States Power Company (MN)	12-30-93
ER94-875	000	Northern States Power Company (MN)	12-30-93
ER94-876	000	Northern States Power Company (MN)	12-30-93
ER94-877	000	Northern States Power Company (MN)	12-30-93
ER94-878	000	Northern States Power Company (MN)	12-30-93
ER94-879	000	Northern States Power Company (MN)	12-30-93
ER94-880	000	Northern States Power Company (MN)	12-30-93
ER94-881	000	Northern States Power Company (MN)	12-30-93
ER94-882	000	Northern States Power Company (MN)	12-30-93
ER94-883	000	Northern States Power Company (MN)	12-30-93
ER94-884	000	Northern States Power Company (MN)	12-30-93
ER94-885	000	Northern States Power Company (MN)	12-30-93
ER94-886	000	Northern States Power Company (MN)	12-30-93
ER94-697	000	Ohio Edison Company	12-30-93
ER94-698	000	Ohio Edison Company	12-30-93
ER94-458	000	Ohio Valley Electric Corporation	12-28-93
ER94-387	000	Oklahoma Gas and Elec. Company	12-23-93
ER94-537	000	Old Dominion Electric Cooperative	12-23-93
ER94-805	000	Old Dominion Electric Cooperative	01-03-94
ER94-415	000	Orange & Rockland Utilities Inc	12-23-93
ER94-493	000	Orange and Rockland Utilities, Inc	12-28-93
ER94-560	000	Oregon Trail Elec. Consumers Coop	12-29-93
ER94-494	000	Pacific Gas and Electric Company	12-29-93
ER94-495	000	Pacific Gas and Electric Company	12-29-93
ER94-678	000	Pacific Gas and Electric Company	12-30-93
ER94-694	000	Pacific Gas and Electric Company	12-30-93
ER94-699	000	Pacific Gas and Electric Company	12-30-93
ER94-700	000	Pacific Gas and Electric Company	12-30-93
ER94-722	000	Pacific Gas and Electric Company	12-30-93
ER94-888	000	Pacificorp	01-05-94
ER94-889	000	Pacificorp	01-05-94
ER94-352	000	Pacificorp	12-22-93
ER94-353	000	Pacificorp	12-22-93

ATTACHMENT B.—ALPHABETICAL LIST OF RATE FILINGS BETWEEN DECEMBER 22, 1993 AND JANUARY 3, 1994—Continued

ER94–354	000	Pacificorp	12–22–93
ER94–456	000	Pacificorp	12–28–93
ER94–457	000	Pacificorp	12–28–93
ER94–483	000	Pacificorp	12–28–93
ER94–531	000	Pacificorp	12–29–93
ER94–647	000	Pacificorp	12–30–93
ER94–677	000	Pacificorp	12–30–93
ER94–679	000	Pacificorp	12–30–93
ER94–680	000	Pacificorp	12–30–93
ER94–681	000	Pacificorp	12–30–93
ER94–684	000	Pacificorp	12–30–93
ER94–685	000	Pacificorp	12–30–93
ER94–427	000	Pennsylvania Electric Company	12–27–93
ER94–442	000	Pennsylvania Electric Company	12–27–93
ER94–443	000	Pennsylvania Electric Company	12–27–93
ER94–459	000	Pennsylvania Electric Co., et al	12–28–93
ER94–481	000	Pennsylvania Electric Company	12–28–93
ER94–525	000	Pennsylvania Electric Company	12–29–93
ER94–527	000	Pennsylvania Electric Company	12–29–93
ER94–557	000	Pennsylvania Electric Company	12–29–93
ER94–618	000	Pennsylvania Power & Light Co	12–30–93
ER94–619	000	Pennsylvania Power & Light Co	12–30–93
ER94–620	000	Pennsylvania Power & Light Co	12–30–93
ER94–621	000	Pennsylvania Power & Light Co	12–30–93
ER94–622	000	Pennsylvania Power & Light Co	12–30–93
ER94–623	000	Pennsylvania Power & Light Co	12–30–93
ER94–624	000	Pennsylvania Power & Light Co	12–30–93
ER94–625	000	Pennsylvania Power & Light Co	12–30–93
ER94–626	000	Pennsylvania Power & Light Co	12–30–93
ER94–627	000	Pennsylvania Power & Light Co	12–30–93
ER94–628	000	Pennsylvania Power & Light Co	12–30–93
ER94–629	000	Pennsylvania Power & Light Co	12–30–93
ER94–630	000	Pennsylvania Power & Light Co	12–30–93
ER94–631	000	Pennsylvania Power & Light Co	12–30–93
ER94–632	000	Pennsylvania Power & Light Co	12–30–93
ER94–633	000	Pennsylvania Power & Light Co	12–30–93
ER94–634	000	Pennsylvania Power & Light Co	12–30–93
ER94–635	000	Pennsylvania Power & Light Co	12–30–93
ER94–664	000	Pennsylvania Power Company	12–30–93
ER94–665	000	Pennsylvania Power Company	12–30–93
ER94–532	000	Philadelphia Electric Company	12–29–93
ER94–363	000	Portland General Electric Company	12–22–93
ER94–408	000	Portland General Electric Company	12–23–93
ER94–409	000	Portland General Electric Company	12–23–93
ER94–412	000	Portland General Electric Company	12–23–93
ER94–461	000	Portland General Electric Company	12–28–93
ER94–462	000	Portland General Electric Company	12–28–93
ER94–463	000	Portland General Electric Company	12–28–93
ER94–464	000	Portland General Electric Company	12–28–93
ER94–470	000	Portland General Electric Company	12–28–93
ER94–471	000	Portland General Electric Company	12–28–93
ER94–472	000	Portland General Electric Company	12–28–93
ER94–496	000	Portland General Electric Company	12–28–93
ER94–539	000	Portland General Electric Company	12–29–93
ER94–540	000	Portland General Electric Company	12–29–93
ER94–541	000	Portland General Electric Company	12–29–93
ER94–542	000	Portland General Electric Company	12–29–93
ER94–543	000	Portland General Electric Company	12–29–93
ER94–544	000	Portland General Electric Company	12–29–93
ER94–545	000	Portland General Electric Company	12–29–93
ER94–546	000	Portland General Electric Company	12–29–93
ER94–547	000	Portland General Electric Company	12–29–93
ER94–548	000	Portland General Electric Company	12–29–93
ER94–549	000	Portland General Electric Company	12–29–93
ER94–550	000	Portland General Electric Company	12–29–93
ER94–701	000	Portland General Electric Company	12–30–93
ER94–702	000	Portland General Electric Company	12–30–93
ER94–703	000	Portland General Electric Company	12–30–93
ER94–704	000	Portland General Electric Company	12–30–93
ER94–705	000	Portland General Electric Company	12–30–93
ER94–706	000	Portland General Electric Company	12–30–93
ER94–707	000	Portland General Electric Company	12–30–93
ER94–708	000	Portland General Electric Company	12–30–93

ATTACHMENT B.—ALPHABETICAL LIST OF RATE FILINGS BETWEEN DECEMBER 22, 1993 AND JANUARY 3, 1994—Continued

ER94-709	000	Portland General Electric Company	12-30-93
ER94-710	000	Portland General Electric Company	12-30-93
ER94-711	000	Portland General Electric Company	12-30-93
ER94-712	000	Portland General Electric Company	12-30-93
ER94-713	000	Portland General Electric Company	12-30-93
ER94-714	000	Portland General Electric Company	12-30-93
ER94-715	000	Portland General Electric Company	12-30-93
ER94-716	000	Portland General Electric Company	12-30-93
ER94-717	000	Portland General Electric Company	12-30-93
ER94-718	000	Portland General Electric Company	12-30-93
ER94-719	000	Portland General Electric Company	12-30-93
ER94-720	000	Portland General Electric Company	12-30-93
ER94-721	000	Portland General Electric Company	12-30-93
ER94-467	000	PSI Energy, Inc	12-28-93
ER94-533	000	PSI Energy, Inc	12-29-93
ER94-887	000	PSI Energy, Inc	12-28-93
ER94-348	000	Public Service Co. of New Mexico	12-22-93
ER94-355	000	Public Service Co. of New Mexico	12-22-93
ER94-375	000	Public Service Co. of New Mexico	12-23-93
ER94-376	000	Public Service Co. of New Mexico	12-23-93
ER94-377	000	Public Service Co. of New Mexico	12-23-93
ER94-378	000	Public Service Co. of New Mexico	12-23-93
ER94-388	000	Public Service Co. of New Mexico	12-23-93
ER94-395	000	Public Service Elec. & Gas Company	12-23-93
ER94-396	000	Public Service Elec. & Gas Company	12-23-93
ER94-435	000	Public Service Elec. & Gas Company	12-27-93
ER94-498	000	Public Service Company of Colorado	12-29-93
ER94-500	000	Public Service Company of Colorado	12-29-93
ER94-501	000	Public Service Company of Colorado	12-29-93
ER94-502	000	Public Service Company of Colorado	12-29-93
ER94-503	000	Public Service Company of Colorado	12-29-93
ER94-504	000	Public Service Company of Colorado	12-29-93
ER94-505	000	Public Service Company of Colorado	12-29-93
ER94-506	000	Public Service Company of Colorado	12-29-93
ER94-507	000	Public Service Company of Colorado	12-29-93
ER94-508	000	Public Service Company of Colorado	12-29-93
ER94-509	000	Public Service Company of Colorado	12-29-93
ER94-510	000	Public Service Company of Colorado	12-29-93
ER94-511	000	Public Service Company of Colorado	12-29-93
ER94-512	000	Public Service Company of Colorado	12-29-93
ER94-513	000	Public Service Company of Colorado	12-29-93
ER94-514	000	Public Service Company of Colorado	12-29-93
ER94-515	000	Public Service Company of Colorado	12-29-93
ER94-516	000	Public Service Company of Colorado	12-29-93
ER94-517	000	Public Service Company of Colorado	12-29-93
ER94-518	000	Public Service Company of Colorado	12-29-93
ER94-519	000	Public Service Company of Colorado	12-29-93
ER94-561	000	Public Service Company of Colorado	12-29-93
ER94-520	000	Public Service Company of Colorado	12-29-93
ER94-522	000	Public Service Co. of New Mexico	12-29-93
ER94-523	000	Public Service Co. of New Mexico	12-29-93
ER94-524	000	Public Service Co. of New Mexico	12-29-93
ER94-789	000	Public Service Co. of New Hampshire	12-30-93
ER94-651	000	Public Service Company of Oklahoma	12-30-93
ER94-667	000	Public Service Co. of New Mexico	12-30-93
ER94-668	000	Public Service Co. of New Mexico	12-30-93
ER94-669	000	Public Service Co. of New Mexico	12-30-93
ER94-674	000	Public Service Co. of New Mexico	12-30-93
ER94-361	000	Public Svc Electric & Gas Co, et al	12-22-93
ER94-362	000	Public Svc Electric & Gas Co, et al	12-22-93
ER94-479	000	Public Svc Company of New Hampshire	12-28-93
ER94-381	000	Puget Sound Power & Light Company	12-23-93
ER94-382	000	Puget Sound Power & Light Company	12-23-93
ER94-383	000	Puget Sound Power & Light Company	12-23-93
ER94-384	000	Puget Sound Power & Light Company	12-23-93
ER94-385	000	Puget Sound Power & Light Company	12-23-93
ER94-386	000	Puget Sound Power & Light Company	12-23-93
ER94-485	000	Puget Sound Power & Light Company	12-28-93
ER94-486	000	Puget Sound Power & Light Company	12-28-93
ER94-487	000	Puget Sound Power & Light Company	12-28-93
ER94-488	000	Puget Sound Power & Light Company	12-28-93
ER94-489	000	Puget Sound Power & Light Company	12-28-93
ER94-490	000	Puget Sound Power & Light Company	12-28-93

ATTACHMENT B.—ALPHABETICAL LIST OF RATE FILINGS BETWEEN DECEMBER 22, 1993 AND JANUARY 3, 1994—Continued

ER94–491	000	Puget Sound Power & Light Company	12–28–93
ER94–492	000	Puget Sound Power & Light Company	12–28–93
ER94–534	000	Puget Sound Power & Light Company	12–29–93
ER94–535	000	Puget Sound Power & Light Company	12–29–93
ER94–536	000	Puget Sound Power & Light Company	12–29–93
ER94–748	000	Puget Sound Power & Light Company	12–30–93
ER94–749	000	Puget Sound Power & Light Company	12–30–93
ER94–750	000	Puget Sound Power & Light Company	12–30–93
ER94–751	000	Puget Sound Power & Light Company	12–30–93
ER94–752	000	Puget Sound Power & Light Company	12–30–93
ER94–753	000	Puget Sound Power & Light Company	12–30–93
ER94–754	000	Puget Sound Power & Light Company	12–30–93
ER94–755	000	Puget Sound Power & Light Company	12–30–93
ER94–756	000	Puget Sound Power & Light Company	12–30–93
ER94–757	000	Puget Sound Power & Light Company	12–30–93
ER94–758	000	Puget Sound Power & Light Company	12–30–93
ER94–759	000	Puget Sound Power & Light Company	12–30–93
ER94–760	000	Puget Sound Power & Light Company	12–30–93
ER94–761	000	Puget Sound Power & Light Company	12–30–93
ER94–762	000	Puget Sound Power & Light Company	12–30–93
ER94–763	000	Puget Sound Power & Light Company	12–30–93
ER94–764	000	Puget Sound Power & Light Company	12–30–93
ER94–765	000	Puget Sound Power & Light Company	12–30–93
ER94–766	000	Puget Sound Power & Light Company	12–30–93
ER94–767	000	Puget Sound Power & Light Company	12–30–93
ER94–768	000	Puget Sound Power & Light Company	12–30–93
ER94–769	000	Puget Sound Power & Light Company	12–30–93
ER94–770	000	Puget Sound Power & Light Company	12–30–93
ER94–771	000	Puget Sound Power & Light Company	12–30–93
ER94–772	000	Puget Sound Power & Light Company	12–30–93
ER94–430	000	Rochester Gas & Electric Corp	12–27–93
ER94–431	000	Rochester Gas & Electric Corp	12–27–93
ER94–432	000	Rochester Gas & Electric Corp	12–27–93
ER94–433	000	Rochester Gas & Electric Corp	12–27–93
ER94–434	000	Rochester Gas & Electric Corp	12–27–93
ER94–437	000	Rochester Gas & Electric Corp	12–27–93
ER94–360	000	San Diego Gas & Electric	12–22–93
ER94–551	000	Sierra Pacific Power Company	12–29–93
ER94–552	000	Sierra Pacific Power Company	12–29–93
ER94–553	000	Sierra Pacific Power Company	12–29–93
ER94–554	000	Sierra Pacific Power Company	12–29–93
ER94–682	000	Sierra Pacific Power Company	12–30–93
ER94–683	000	Sierra Pacific Power Company	12–30–93
ER94–688	000	Sierra Pacific Power Company	12–30–93
ER94–783	000	South Florida Cogeneration Associat	12–30–93
ER94–582	000	Southern Calif. Edison Company	12–29–93
ER94–583	000	Southern Calif. Edison Company	12–29–93
ER94–584	000	Southern Calif. Edison Company	12–29–93
ER94–585	000	Southern Calif. Edison Company	12–29–93
ER94–587	000	Southern Calif. Edison Company	12–29–93
ER94–588	000	Southern Calif. Edison Company	12–29–93
ER94–589	000	Southern Calif. Edison Company	12–29–93
ER94–590	000	Southern Calif. Edison Company	12–29–93
ER94–591	000	Southern Calif. Edison Company	12–29–93
ER94–592	000	Southern Calif. Edison Company	12–29–93
ER94–595	000	Southern Calif. Edison Company	12–29–93
ER94–596	000	Southern Calif. Edison Company	12–29–93
ER94–775	000	Southern Calif. Edison Co., et al	12–30–93
ER94–572	000	Southern Calif. Edison Company	12–29–93
ER94–574	000	Southern Calif. Edison Company	12–29–93
ER94–586	000	Southern Calif. Edison Company	12–29–93
ER94–594	000	Southern Calif. Edison Company	12–29–93
ER94–617	000	Southern Calif. Edison Company	12–30–93
ER94–733	000	Southwestern Electric Power Co	12–30–93
ER94–774	000	Southwestern Public Service Co	12–30–93
ER94–446	000	Southwire Company	12–27–93
ER94–580	000	Superior Water, Light and Power Co	12–29–93
ER94–389	000	Tenaska Power Services Company	12–23–93
ER94–413	000	Texas-New Mexico Power Company	12–23–93
ER94–447	000	Texas-New Mexico Power Company	12–27–93
ER94–448	000	Texas-New Mexico Power Company	12–27–93
ER94–468	000	Texas-New Mexico Power Company	12–28–93
ER94–418	000	Toledo Edison Company	12–23–93

ATTACHMENT B.—ALPHABETICAL LIST OF RATE FILINGS BETWEEN DECEMBER 22, 1993 AND JANUARY 3, 1994—Continued

ER94-567	000	Toledo Edison Company	12-29-93
ER94-569	000	Toledo Edison Company	12-29-93
ER94-782	000	Tucson Elec. Power Company	12-30-93
ER94-792	000	UGI Utilities, Inc	12-30-93
ER94-473	000	Union Electric Company	12-28-93
ER94-795	000	United Illuminating Company	01-03-94
ER94-460	000	Vermont Electric Power Company, Inc	12-28-93
ER94-790	000	Virginia Electric and Power Company	12-30-93
ER94-392	000	Washington Water Power	12-23-93
ER94-393	000	Washington Water Power	12-23-93
ER94-394	000	Washington Water Power	12-23-93
ER94-429	000	Washington Water Power	12-27-93
ER94-441	000	Washington Water Power	12-27-93
ER94-599	000	Washington Water Power	12-29-93
ER94-600	000	Washington Water Power	12-29-93
ER94-601	000	Washington Water Power	12-29-93
ER94-602	000	Washington Water Power	12-29-93
ER94-603	000	Washington Water Power	12-29-93
ER94-604	000	Washington Water Power	12-29-93
ER94-605	000	Washington Water Power	12-29-93
ER94-606	000	Washington Water Power	12-29-93
ER94-735	000	Washington Water Power	12-30-93
ER94-736	000	Washington Water Power	12-30-93
ER94-737	000	Washington Water Power	12-30-93
ER94-738	000	Washington Water Power	12-30-93
ER94-365	000	Western Resources, Inc	12-22-93
ER94-366	000	Western Resources, Inc	12-22-93
ER94-367	000	Western Resources, Inc	12-22-93
ER94-410	000	Western Resources, Inc	12-23-93
ER94-411	000	Western Resources, Inc	12-23-93
ER94-776	000	Westplains Energy	12-30-93
ER94-777	000	Westplains Energy	12-30-93
ER94-778	000	Westplains Energy	12-30-93
ER94-779	000	Westplains Energy	12-30-93
ER94-813	000	Westplains Energy	01-03-94
ER94-421	999	Wisconsin Elec. Power Company	12-23-93
ER94-369	000	Wisconsin Power & Light Company	12-23-93
ER94-475	000	Wisconsin Power & Light Company	12-28-93
ER94-528	000	Wisconsin Power & Light Company	12-29-93
ER94-658	000	Wisconsin Power & Light Company	12-30-93
ER94-476	000	Wisconsin Public Service Corp	12-28-93
ER94-636	000	Wisconsin Public Service Corp	12-30-93

[FR Doc. 94-1028 Filed 1-13-94; 8:45 am]
BILLING CODE 6717-01-P

[Docket No. ER88-83-010 et al.]

Southern California Edison Co., et al.; Electric Rate and Corporate Regulation Filings

January 7, 1994.

Take notice that the following filings have been made with the Commission:

1. Southern California Edison Company

[Docket No. ER88-83-010]

Take notice that on December 22, 1993, Southern California Edison Company tendered for filing its refund report in the above-referenced docket.

Comment date: January 21, 1994, in accordance with Standard Paragraph E at the end of this notice.

2. Georgia Power Company

[Docket No. ER93-325-002]

Take notice that on December 22, 1993, Georgia Power Company (Georgia Power) tendered for filing revised tariff sheets for its FERC Electric Tariff, First Revised Volume No. 2 (partial requirements service). The tariff changes deleted certain resale restrictions as ordered by the Commission.

Georgia Power states that the tariff changes comply with the Commission's Order of November 19, 1993.

Comment date: January 21, 1994, in accordance with Standard Paragraph E at the end of this notice.

3. Columbus Southern Power Company, Ohio Power Company

[Docket No. ER93-637-000]

Take notice that on December 22, 1993, American Electric Power Service Corporation, on behalf of Columbus Southern Power Company (CSP) and Ohio Power Company (OPCO) tendered for filing Supplement B to CSP's FERC Rate Schedule No. 37 and OPCO's FERC Rate Schedule No. 74. Supplement B caps the transmission rate in Rate Schedule Nos. 37 and 74 respectively, for transactions exceeding one year in length at the level ultimately approved by FERC in Docket No. ER93-540-000.

A copy of the filing was served upon the American Municipal Power-Ohio Inc., the City of Columbus, Ohio, and the Public Utility Commission of Ohio.

Comment date: January 21, 1994, in accordance with Standard Paragraph E at the end of this notice.

4. Heartland Energy Services, Inc.

[Docket No. ER94-108-000]

Take notice that on December 22, 1993, Heartland Energy Services, Inc. (HES) tendered for filing with the Federal Energy Regulatory Commission supplemental material relating to the above docket.

Comment date: January 21, 1994, in accordance with Standard Paragraph E at the end of this notice.

5. North American Conservation, Inc.

[Docket No. ER94-152-000]

Take notice that on December 28, 1993, North American Conservation Inc. tendered for filing an amendment to its November 12, 1993, filing filed in this docket.

Comment date: January 18, 1994, in accordance with Standard Paragraph E at the end of this notice.

6. Minnesota Power & Light Company

[Docket No. ER94-174-000]

Take notice that on December 20, 1993, Minnesota Power & Light Company (Minnesota) tendered for filing an amendment to its original filing filed in this docket on November 19, 1993.

Comment date: January 21, 1994, in accordance with Standard Paragraph E at the end of this notice.

7. Western Resources, Inc.

[Docket No. ER94-308-000]

Take notice that on December 20, 1993, Western Resources, Inc. (WRI) tendered for filing a proposed change to its Federal Regulatory Commission Electric Service Tariff No. 251. WRI states the purpose of the change is to extend the term of the existing Electric Power Supply Contract between WRI and the City of Troy, Kansas. The change is proposed to become effective February 18, 1994.

Comment date: January 21, 1994, in accordance with Standard Paragraph E at the end of this notice.

8. Kentucky Utilities Company

[Docket No. ER94-309-000]

Take notice that on December 20, 1993, Kentucky Utilities Company (KU) tendered for filing a Letter Agreement with the City of Bardstown, Kentucky to provide excess of normal facilities.

Comment date: January 21, 1994, in accordance with Standard Paragraph E at the end of this notice.

9. Illinois Power Company

[Docket No. ER94-310-000]

Take notice that on December 20, 1993, Illinois Power Company (IP) tendered for filing a service agreement, Appendix A to the Interconnection Agreement between IP and Southern Illinois Power Cooperative (SIPC). The Appendix provides for an additional point of interconnection between SIPC and IP. IP proposes an effective date of November 14, 1991, and, therefore, request waiver of the Commission's notice requirements.

Copies of the filing have been served on SIPC and the Illinois Commerce Commission.

Comment date: January 21, 1994, in accordance with Standard Paragraph E at the end of this notice.

10. New England Power Company

[Docket No. ER94-313-000]

Take notice that on December 20, 1993, New England Power Company (NEP or Company) filed a Petition for Waiver of Fuel Adjustment Clause Regulations and an amendment to the Fuel Adjustment Clause in NEP's FERC Electric Tariff, Original Volume No. 1. NEP requests permission to amend its Tariff No. 1 Fuel Adjustment Clause to allow flow-through to customers of revenues and expenses associated with NEP's sulfur dioxide (SO_2) allowance administration and trading.

NEP furthermore filed a Compensating Generation Agreement that provides for the sale of surplus SO_2 allowances if NEP receives EPA approval to participate in Phase I of the Federal Acid Rain Program. NEP also filed a service agreement under its FERC Electric Tariff, Original Volume No. 5 for a power sale related to the SO_2 contract. NEP seeks waiver of the Commission's notice requirements and asks that the Commission make each document effective in accordance with its terms.

Comment date: January 21, 1994, in accordance with Standard Paragraph E at the end of this notice.

11. Washington Water Power Company

[Docket No. ER94-314-000]

Take notice that on December 21, 1993, the Washington Water Power Company (WWP) tendered for filing with the Federal Energy Regulatory Commission, pursuant to Docket No. ER93-2-002 pertaining to final amnesty for jurisdictional service and waiver of notice a Transmission Agreement between the WWP and Bonneville Power Administration (BPA). The Transmission Agreement provides for BPA to transmit power and energy, associated with the Colstrip Thermal Generating Plant, to WWP's system.

Comment date: January 21, 1994, in accordance with Standard Paragraph E at the end of this notice.

12. San Diego Gas & Electric Company

[Docket No. ER94-315-000]

Take notice that on December 20, 1993, San Diego Gas & Electric Company (SDG&E) tendered for filing the California Transmission System Participation Agreement between Imperial Irrigation District (IID) and SDG&E, and the Agreement for Communication Service between SDG&E and IID (collectively "Agreements").

The Agreements provide for the construction and operation of the joint 500 kV transmission line to supply SDG&E transmission from the Imperial Valley Substation to the Arizona-California Border and the associated communications system. SDG&E request that the Commission disclaim jurisdiction over all or certain portions of the Agreements.

Copies of the filing were served upon the Public Utilities Commission of the State California and IID.

Comment date: January 21, 1994, in accordance with Standard Paragraph E at the end of this notice.

13. Washington Water Power Company

[Docket No. ER94-316-000]

Take notice that on December 21, 1993, the Washington Water Power Company (WWP), tendered for filing with the Federal Energy Regulatory Commission, pursuant to Docket No. ER93-2-002 pertaining to a final amnesty for jurisdictional service and waiver of notice, a Transmission Agreement between WWP and Bonneville Power Administration (BPA). The Transmission Agreement provides for BPA to transmit power an energy, associated with a Capacity and Energy Exchange Agreement WWP and Pacific Gas and Electric Company, to and from WWP's system.

Comment date: January 21, 1994, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94-965 Filed 1-13-94; 8:45 am]

BILLING CODE 6717-01-P

[Docket No. EL94-16.000 et al.]

Wisconsin Electric Power Co., et al.; Electric Rate and Corporate Regulation Filings

January 6, 1994.

Take notice that the following filings have been made with the Commission:

1. Wisconsin Electric Power Company

[Docket No. EL94-16-000]

Take notice that on December 20, 1993, Wisconsin Electric Power Company (Wisconsin Electric or the Company) submitted for filing pursuant to the policy established by the Commission in an order issued on November 29, 1993 in Western Resources, Inc., Docket No. EL93-14-000, a request for waiver of the fuel clause regulations to give the Company the opportunity to limit its potential refund liability by making a filing for waiver at this time, after the costs have been collected. Since the proceeding in Docket No. FA88-62-000 involves various interrelated issues concerning the Company's recovery of reclamation costs through the wholesale fuel clause, the Company also requests the Commission to defer any action on this filing until all issues in that docket are before it.

Comment date: January 26, 1994, in accordance with Standard Paragraph E at the end of this notice.

2. Florida Power Corporation

[Docket No. ER94-33-000]

Take notice that on December 17, 1993, Florida Power Corporation requested the Commission to withdraw its filing made on October 15, 1993 in the above named docket. That filing contained provisions concerning displacement energy purchased by Seminole Electric Cooperative, Inc. Since the same provisions are contained in a settlement agreement filed on December 17, 1993, in Docket No. ER93-299-000, and since those provisions constitute an integral part of the settlement, Florida Power states that those provisions should be reviewed as part of the settlement rather than in this docket.

Comment date: January 20, 1994, in accordance with Standard Paragraph E at the end of this notice.

3. New England Power Company

[Docket No. ER94-70-000]

Take notice that on December 15, 1993, New England Power Company (NEP), and Boston Edison Company (BECO) tendered an amendment to their filing in this docket. The applicants continue to request that the contract which is the subject of this filing be deemed effective November 1, 1993.

Comment date: January 20, 1994, in accordance with Standard Paragraph E at the end of this notice.

4. Kentucky Power Company

[Docket No. ER94-121-000]

Take notice that on December 16, 1993, Kentucky Power Company (Kentucky Power) filed, as an amendment to the filing made in this Docket on October 28, 1993, a proposed form of service agreement for proposed tariff MRS-T, and a service agreement executed by the City of Vanceburg, Kentucky (Vanceburg). The amendment was submitted in compliance with a request by the Commission's Staff. Kentucky Power requests an effective date of January 1, 1994.

Kentucky Power states that a copy of its filing was served upon Vanceburg and the Kentucky Public Service Commission.

Comment date: January 20, 1994, in accordance with Standard Paragraph E at the end of this notice.

5. Black Hills Corporation

[Docket No. ER94-130-000]

Take notice that Black Hills Corporation, which operates its electric utility business under the assumed name of Black Hills Power and Light Company (Black Hills) on November 8, 1993, tendered for filing an agreement for Relocation of Lines and Joint Use of Transmission System, dated July 21, 1992 (Agreement), entered into between Black Hills and Tri-County Electric Association, Inc. (Tri-County).

The reasons for the Agreement are to provide for the relocation of certain 69 kV transmission lines of Tri-County to accommodate surface coal mining and to provide for the interconnection of Neil Simpson Unit No. 2, an 80 MW coal-fired electric power plant under construction by Black Hills to what are defined as Joint Use Facilities under the terms of the Agreement. The Agreement further provides for the exchange of breaker positions, the obligation of Black Hills to operate and maintain the Joint Use Facilities and the sharing of costs between Black Hills and Tri-County.

Black Hills has made an amended filing setting forth certain detailed cost data estimating Operation and Maintenance Costs of the Joint Use Facilities and breakers, the use of which are to be exchanged.

Copies of the amended filing were provided to Tri-County, Basin Electric Power Cooperative, Rushmore Electric Power Cooperative, Inc., Black Hills Electric Power, Inc., Butte Electric Cooperative, Inc., PacifiCorp, the South Dakota Public Utilities Commission, the Wyoming Public Service Commission, and the Montana Public Service Commission.

Black Hills has requested that further notice requirements be waived and the acceptance of the Agreement for filing be entered forthwith.

Comment date: January 20, 1994, in accordance with Standard Paragraph E at the end of this notice.

6. Philadelphia Electric Company

[Docket No. ER94-318-000]

Take notice that on December 21, 1993, Philadelphia Electric Company, Public Service Electric and Gas Company, Atlantic City Electric Company and Delmarva Power & Light Company (the Peach Bottom Owners) submitted the Owners Agreement for Peach Bottom No. 2 and 3 Nuclear Units, dated November 24, 1971, as supplemented, and asked the Commission to disclaim jurisdiction over it. This Agreement, according to the Peach Bottom Owners, is not required to be filed under Section 205 of the Federal Power Act.

Comment date: January 20, 1994, in accordance with Standard Paragraph E at the end of this notice.

7. PacifiCorp

[Docket No. ER94-319-000]

Take notice that on December 21, 1993, PacifiCorp, tendered for filing in accordance with Commission's Order pertaining to agreements involving final amnesty for jurisdictional service and waiver of notice, issued July 30, 1993 under Docket No. PL93-2-002, the Service Agreement between Tri-State Generation and Transmission Association Inc. (Tri-State) and PacifiCorp, effective September 28, 1989.

Copies of this filing were supplied to Tri-State, the Public Utility Commission of Oregon and the Utah Public Service Commission.

PacifiCorp requests in accordance with 18 CFR 35.11 of the Commission's Rules and Regulations and that a waiver of prior notice requirements be granted.

Comment date: January 20, 1994, in accordance with Standard Paragraph E at the end of this notice.

8. Wisconsin Power and Light Company

[Docket No. ER94-320-000]

Take notice that on December 21, 1993, Wisconsin Power and Light Company tendered for filing with the Federal Energy Regulatory Commission one Letter Agreement between Wisconsin Power and Light Company (WP&L) and Water Works and Lighting Commission (WWLC). Under the General Purpose Energy Agreement, WP&L will make non-firm energy available to WWLC, with terms and quantities to be arranged by mutual agreement.

Wisconsin Power and Light respectfully requests an effective date sixty (60) days from the date of filing.

A copy of the filing has been served on the Public Service Commission of Wisconsin.

Comment date: January 20, 1994, in accordance with Standard Paragraph E at the end of this notice.

9. Massachusetts Electric Company

[Docket No. ER94-321-000]

Take notice that Massachusetts Electric Company (MECo), on December 21, 1993, tendered for filing two power purchases contract assignments that it has entered into with New England Power Company.

Comment date: January 20, 1994, in accordance with Standard Paragraph E at the end of this notice.

10. PacifiCorp

[Docket No. ER94-323-000]

Take notice that PacifiCorp, on December 21, 1993, tendered for filing, in accordance with 18 CFR 35.13(a)(2)(i)(C) of the Commission's Rules and Regulations, a Wheeling Agreement between PacifiCorp and City of Bountiful Light & Power (Bountiful City) dated October 4, 1978.

Under the Wheeling Agreement, PacifiCorp provides non-firm wheeling of energy for Bountiful City.

PacifiCorp's filing herein, is in response to the Commission's July 30, 1993, Final Order in Docket No. PL93-2-000 regarding prior notice and filing requirements (Final Order). PacifiCorp requests, pursuant to the Final Order and 18 CFR 35.11 of the Commission's Rules and Regulations that a waiver of prior notice be granted and that an effective date of October 4, 1978 be assigned. This date being the effective date of the Wheeling Agreement. Such waiver will have no effect on wholesale or wheeling customers under other rate schedules.

Copies of this filing were supplied to the Public Service Commission of Utah.

Comment date: January 20, 1994, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94-966 Filed 1-13-94; 8:45 am]

BILLING CODE 6717-01-P

[Project No. 2514-003 Virginia]

Appalachian Power Company; Availability of Draft Environmental Assessment

January 10, 1994.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for a new license for the existing Byllesby-Buck Hydroelectric Project, located on the New River in Carroll County, Virginia, near the city of Galax, and has prepared a Draft Environmental Assessment (DEA). In the DEA, the Commission's staff has analyzed the existing and potential future environmental impacts of the project and has concluded that licensing the project, with appropriate environmental protection, mitigation, and enhancement measures, would not constitute a major federal action that would significantly affect quality of the human environment.

Copies of the DEA are available for review in the Public Reference Branch, room 3104, of the Commission's offices at 941 North Capitol Street, NE., Washington, DC 20426.

Any comments should be filed within 30 days from the date of this notice and should be addressed to Lois D. Cashell, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. For further information, contact Jerry Ziewitz, Environmental Coordinator, at (202) 219-3157.

Lois D. Cashell,

Secretary.

[FR Doc. 94-967 Filed 1-13-94; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 2426-063, et al.]

Hydroelectric Applications; State of California Department of Water Resources, et al.

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1 a. *Type of Application:* Amendment of License.

b. *Project No.:* 2426-063.

c. *Date Filed:* December 13, 1993.

d. *Applicant:* State of California, Department of Water Resources.

e. *Name of Project:* California Aqueduct.

f. *Location:* The project is located in the State of California, San Bernardino County, 12 miles north of the City of San Bernardino, on the California Aqueduct.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Viju Patel, Power Manager, Division of Operations and Maintenance, Department of Water Resources, P.O. Box 942836, Sacramento, CA 94236-0001, (916) 653-3014.

i. *FERC Contact:* Buu T. Nguyen, (202) 219-2913.

j. *Comment Date:* February 11, 1994.

k. *Description of Amendment:* State of California, Department of Water Resources, applied for an amendment of license to construct a new tunnel intake structure replacing an existing intake structure. The construction is necessary because the existing intake structure does not meet current seismic design standards and there would be an unacceptably long interruption in water deliveries if the intake structure be upgraded. The new intake structure will be constructed behind an earth plug, with the Silverwood Lake level lowered to elevation 3310 feet during construction. Upon completion of construction, the lake water level will be lowered to elevation of 3260 feet for removing the earth plug. The normal water elevation of the Silverwood Lake is 3320 feet.

l. This notice also consists of the following standard paragraphs; B, C1, and D2.

2 a. *Type of Application:* Minor License (Notice of Tendering).

b. *Project No.:* 11060–001.

c. *Date Filed:* December 13, 1993.

d. *Applicant:* J.M. Miller Enterprises.

e. *Name of Project:* Sahko Water Power Project.

f. *Location:* On the Kastelu Drain, an irrigation return to the Snake River in Twin Falls County, Idaho near the town of Filer. T. 9 S., R. 15 E., section 13, Boise Meridian.

g. *Filed Pursuant to:* Federal Power Act, 16 USC 791 (a)–825(r).

h. *Applicant Contact:*

J.M. Miller Enterprises, Inc., P.O. Box 595, Twin Falls, ID 83303, (208) 622–7215.

D.W. Bill Block, P.E., J-U-B Engineers, Inc., 800 Falls Ave., Twin Falls, ID 83301, (208) 733–2414.

i. *FERC Contact:* Ms. Deborah Frazier-Stutely, (202) 219–2842.

j. *Brief Description of Project:* The proposed project will consist of two earth-fill dams, each with an overflow spillway and a bypass pipe, an intake structure, a penstock, a powerhouse with an installed capacity of 500 kilowatts, a tailrace channel, a transmission line tying into an existing Idaho Power Company system, and related facilities.

k. With this notice, we are initiating consultation with the State Historic Preservation Officer (SHPO), as required by 106, of the National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

l. In accordance with § 4.32(b)(7) of the Commission's regulations, if any resource agency, SHPO, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate, factual basis for a complete analysis of this application on its merits, they must file a request for the study with the Commission, together with justification for such request, not later than 60 days from the filing date and serve a copy of the request on the Applicant.

3 a. *Type of Application:* New License for Major Project (Tendered Notice).

b. *Project No.:* 2687–014.

c. *Date Filed:* December 20, 1993.

d. *Applicant:* Pacific Gas & Electric Company.

e. *Name of Project:* Pit 1 Project.

f. *Location:* On the Fall River and the Pit River, near the towns of Fall River Mills, McArthur, and Burney, in Shasta County, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Steve Christ, Project Manager, Pacific Gas & Electric Company P.O. Box 770000, P10A, San Francisco, California 94177, (415) 973–2629.

i. *FERC Contact:* Mr. Michael Strzelecki, (202) 219–2827.

j. *Description of Project:* The project as licensed consists of: (1) A 15-foot-high concrete diversion structure on the Fall River forming a small impoundment; (2) a 40-foot-high earthen dam on the Fall River forming a 222-acre forebay impoundment; (3) an intake structure on each impoundment; (4) a 1,200-foot-long canal carrying water from each intake structure to a tunnel; (5) the 10,076-foot-long, 14-foot-high tunnel; (6) two 1,372-foot-long penstocks; (7) a powerhouse containing two generating units with a total installed capacity of 61 MW; (8) a 1,150-foot-long tailrace returning water to the Pit River; and (9) appurtenant facilities.

k. With this notice, we are initiating consultation with the STATE HISTORIC PRESERVATION OFFICER (SHPO), as required by 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

l. Under § 4.32(b)(7) of the Commission's regulations (18 CFR 4.32(b)(7)), if any resource agency, SHPO, Indian Tribe, or person believes that the applicant should conduct an additional scientific study to form an adequate factual basis for a complete analysis of the application on its merits, they must file a request for the study with the Commission not later than 60 days after the application is filed, and must serve a copy of the request on the applicant.

m. The Commission's deadline for the applicant's filing of a final amendment to the application is March 20, 1994.

4 a. *Type of Application:* Subsequent License (Tendered Notice).

b. *Project No.:* 2699–001

c. *Date Filed:* December 21, 1993.

d. *Applicant:* Pacific Gas and Electric Company.

e. *Name of Project:* Angels Hydroelectric Project.

f. *Location:* On Angels Creek in Calaveras County California.

g. *Filed Pursuant to:* Federal Power Act 16 USC 791(a)–825(r).

h. *Applicant Contact:*

Shan Bhattacharya, Manager, Hydro Generation Department, Pacific Gas and Electric Company, 201 Mission Street, room 1012, P.O. Box 770000, Mail P10A, San Francisco, CA 94177, (415) 973–4603.

Annette Faraglia, Attorney, Law Department, Pacific Gas and Electric Company, 77 Beale Street, room 3051, P.O. Box 7442, San Francisco, CA 94120–7442, (415) 973–7145.

Kathryn M. Petersen, License Coordinator, Pacific Gas and Electric Company, 201 Mission Street, room 1012, P.O. Box 770000, Mail P10A, San Francisco, CA 94177, (415) 973–4054.

i. *FERC Contact:* Héctor M. Pérez at (202) 219–2843.

j. *Description of Project:* The existing project consists of: (1) the 5.6-foot-high, 64-foot-long gunite faced rock-wall and concrete buttress Angels Diversion Dam (2) the Upper Angels Canal, approximately 2.5 miles long, to Ross Reservoir; (3) the 100-acre-feet gross storage capacity Ross Reservoir and a 44-foot-high and 710-foot-long earthfill, masonry, and rock structure dam; (5) the Lower Angels Canal, approximately 3.3 miles long; (6) the Angels Forebay with a gross storage capacity of 2 acre-feet; (7) the 8,624-foot-long Angels Penstock; (8) a powerhouse with an installed capacity of 1,400 kW; and (9) other appurtenances.

k. Under § 4.32(b)(7) of the Commission's regulations (18 CFR), if any resource agency, Indian Tribe, or person believes that the applicant should conduct an additional scientific study to form an adequate factual basis for a complete analysis of the application on its merits, they must file a request for the study with the Commission, not later than 60 days after the application is filed, and must serve a copy of the request on the applicant.

5 a. *Type of Application:* Amendment of License.

b. *Project No:* 1835–100.

c. *Date Filed:* October 28, 1993.

d. *Applicant:* Nebraska Public Power District.

e. *Name of Project:* North Platte/Keystone Diversion Dam.

f. *Location:* On the North and South Platte Rivers, Nebraska.

g. *Filed Pursuant to:* Section 23(b) of the Federal Power Act, 16 U.S.C. 817(b).

h. *Applicant Contact:* Mr. R. L. Peterson, Nebraska Public Power District, P.O. Box 310, North Platte, NE 69103 (308) 532–9200.

i. *FERC Contact:* Mr. Steve Hocking, (202) 219–2656.

j. *Comment Date:* February 28, 1994.

k. *Description of proposed amendment:* Nebraska Public Power District, licensee for the North Platte/Keystone Diversion Dam Project, filed an application to amend article 401 of their license. Article 401 requires the licensee to develop and maintain eight islands as nesting habitat for interior

least terns and piping plovers. The proposed amendment would allow the licensee to substitute up to four sand pits for four of the eight islands they are required to develop. The proposed amendment requires a plan on how these sand pits would be developed. A draft plan was included in the licensee's filing.

l. This notice also consists of the following standard paragraphs: B, C1, and D2.

6 a. *Type of Application:* As-Built Exhibits.

b. *Project No.:* 5867–038.

c. *Date Filed:* July 30 and August 19, 1993.

d. *Applicant:* Alice Falls Corporation.

e. *Name of Project:* Alice Falls Project.

f. *Location:* On the Ausable River, in Clinton and Essex Counties, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Mr. Charles McGrath, McGrath Hydro, Inc., 8 Petra Lane, Clifton Park, NY 12205, (518) 464–1081.

i. *FERC Contact:* Paul Shannon, (202) 219–2866.

j. *Comment Date:* February 23, 1994.

k. *Description of Filings:* Alice Falls Corporation filed as-built exhibits A, F, and G in accordance with article 33 of its license. The exhibits show the constructed configuration of the project's features. In particular, the exhibit G drawings show the realigned transmission line. The length of the transmission line is 1100 feet instead of the authorized 400 feet. The exhibit G drawings also show an additional two acres of land within the project boundary around the realigned portion of the transmission line.

l. This paragraph also consists of the following standard paragraphs: B, C1, and D2.

7 a. *Type of Application:* Minor License.

b. *Project No.:* 10867–000.

c. *Date Filed:* March 31, 1993.

d. *Applicant:* Holliday Historic Restoration Associates, Ltd.

e. *Name of Project:* Holliday Hydroelectric Plant.

f. *Location:* On the West Fork of the White River, in Noblesville, Hamilton County, Indiana.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* David H. Kinloch, 414 South Wenzel Street, Louisville, Kentucky 40204, (502) 589–0975.

i. *FERC Contact:* Mary C. Golato (202) 219–2804.

j. *Deadline for Interventions and Protests:* March 10, 1994.

k. *Status of Environmental Analysis:* This application has been accepted for filing and is ready for environmental analysis at this time—see attached paragraph D4.

l. *Description of Project:* The proposed project consists of the following features: (1) An existing concrete dam 350 feet long and 10 feet high; (2) an existing reservoir, about 425 acres, with a normal water surface elevation of 764 feet mean sea level; (3) an existing powerhouse containing two new turbine-generator units having a total generating capacity of 450 kilowatts; and (4) appurtenant facilities. The applicant estimates that the total average annual generation would be 1,634,000 kilowatthours. The project site is owned by PSI Energy, Inc.

m. *Purpose of the Project:* All project energy generated would be utilized by the applicant for sale.

n. This notice also consists of the following standard paragraphs: A3, A9, B1, and D4.

o. Available Locations of Application: A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street NE., room 3104, Washington, DC 20426, or by calling (202) 219–1371. A copy is also available for inspection and reproduction at Mr. David H. Kinloch, 414 South Wenzel Street, Louisville, KY 40204 (502) 589–0975.

8 a. *Type of Application:* Original License for Major Project.

b. *Project No.:* 11367–001.

c. *Date filed:* July 20, 1993.

d. *Applicant:* Peak Power Corporation, Kvaener Venture, Inc., Las Vegas Energy Storage Limited Partnership.

e. *Name of Project:* Sheep Mountain Pumped Storage Hydroelectric Project.

f. *Location:* Predominantly on lands administered by the Bureau of Land Management in the Sheep Mountains, approximately 19 miles south of Las Vegas, in Clark County, Nevada. R. 60 E., T. 22 S. to T. 25 S.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. *Applicant Contact:* David Olsen, President, Peak Power Corporation, 4365 Executive Drive, Suite 900, San Diego, CA 92121, (619) 622–7800.

i. *FERC Contact:* Mr. Michael Strzelecki, (202) 219–2827.

j. Deadline date for interventions and protests: March 14, 1994.

k. Status of Environmental Analysis: This application is not ready for environmental analysis at this time—see attached paragraph D7.

l. Description of Project: The proposed pumped storage project would consist of: (1) Five dams, ranging in height from 18 feet to 130 feet, forming a 50-acre upper reservoir; (2) a 14-foot-diameter, 730-foot-long concrete vertical shaft; (3) a 14-foot-diameter, 1,700-foot-long concrete horizontal tunnel; (4) a 1,255-foot-long steel penstock; (5) a powerhouse containing two generating units with a total installed capacity of 200 MW; (6) a 50-foot-high dam creating a 65-acre lower reservoir; (7) a 17.5-mile-long transmission line interconnecting with an existing Nevada Power Company transmission line; and (8) appurtenant facilities.

m. This notice also consists of the following standard paragraphs: A2, A9, B1 and D7.

n. Available Locations of Application: A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the offices of the Peak Power Corporation referenced above.

9 a. *Type of Application:* Minor License.

b. *Project No.:* 11454–000.

c. *Date filed:* December 27, 1993.

d. *Applicant:* Magic Water Company, Inc.

e. *Name of Project:* Magic Water.

f. *Location:* Partially on lands administered by the Bureau of Land Management, on Salmon Falls Creek, in Twin Falls County, Idaho. Township 10 S., Range 13 E., Section 2.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)—825(r).

h. *Applicant Contact:* Mr. John J. Straubhar, P.O. Box 820, Twin Falls, ID 83303, (208) 736–8255.

i. *FERC Contact:* Michael Spencer at (202) 219–2846.

j. *Description of Project:* The proposed project would consist of: (1) An existing 12-foot-high earth and rockfill dam; (2) an 18 acre reservoir with a storage capacity of 55-acre-feet; (3) a 36-inch-diameter, 2,584-foot-long penstock; (4) a powerhouse containing a generating unit with a capacity of 113 kW and an estimated average annual generation of 900 MWh; (5) a 50-foot-long underground transmission line connecting to an existing Idaho Power Company distribution line; and (6) appurtenant facilities.

k. With this notice, we are initiating consultation with the STATE HISTORIC PRESERVATION OFFICER (SHPO), as

required by section 106, National Historic Preservation Act, and the regulations of the Advisory council on Historic Preservation, 36 CFR, at section 800.4.

l. Under § 4.32 (b)(7) of the Commission's regulations (18 CFR), if any resource agency, Indian Tribe, or person believes that the applicant should conduct an additional scientific study to form an adequate factual basis for a complete analysis of the application on its merits, they must file a request for the study with the Commission, not later than 60 days after the application is filed, and must serve a copy of the request on the applicant.

m. The Commission's deadline for the applicant's filing of a final amendment to the application is March 27, 1994.

10 a. *Type of Application:* License (Tendered Notice).

b. *Project No.:* 11452–000.

c. *Date filed:* December 28, 1993.

d. *Applicant:* Northern California Power Agency.

e. *Name of Project:* Angels.

f. *Location:* On Angels Creek in Calaveras County, CA.

g. Filed pursuant to Federal Power Act, 16 U.S.C. sections 791(a)—825(r).

h. *Competing Application:* Project No. 2699–001, filed December 21, 1993.

i. *Applicant contact:* James Lynch, Environmental Liaison Northern California Power Agency, 180 Cirby Way, Roseville, CA 95678; (916) 781–4275.

j. *FERC Contact:* Hector Perez, (202) 219–2843.

k. *Description of project:* The existing project consists of: (1) The 5.6-foot high, 64-foot long gunite faced rock-wall and concrete buttress Angels Diversion Dam; (2) the Upper Angels Canal, approximately 2.5 miles long, to Ross Reservoir; (3) the 100-acre-feet gross storage capacity Ross Reservoir and a 44-foot high and 710-foot long earthfill, masonry, and rock structure dam; (5) the Lower Angels Canal, approximately 3.3 miles long; (6) the Angels Forebay with a gross storage capacity of 2 acre-feet; (7) the 8,624-foot long Angels Penstock; (8) a powerhouse with an installed capacity of 1,400 kW; and (9) other appurtenances.

The Applicant proposes to remove the Angels Penstock and decommission power generation facilities in the existing powerhouse.

l. Under § 4.32(b)(7) of the Commission's regulations (18 CFR), if any resource agency, Indian Tribe, or person believes that the applicant should conduct an additional scientific study to form an adequate factual basis for a complete analysis of the application on its merits, they must file a request for the study with the Commission, not later than 60 days after the application is filed, and must serve a copy of the request on the applicant.

Standard Paragraphs

A2. Development Application—Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

A3. Development Application—Any qualified development applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

B1. Protests or Motions to Intervene—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D4. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to section 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice (February 22, 1994 for Project No. 10867–000). All reply comments must be filed with the Commission within 105 days from the date of this notice (April 25, 1994 for Project No. 10867–000).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, room 1027, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. **A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.**

D7. Filing and Service of Responsive Documents—The application is not ready for environmental analysis at this time; therefore, the Commission is not now requesting comments, recommendations, terms and conditions, or prescriptions.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," or "COMPETING APPLICATION;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, room 1027, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Dated: January 10, 1994, Washington, DC.

Lois D. Cashell,

Secretary.

[FR Doc. 94–968 Filed 1–13–94; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. CP94–52–000, et al.]

Equitrans, Inc., et al.; Natural Gas Certificate Filings

January 7, 1994.

Take notice that the following filings have been made with the Commission:

1. Equitrans, Inc.

[Docket No. CP94–52–000]

Take notice that on December 22, 1993, Equitrans, Inc. (Equitrans), 3500 Park Lane, Pittsburgh, Pennsylvania 15275, filed a revision to a prior notice request it filed on November 3, 1993, with the Commission in Docket No. CP94–52–000 pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to construct and operate a sales tap under Equitrans's blanket certificates issued in Docket Nos. CP83–508–000 and CP86–676–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is open to the public for inspection.

Equitrans inadvertently proposed to a install a sales tap in the City of Monongahela Township, Washington County, Pennsylvania, to provide gas service to Equitable Gas Company, a division of Equitable Resources, Inc. (Equitable). Equitrans converted its sales entitlements on September 1, 1993, to transportation in accordance with Order No. 636. As such, the proposed tap should be classified as a delivery tap supporting transportation deliveries to Equitable. Equitrans would deliver up to one Mcf of natural gas on a peak day under its FERC Rate Schedule FTS. Equitrans states that installation of the proposed delivery tap would permit Equitable to provide gas service to Albert M. and Shirle Gallick of Marianna, Pennsylvania. Equitrans also states that its tariff does not prohibit this type of service.

Comment date: February 22, 1994, in accordance with Standard Paragraph G at the end of this notice.

2. Pacific Gas and Electric Company

[Docket No. CP94–158–000]

Take notice that on December 23, 1993, Pacific Gas and Electric Company (PG&E), a California Hinshaw pipeline company, 77 Beale Street, San Francisco, California 94105, exempt from Federal Energy Regulatory Commission jurisdiction under Section 7(c) of the Natural Gas Act, filed in Docket No. CP94–158–000 an application pursuant to § 284.224 of the regulations for a blanket certificate authorizing the transportation, sale, and assignment of natural gas under procedures provided in Subpart C, D, E or Part 284 of the regulations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

PG&E states that it proposes to transport gas through California between interconnecting pipelines, including Pacific Gas Transmission Company, El Paso Natural Gas Company, Transwestern Pipeline Company and Kern River Gas Transmission Company. PG&E will also offer transportation access to California storage facilities and California gas production to customers in both the Northwest and Southwest U. S.

PG&E states that pursuant to 18 CFR 284.123(b)(1)(ii), it will utilize rates for comparable intrastate transportation services authorized by the California Public Utilities Commission.

Comment date: January 28, 1994, in accordance with Standard Paragraph F at the end of this notice.

3. Sea Robin Pipeline Company

[Docket No. CP94–160–000]

Take notice that on December 23, 1993, Sea Robin Pipeline Company (Sea Robin), P.O. Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP94–160–000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to

abandon the transportation services it renders under its Rate Schedules X–16 and X–17 on behalf of Koch Gateway Pipeline Company (Koch Gateway) effective as of November 1, 1993, all as more fully set forth in the application on file with the Commission and open to public inspection.

Sea Robin states that it has provided firm transportation service on behalf of Koch Gateway pursuant to Sea Robin's Rate Schedules X–16 and X–17 from production areas in offshore Louisiana, to delivery points onshore at Erath, Louisiana. Sea Robin further states that Koch Gateway has requested abandonment of service under Sea Robin's X–16 and X–17 Rate Schedules. Koch Gateway has stated that the transportation service is not required by Koch Gateway or its shippers on its system and that to the extent it or its shippers need transportation service on Sea Robin's system they can request such transportation under Sea Robin's Rate Schedule FT pursuant to Part 284 of the Commission's Regulations. Accordingly, Sea Robin has requested the abandonment of Rate Schedules X–16 and X–17, effective November 1, 1993.

Comment date: January 28, 1994, in accordance with Standard Paragraph F at the end of this notice.

4. Equitrans, Inc.

[Docket No. CP94–168–000]

Take notice that on January 4, 1994, Equitrans, Inc. (Equitrans), 3500 Park Lane, Pittsburgh, Pennsylvania 15275, filed in Docket No. CP94–168–000, a request pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to install a delivery tap under Equitrans' blanket certificate issued in Docket No. CP83–508–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Equitrans proposes to construct and operate one delivery tap in Washington County, Pennsylvania. Equitrans states that it would use the tap to deliver gas to Harry Good for the account of Equitable Gas Company. Equitrans estimates the peak day deliveries through the proposed facilities to be 1 Mcf.

Equitrans asserts that the proposed service will not impact its peak day or annual deliveries and that its tariff does not prohibit this type of service.

Comment date: February 22, 1994, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or to make any protest with reference to said application should on or before the comment date, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and/or permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 94–969 Filed 1–13–94; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. CP94–156–000, et al.]

NUI Corporation; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. NUI Corporation Pennsylvania & Southern Gas Company

[Docket No. CP94–156–000]

January 5, 1994.

Take notice that on December 22, 1993, NUI Corporation (NUI), 550 Route 202–206, P.O. Box 760, and Pennsylvania & Southern Gas Company (PSGC), 102 Desmond Street, Sayre, Pennsylvania 18840, filed in Docket No. CP94–156–000 a joint application requesting a certificate pursuant to Section 7(c) of the Natural Gas Act (NGA) permitting NUI to acquire and operate the jurisdictional facilities of PSGC, abandonment authorization pursuant to Section 7(b) for PSGC regarding the same facilities, and a service area determination for NUI pursuant to Section 7(f) of the NGA, all as more fully set forth in the application on file with the Commission and open to public inspection.

NUI proposes to merge with PSGC and acquire certain minor natural gas facilities in New York and Pennsylvania used by PSGC to transport gas in interstate commerce in conjunction with PSGC's local distribution activities. It is stated that in order to operate the facilities acquired from PSGC, NUI requests a declaration that it qualifies as a local distribution company in the service area to be determined for purposes of Section 311 of the Natural Gas Policy Act (NGPA). NUI also requests a waiver of the regulatory requirements ordinarily applicable to a natural gas company under the NGA and the NGPA.

It is stated that the facilities are minor in nature and involve only a few gas consumers along the New York–Pennsylvania border. It is asserted that NUI does not intend to make any physical modifications to the facilities. It is further asserted that the Commission authorizations must be received in order to consummate the transfer of facilities.

Comment date: January 26, 1994, in accordance with Standard Paragraph F at the end of this notice.

2. Panhandle Eastern Pipe Line Company

[Docket Nos. CP94–151–000 and CP90–1050–002]

January 6, 1994.

Take notice that on December 21, 1993, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, filed an application pursuant to section 7(b) of the Natural Gas Act for authority to abandon by transfer to its subsidiary, Panhandle Field Services Company (Field Services), gathering systems located on its West End System in the states of Colorado, Kansas, Oklahoma and Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Panhandle states that, as a result of its compliance with Order No. 636 and the required unbundling of its transportation and gathering rates together with its customers' elections to cease purchasing natural gas from Panhandle, the utilization of Panhandle's gathering facilities has declined and is expected to continue to decline. It also indicated that Order No. 636 has intensified the competition for gathering services in the Anadarko Basin Area where the bulk of Panhandle's facilities are located. It is alleged that because of its status as a "natural gas company" under the provisions of the Natural Gas Act, Panhandle cannot compete with gatherers that are not subject to the Commission's jurisdiction. Panhandle proposes to transfer its gathering facilities to Field Services which would not be subject to the Commission's jurisdiction. Panhandle then contends that Field Services could then compete as a gatherer on a more level playing field with the competition.

Panhandle states that approval would permit Panhandle to eliminate its existing gathering rates and would result in a decrease in Field Zone transportation rates. Panhandle also indicates that its customers would not be exposed to the potential of Order No. 636 transition costs associated with the stranded investment of any gathering facilities in the future. It is then indicated that, upon transfer of the facilities to Field Services, the facilities would be operated on a stand-alone, open-access basis. It is also indicated that Field Services would be responsible for all of the financial, economic, operational and business risks associated with the facilities.

Panhandle proposes to transfer at net book value 54 distinct gathering systems. Panhandle indicates that as of April 30, 1993, the net book value of the facilities to be transferred was $39,012,101.

Panhandle also proposes to further amend in Docket No. CP90–1050–002 a pending application filed in Docket No. CP90–1050–000, *et al*, to conform its application to reflect the abandonment of its gathering facilities to Field Services and to update the list of facilities proposed to be certificated *nunc pro tunc* and/or refunctionalized, all as more fully set forth in the application which is on file with the Commission and open to public inspection. Panhandle proposes to reduce from 283 to 94 the facilities proposed to be refunctionalized from gathering to transmission in the application to amend filed in Docket No. CP90–1050–001. Panhandle also proposes to refunctionalize from gathering to transmission 74 other facilities not previously requested to be refunctionalized. Panhandle estimates the book value of the facilities proposed to be refunctionalized from gathering to transmission in the amended application in Docket No. CP90–1050–002 at $4,623,276.

Comment date: January 27, 1994, in accordance with Standard Paragraph F at the end of this notice.

3. Panhandle Field Services Company

[Docket No. CP94–152–000]

January 6, 1994.

Take notice that on December 21, 1993, Panhandle Field Services Company (Field Services), 5400 Westheimer Court, Houston, Texas 77056–5310, filed a petition for declaratory order in Docket No. CP94–152–000, requesting that the Commission declare that neither Field Services' proposed acquisition, ownership, and operation of certain natural gas gathering systems and related facilities presently owned by Panhandle Eastern Pipe Line Company (Panhandle), Field Services' affiliate, nor any of Field Services' facilities or services would subject Field Services or any portion of its facilities or services to the jurisdiction of the Natural Gas Act, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Specifically, Field Services seeks a declaratory order from the Commission finding that:

(1) Panhandle's West End gathering systems are facilities used for the gathering of natural gas and therefore exempt from the Commission's jurisdiction pursuant to Section 1(b) of the Natural Gas Act;

(2) Field Services would not be a "natural gas company" pursuant to Section 2(6) of the Natural Gas Act by virtue of its proposed acquisition, ownership, and operation of such facilities;

(3) The gathering services that Field Services seeks to perform as described in the petition would be exempt from the Commission's jurisdiction under section 1(b) of the Natural Gas Act; and

(4) Field Services' rates and charges for gathering services would not be subject to the Commission's jurisdiction pursuant to sections 4 and 5 of the Natural Gas Act.

In support of its request, Field Services states that the primary function of the facilities is gathering as defined under the modified *Farmland* test, as set forth in *Amerada Hess Corporation*, 52 FERC ¶ 61,268 (1990), and as exhibited by the size, pressure, length, configuration, and utilization of each of the gathering systems or groups of gathering systems. It is indicated that each of the 54 gathering systems (1) operates at low-gathering-line pressure, (2) consists of discrete sections of generally small-diameter pipe, (3) is in a typical "spider-web" or "rib-like" gathering configuration in appearance, (4) has wells along its length, (5) is located behind compression which boosts pressures from low, wellhead pressures so that the gas can enter Panhandle's mainline transmission system, or (6) is located behind a processing plant.

Field Services states that it is a wholly-owned subsidiary of Panhandle. Field Services describes the facilities to be transferred as the West End Systems of Panhandle in Colorado, Kansas, Oklahoma, and Texas. Field Services indicates that these facilities are the subject of Panhandle's companion abandonment application filed in Docket No. CP94–151–000 and Panhandle's application in Docket No. CP90–1050–002 to further amend its pending application in Docket No. CP90–1050–000, *et al.*

Comment date: January 27, 1994, in accordance with the first paragraph of Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or to make any protest with reference to said application should, on or before the comment date, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will

not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and/or permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 94–970 Filed 1–13–94; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. ST94–1–000, et al.]

Arkla Energy Resources Co.; Self-Implementing Transactions

January 10, 1994.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to part 284 of the Commission's regulations, sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA), section 7 of the NGA and section 5 of the Outer Continental Shelf Lands Act.[1]

The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction.

A "B" indicates transportation by an interstate pipeline on behalf of an intrastate pipeline or a local distribution company pursuant to § 284.102 of the Commission's regulations and section 311(a)(1) of the NGPA.

A "C" indicates transportation by an intrastate pipeline on behalf of an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.122 of the Commission's regulations and section 311(a)(2) of the NGPA.

A "D" indicates a sale by an intrastate pipeline to an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline to any interstate pipeline or local distribution company pursuant to § 284.163 of the Commission's regulations and section 312 of the NGPA.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to § 284.222 and a blanket certificate issued under § 284.221 of the Commission's regulations.

A "G–I" indicates transportation by an intrastate pipeline company pursuant to a blanket certificate issued under Section 284.227 of the Commission's regulations.

A "G–S" indicates transportation by interstate pipelines on behalf of shippers other than interstate pipelines pursuant to § 284.223 and a blanket certificate issued under § 284.221 of the Commission's regulations.

A "G–LT" or "G–LS" indicates transportation, sales or assignments by a local distribution company on behalf of or to an interstate pipeline or local distribution company pursuant to a blanket certificate issued under § 284.224 of the Commission's regulations.

A "G–HT" or "G–HS" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.224 of the Commission's regulations.

A "K" indicates transportation of natural gas on the Outer Continental Shelf by an interstate pipeline on behalf of another interstate pipeline pursuant to § 284.303 of the Commission's regulations.

A "K–S" indicates transportation of natural gas on the Outer Continental Shelf by an interstate pipeline on behalf of shippers other than interstate pipelines pursuant to § 284.303 of the Commission's regulations.

Lois D. Cashell,

Secretary.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST94–1	Arkla Energy Resources Co.	Marathon Oil Co	10–01–93	G–S	15,000	N	I	09–17–93	Indef.
ST94–2	Arkla Energy Resources Co.	Minnesota Mining & Manufacturing.	10–01–93	G–S	750	N	I	09–25–93	Indef.
ST94–3	Arkla Energy Resources Co.	Phoenix Gas Marketing Co.	10–01–93	G–S	25,000	N	I	09–03–93	Indef.
ST94–4	Trunkline Gas Co	Exxon Corp	10–01–93	G–S	2,535,750	N	I	09–01–93	Indef.
ST94–5	Trunkline Gas Co	Alpha Corp	10–01–93	G–S	207	N	F	09–01–93	Indef.
ST94–6	Trunkline Gas Co	City of Newbern	10–01–93	G–S	2,484	N	I	09–01–93	Indef.
ST94–7	Williston Basin Inter. P/L Co.	South Dakota State Cement Plant.	10–01–93	G–S	438	A	F	09–01–93	08–31–94
ST94–8	Williston Basin Inter. P/L Co.	Western Gas Resources, Inc.	10–01–93	G–S	265,135	A	I	09–01–93	08–31–95
ST94–9	Transcontinental Gas P/L Corp.	Sonat Marketing Co	10–01–93	G–S	100,000	N	I	09–22–93	Indef.

[1] Notice of a transaction does not constitute a determination that the terms and conditions of the proposed service will be approved or that the noticed filing is in compliance with the Commission's regulations.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST94–13	Panhandle Eastern Pipe Line Co.	Union Pacific Fuels, Inc.	10–01–93	G–S	25,000	N	I	09–01–93	08–31–08
ST94–14	Panhandle Eastern Pipe Line Co.	Mesa Operating, L.P	10–01–93	G–S	70,000	N	I	09–01–93	08–31–98
ST94–15	Panhandle Eastern Pipe Line Co.	Dominion Gas Ventures, Inc.	10–01–93	G–S	1,100	N	I	09–01–93	08–31–98
ST94–16	Panhandle Eastern Pipe Line Co.	Archer Daniels Midland Co.	10–01–93	G–S	1,650	N	F	09–01–93	09–30–93
ST94–17	Panhandle Eastern Pipe Line Co.	Anadarko Trading Co.	10–01–93	G–S	10,000	N	F	09–01–93	09–30–03
ST94–18	Panhandle Eastern Pipe Line Co.	Semco Energy Services, Inc.	10–01–93	G–S	1,850	N	F	09–01–93	09–30–93
ST94–19	Panhandle Eastern Pipe Line Co.	Coastal Gas Marketing Co.	10–01–93	G–S	4,000	N	F	09–01–93	09–30–93
ST94–20	Panhandle Eastern Pipe Line Co.	Mobil Natural Gas, Inc.	10–01–93	G–S	1,800	N	F	09–14–93	09–30–93
ST94–21	Panhandle Eastern Pipe Line Co.	Nat. Refractories & Minerals Corp.	10–01–93	G–S	9,000	N	I	09–01–93	03–31–98
ST94–22	Panhandle Eastern Pipe Line Co.	Battle Creek Gas Co	10–01–93	G–S	6,000	N	F	09–01–93	09–30–93
ST94–23	Panhandle Eastern Pipe Line Co.	Panhandle Trading Co.	10–01–93	G–S	32,200	A	F	09–02–93	09–30–93
ST94–24	Panhandle Eastern Pipe Line Co.	Hadson Gas Systems, Inc.	10–01–93	G–S	1,193	N	F	09–01–93	09–30–93
ST94–25	Panhandle Eastern Pipe Line Co.	NGC Transportation, Inc.	10–01–93	G–S	15,000	N	F	09–02–93	09–30–93
ST94–26	Seagull Shoreline System.	Texas Eastern Transmission Corp.	10–01–93	C	5,000	N	I	09–05–93	Indef.
ST94–27	Delhi Gas Pipeline Corp.	Tennessee Gas Pipeline Co., et al.	10–01–93	C	2,500	N	I	09–01–93	Indef.
ST94–28	Delhi Gas Pipeline Corp.	ANR Pipeline Co., et al.	10–01–93	C	50,000	N	I	09–09–93	Indef.
ST94–29	Houston Pipe Line Co.	Texas Eastern Transmission Corp.	10–01–93	C	25,000	N	I	08–01–93	Indef.
ST94–30	Houston Pipe Line Co.	Northern Natural Gas Co.	10–01–93	C	50,000	N	I	08–26–93	Indef.
ST94–31	Oasis Pipe Line Co .	Natural Gas Pipeline Co. of America.	10–01–93	C	20,000	N	I	08–01–93	Indef.
ST94–32	Oasis Pipe Line Co .	Natural Gas Pipeline Co. of America.	10–01–93	C	100,000	N	I	08–17–93	Indef.
ST94–33	Valero Transmission, L.P.	Koch Gateway Pipeline Co.	10–04–93	C	1,000	N	I	09–16–93	Indef.
ST94–34	Valero Transmission, L.P.	El Paso Natural Gas Co.	10–04–93	C	2,000	N	I	09–16–93	Indef.
ST94–35	Gulf Energy Pipeline Co.	Tennessee Gas Pipeline Co.	10–04–93	C	30,000	N	I	09–01–93	Indef.
ST94–36	Gulf Energy Pipeline Co.	Trunkline Gas Co	10–05–93	C	10,000	N	I	10–01–93	Indef.
ST94–37	Gulf Energy Pipeline Co.	Natural Gas Pipeline Co. of America.	10–05–93	C	30,000	N	I	09–01–93	Indef.
ST94–38	Seagas Pipeline Co .	Phillips Gas Pipeline Co.	10–05–93	C	75,000	N	I	03–01–93	Indef.
ST94–39	Bridgeline Gas Distribution Co.	Columbia Gulf Transmission Co.	10–05–93	C	4,673	N	I	09–08–93	Indef.
ST94–40	Phillips Gas Pipeline Co.	Seagas Pipeline Co .	10–05–93	B	50,000	A	I	08–01–93	Indef.
ST94–41	Pacific Gas Transmission Co.	Coastal Gas Marketing Co.	10–06–93	G–S	100,000	N	I	09–10–93	Indef.
ST94–42	Supenn Pipeline	United Gas Pipe Line Co.	10–06–93	C	35,000	N	I	09–30–93	Indef.
ST94–43	Colorado Interstate Gas Co.	City of Trinidad	10–06–93	G–S	5,940	N	I	10–01–93	09–30–96
ST94–44	Colorado Interstate Gas Co.	City of Keyes	10–06–93	G–S	366	N	I	10–01–93	09–30–96
ST94–45	Colorado Interstate Gas Co.	City of Walsenburg ..	10–06–93	G–S	1,980	N	I	10–01–93	09–30–96
ST94–46	Colorado Interstate Gas Co.	City of Fort Morgan .	10–06–93	G–S	6,864	N	I	10–01–93	09–30–96
ST94–47	Colorado Interstate Gas Co.	Eastern Colorado Utility Co.	10–06–93	G–S	3,725	N	I	10–01–93	09–30–96
ST94–48	Natural Gas P/L Co. of America.	Midwest Gas	10–06–93	B	10,291	N	F	10–01–93	09–30–01

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST94–49	Northern Natural Gas Co.	Associated Natural Gas, Inc.	10–07–93	G–S	10,000	N	F/I	09–10–93	Indef.
ST94–50	Colorado Interstate Gas Co.	Public Service Co. of Colorado.	10–07–93	G–S	481,790	N	I	10–01–93	09–30–96
ST94–51	Colorado Interstate Gas Co.	City of Colorado Springs.	10–07–93	G–S	51,220	N	I	10–01–93	09–30–96
ST94–52	Colorado Interstate Gas Co.	Ration Gas Transmission Co., Inc.	10–07–93	G–S	9,900	N	I	10–01–93	09–30–96
ST94–53	Colorado Interstate Gas Co.	Coastal Gas Marketing Co.	10–07–93	G–S	510	A	F	10–01–93	12–31–93
ST94–54	Arkla Energy Resources Co.	Pennzoil Gas Marketing Co.	10–07–93	G–S	5,000	N	I	10–01–93	Indef.
ST94–55	Arkla Energy Resources Co.	Transok Gas Co	10–07–93	G–S	6,224	N	F	10–01–93	Indef.
ST94–56	Arkla Energy Resources Co.	Marathon Oil Co	10–07–93	G–S	15,000	N	I	10–01–93	Indef.
ST94–57	Arkla Energy Resources Co.	Heritage Energy Co .	10–07–93	G–S	100,000	N	I	10–01–93	Indef.
ST94–58	Arkla Energy Resources Co.	BCF Gas Ltd	10–07–93	G–S	10,000	N	I	10–01–93	Indef.
ST94–59	Arkla Energy Resources Co.	Pet Inc	10–07–93	G–S	400	N	I	10–01–93	Indef.
ST94–60	Natural Gas P/L Co. of America.	Broad Street Oil & Gas Co.	10–07–93	G–S	5,000	N	F	10–01–93	10–31–93
ST94–61	High Island Offshore System.	Coastal Gas Marketing Co.	10–08–93	K–S	11,298	A	F	09–01–93	Indef.
ST94–62	High Island Offshore System.	Amax Gas Marketing, Inc.	10–08–93	K–S	5,000	N	I	09–01–93	Indef.
ST94–63	High Island Offshore System.	Transco Liquids Co .	10–08–93	K–S	150,000	N	I	08–01–93	Indef.
ST94–64	Algonquin Gas Transmission Co.	New Jersey Natural Gas Co.	10–08–93	B	6,106	N	F	09–23–93	Indef.
ST94–65	Algonquin Gas Trasnmission Co.	Commonwealth Gas Co.	10–08–93	B	6,233	N	F	09–30–93	Indef.
ST94–66	Trunkline Gas Co	Illinois Power Co	10–08–93	G–S	3,726	N	I	09–01–93	Indef.
ST94–67	Trunkline Gas Co	Northern Indiana Public Service Co.	10–08–93	G–S	5,175	N	F	09–01–93	Indef.
ST94–68	Trunkline Gas Co	City of Flora	10–08–93	G–S	6,210	N	I	09–01–93	Indef.
ST94–69	Trunkline Gas Co	City of Belle Rive	10–08–93	G–S	248	N	I	09–01–93	Indef.
ST94–70	Trunkline Gas Co	City of Bluford	10–08–93	G–S	702	N	I	09–01–93	Indef.
ST94–71	Trunkline Gas Co	City of Splendora	10–08–93	G–S	518	N	I	09–01–93	Indef.
ST94–72	Trunkline Gas Co	City of Byhalia	10–08–93	G–S	4,140	N	I	09–01–93	Indef.
ST94–73	Trunkline Gas Co	City of Karnak	10–08–93	G–S	414	N	I	09–01–93	Indef.
ST94–74	Trunkline Gas Co	Consumers Power Co.	10–08–93	G–S	336,375	N	F	09–01–93	Indef.
ST94–75	Trunkline Gas Co	Central Illinois Public Service Co.	10–08–93	G–S	7,763	N	I	09–01–93	Indef.
ST94–76	Williams Natural Gas Co.	Atchison Casting Corp.	10–08–93	B	3,500	N	I	09–15–93	10–01–93
ST94–77	Arkla Energy Resources Co.	Western Resources, Inc.	10–08–93	G–S	1,735	N	F	10–01–93	Indef.
ST94–78	Colorado Interstate Gas Co.	Kn Interstate Gas Transmission Co.	10–08–93	G–S	7,496	N	I	10–01–93	09–30–96
ST94–79	Colorado Interstate Gas Co.	Citizens Utilities Co .	10–08–93	G–S	5,563	N	I	10–01–93	09–30–96
ST94–80	Colorado Interstate Gas Co.	Greeley Gas Co	10–08–93	G–S	16,005	N	I	10–01–93	09–30–96
ST94–81	Colorado Interstate Gas Co.	Cheyenne Light, Fuel, & Power Co.	10–08–93	G–S	13,486	N	I	10–01–93	09–30–96
ST94–82	Colorado Interstate Gas Co.	Kn Energy, Inc	10–08–93	G–S	3,900	N	I	10–01–93	09–30–96
ST94–83	Colorado Interstate Gas Co.	Kn Energy, Inc	10–08–93	G–S	11,396	N	I	10–01–93	09–30–96
ST94–84	Colorado Interstate Gas Co.	Peoples Natural Gas Co.	10–08–93	G–S	19,732	N	I	10–01–93	09–30–96
ST94–85	Colorado Interstate Gas Co.	Northern Gas of Wyoming.	10–08–93	G–S	156	N	I	10–01–93	09–30–96
ST94–86	Colorado Interstate Gas Co.	Peoples Natural Gas Co.	10–12–93	G–S	7,000	N	F	10–01–93	09–30–96
ST94–87	Colorado Interstate Gas Co.	City of Colorado Springs.	10–12–93	G–S	40,747	N	F	10–01–93	09–30–96

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST94–88	Colorado Interstate Gas Co.	Public Service Co. of Colorado.	10–12–93	G–S	543,066	N	F	10–01–93	09–30–96
ST94–89	Colorado Interstate Gas Co.	Fuel Resource Development Co.	10–12–93	G–S	2,460	N	F	10–01–93	12–31–08
ST94–90	Colorado Interstate Gas Co.	Western Gas Resources, Inc.	10–12–93	G–S	1,590	N	F	10–01–93	08–31–94
ST94–91	Colorado Interstate Gas Co.	Greeley Gas Co	10–12–93	G–S	1,408	N	F	10–01–93	09–30–96
ST94–92	Colorado Interstate Gas Co.	Western Natural Gas & Transmission.	10–12–93	G–S	8,190	N	F	10–01–93	07–31–96
ST94–93	Colorado Interstate Gas Co.	Cheyenne Light, Fuel & Power Co.	10–12–93	G–S	14,793	N	F	10–01–93	09–30–96
ST94–94	Colorado Interstate Gas Co.	City of Colorado Springs.	10–12–93	G–S	29,550	N	F	10–01–93	09–30–96
ST94–95	Colorado Interstate Gas Co.	Citizens Utilities Co .	10–12–93	G–S	10,403	N	F	10–01–93	09–30–96
ST94–96	Trunkline Gas Co	Gastrak Corp	10–12–93	G–S	100,000	N	I	07–24–93	Indef.
ST94–97	Trunkline Gas Co	Polaris Pipeline Corp	10–12–93	G–S	20,000	N	I	07–24–93	Indef.
ST94–98	Trunkline Gas Co	City of Arlington	10–12–93	G–S	4,140	N	I	09–01–93	Indef.
ST94–99	Trunkline Gas Co	City of Greenup	10–12–93	G–S	4,140	N	I	09–01–93	Indef.
ST94–100	Trunkline Gas Co	City of Clinton	10–12–93	G–S	4,140	N	I	09–01–93	Indef.
ST94–101	Trunkline Gas Co	City of Rensselaer ...	10–12–93	G–S	6,831	N	I	09–01–93	Indef.
ST94–102	Trunkline Gas Co	City of Wayne City ..	10–12–93	G–S	2,122	N	I	09–01–93	Indef.
ST94–103	Trunkline Gas Co	City of La Center	10–12–93	G–S	4,140	N	I	09–01–93	Indef.
ST94–104	Trunkline Gas Co	City of Toledo	10–12–93	G–S	983	N	I	09–01–93	Indef.
ST94–105	Trunkline Gas Co	City Gas Co	10–12–93	G–S	1,242	N	I	09–01–93	Indef.
ST94–106	Trunkline Gas Co	City of Troy	10–12–93	G–S	1,035	N	I	09–01–93	Indef.
ST94–107	Trunkline Gas Co	City of Mason	10–12–93	G–S	175	N	I	09–01–93	Indef.
ST94–108	Trunkline Gas Co	City of Wickliffe	10–12–93	G–S	4,140	N	I	09–01–93	Indef.
ST94–109	Trunkline Gas Co	City of Trimble	10–12–93	G–S	414	N	I	09–01–93	Indef.
ST94–110	Trunkline Gas Co	City of Milford	10–12–93	G–S	2,070	N	I	09–01–93	Indef.
ST94–111	Trunkline Gas Co	City of Bardwell	10–12–93	G–S	4,140	N	I	09–01–93	Indef.
ST94–112	Northwest Pipeline Corp.	Coastal Gas Marketing Co.	10–12–93	G–S	250,000	N	I	08–02–93	Indef.
ST94–113	Northwest Pipeline Corp.	City of Ellensburg	10–12–93	G–S	1,500	N	F	09–09–93	Indef.
ST94–114	Arkla Energy Resources Co..	Tyson Foods, Inc	10–12–93	G–S	225	N	F	10–01–93	Indef.
ST94–115	Arkla Energy Resources Co..	Tyson Foods, Inc	10–12–93	G–S	502	N	F	10–01–93	Indef.
ST94–116	Arkla Energy Resources Co..	Tyson Foods, Inc	10–12–93	G–S	87	N	F	10–01–93	Indef.
ST94–117	Arkla Energy Resources Co..	Tyson Foods, Inc	10–12–93	G–S	159	N	F	10–01–93	Indef.
ST94–118	Arkla Energy Resources Co..	Alumax Magnolia Division.	10–12–93	G–S	1,250	N	F	10–01–93	Indef.
ST94–119	Arkla Energy Resources Co..	Tyson Foods, Inc	10–12–93	G–S	191	N	F	10–01–93	Indef.
ST94–120	Arkla Energy Resources Co..	Tyson Foods, Inc	10–12–93	G–S	915	N	F	10–01–93	Indef.
ST94–121	Arkla Energy Resources Co..	Pilgrim's Pride	10–12–93	G–S	165	N	F	10–01–93	Indef.
ST94–122	Arkla Energy Resources Co..	Helena Cotton Oil Co., Inc.	10–12–93	G–S	293	N	F	10–01–93	Indef.
ST94–123	Arkla Energy Resources Co..	Wheatland Tube Co	10–12–93	G–S	195	N	F	10–01–93	Indef.
ST94–124	Arkla Energy Resources Co..	Pace Industries, Inc .	10–12–93	G–S	325	N	F	10–01–93	Indef.
ST94–125	Arkla Energy Resources Co..	Tyson Foods, Inc	10–12–93	G–S	650	N	F	10–01–93	Indef.
ST94–126	Arkla Energy Resources Co..	Tyson Foods, Inc	10–12–93	G–S	204	N	F	10–01–93	Indef.
ST94–127	Arkla Energy Resources Co..	Pilgrim's Pride	10–12–93	G–S	290	N	F	10–01–93	Indef.
ST94–128	Arkla Energy Resources Co..	Fordyce Picture Frams Co., Inc.	10–12–93	G–S	180	N	F	10–01–93	Indef.
ST94–129	Arkla Energy Resources Co..	Doctor's Hospital	10–12–93	G–S	144	N	F	10–01–93	Indef.
ST94–130	Arkla Energy Resources Co..	Tyson Foods, Inc	10–12–93	G–S	182	N	F	10–01–93	Indef.
ST94–131	Arkla Energy Resources Co..	Tyson Foods, Inc	10–12–93	G–S	177	N	F	10–01–93	Indef.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST94-132	Columbia Gas Transmission Corp.	Snyder Armclar Gas Co.	10-12-93	G-S	3,000	N	I	10-01-93	Indef.
ST94-133	Columbia Gas Transmission Corp.	Aig Trading Corp	10-12-93	G-S	200,000	Y	I	09-27-93	Indef.
ST94-134	Columbia Gas Transmission Corp.	Commonwealth Gas Services, Inc.	10-12-93	G-S	1,529	Y	F	10-01-93	Indef.
ST94-135	Columbia Gas Transmission Corp.	Commonwealth Gas Services, Inc.	10-12-93	G-S	471	Y	F	10-01-93	Indef.
ST94-136	Colorado Interstate Gas Co.	Western Sugar Co ..	10-12-93	G-S	730	N	F	10-01-93	03-31-94
ST94-137	Colorado Interstate Gas Co.	Amoco Energy Trading Corp.	10-12-93	G-S	10,312	N	F	10-01-93	10-31-94
ST94-138	Colorado Interstate Gas Co.	Coastal Gas Marketing Co.	10-12-93	G-S	7,730	A	F	10-01-93	10-31-94
ST94-139	Colorado Interstate Gas Co.	Coastal Gas Marketing Co.	10-12-93	G-S	16,640	A	F	10-01-93	05-31-94
ST94-140	Colorado Interstate Gas Co.	Chevron U.S.A., Inc	10-12-93	G-S	10,270	N	F	10-01-93	10-31-94
ST94-141	Colorado Interstate Gas Co.	Coastal Oil & Gas Corp.	10-12-93	G-S	42,000	A	F	10-01-93	12-31-02
ST94-142	Colorado Interstate Gas Co.	Snyder Oil Corp	10-12-93	G-S	10,950	N	F	10-01-93	09-30-94
ST94-143	Colorado Interstate Gas Co.	Coastal Chem, Inc ..	10-12-93	G-S	23,220	A	F	10-01-93	08-31-95
ST94-144	Colorado Interstate Gas Co.	Vesgas Co	10-12-93	G-S	3,200	N	F	10-01-93	06-30-95
ST94-145	Colorado Interstate Gas Co.	Enron Oil & Gas Co	10-12-93	G-S	126,336	N	F	10-01-93	12-31-02
ST94-146	Channel Industries Gas Co.	Tennessee Gas Pipeline Co.	10-12-93	C	5,000	Y	I	09-11-93	Indef.
ST94-147	Valero Transmission, L.P..	Natural Gas Pipeline Co. of America.	10-12-93	C	6,000	N	I	09-16-93	Indef.
ST94-148	Transtexas Pipeline .	Natural Gas Pipeline Co. of America.	10-12-93	C	6,000	N	I	09-16-93	Indef.
ST94-149	Valero Transmission, L.P..	Transwestern Pipeline Co.	10-12-93	C	35,000	N	I	09-28-93	Indef.
ST94-150	Texas Gas Transmission Corp.	Willamette Industries, Inc.	10-13-93	G-S	10,000	N	I	10-01-93	Indef.
ST94-151	Texas Gas Transmission Corp.	Columbia Energy Services Corp.	10-13-93	G-S	25,000	Y	I	10-01-93	Indef.
ST94-152	Texas Gas Transmission Corp.	O&R Energy, Inc	10-13-93	G-S	20,000	N	I	10-01-93	Indef.
ST94-153	Texas Gas Transmission Corp.	Enron Gas Marketing, Inc.	10-13-93	G-S	20,000	N	I	10-01-93	Indef.
ST94-154	Texas Gas Transmission Corp.	Enron Gas Marketing, Inc.	10-13-93	G-S	20,000	N	I	10-01-93	Indef.
ST94-155	Colorado Interstate Gas Co.	CNG Producing Co .	10-13-93	G-S	4,220	N	F	10-01-93	01-31-03
ST94-156	Colorado Interstate Gas Co.	CNG Producing Co .	10-13-93	G-S	12,600	N	F	10-01-93	12-31-03
ST94-157	Colorado Interstate Gas Co.	U.S. Air Force Academy.	10-13-93	G-S	6,700	N	F	10-01-93	Indef.
ST94-158	Colorado Interstate Gas Co.	Associated Intrastate Pipeline Co.	10-13-93	G-S	23,630	N	F	10-01-93	12-31-96
ST94-159	Colorado Interstate Gas Co.	Union Pacific Fuels, Inc.	10-13-93	G-S	50,000	N	F	10-01-93	10-31-03
ST94-160	Colorado Interstate Gas Co.	Conoco, Inc	10-13-93	G-S	10,500	N	F	10-01-93	12-31-98
ST94-161	Colorado Interstate Gas Co.	North American Resources Co.	10-13-93	G-S	10,130	N	F	10-01-93	11-30-06
ST94-162	Colorado Interstate Gas Co.	Peoples Natural Gas Co.	10-13-93	G-S	5,588	N	F	10-01-93	9-30-96
ST94-163	Columbia Gulf Transmission Co.	Coast Energy Group, Inc.	10-13-93	G-S	25,000	N	I	09-29-93	Indef.
ST94-164	Columbia Gulf Transmission Co.	MG Natural Gas Corp.	10-13-93	G-S	5,000	N	I	09-17-93	Indef.
ST94-165	Columbia Gulf Transmission Co.	Mobil Natural Gas, Inc.	10-13-93	G-S	60,000	N	I	09-25-93	Indef.
ST94-166	Columbia Gulf Transmission Co.	North Canadian Marketing Co.	10-13-93	G-S	150,000	N	I	10-02-93	Indef.
ST94-167	Columbia Gulf Transmission Co.	Total Minatome Corp	10-13-93	G-S	100,000	N	I	09-16-93	Indef.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST94–168	Transcontinental Gas P/L Corp.	Equitable Resources Marketing Co.	10–13–93	G–S	160,000	N	I	09–24–93	Indef.
ST94–169	Transcontinental Gas P/L Corp.	PNG Energy	10–13–93	G–S	200,000	N	I	09–16–93	Indef.
ST94–170	Transcontinental Gas P/L Corp.	Texas-Ohio Gas, Inc	10–13–93	G–S	112,000	N	I	09–30–93	Indef.
ST94–171	Koch Gateway Pipeline Co.	Vesta Energy Co	10–13–93	G–S	104,800	N	I	09–05–93	02–02–94
ST94–172	Koch Gateway Pipeline Co.	KCS Energy Marketing, Inc.	10–13–93	G–S	78,600	N	I	09–29–93	01–27–94
ST94–173	Koch Gateway Pipeline Co.	Western Gas Resources, Inc.	10–13–93	G–S	75,000	N	I	10–05–93	02–02–94
ST94–174	Koch Gateway Pipeline Co.	Murphy Oil USA, Inc	10–13–93	G–S	100,000	N	I	10–05–93	02–02–94
ST94–175	Tennessee Gas Pipeline Co.	Connecticut Natural Gas Corp.	10–14–93	G–S	4,152	N	F	10–01–93	Indef.
ST94–176	Midwestern Gas Transmission Co.	Mobil Natural Gas, Inc.	10–14–93	G–S	50,000	N	I	09–27–93	Indef.
ST94–177	Stingray Pipeline Co	Scana Hydrocarbons, Inc.	10–14–93	G–S	5,000	N	I	10–01–93	Indef.
ST94–178	Stingray Pipeline Co	Western Gas Resources, Inc.	10–14–93	G–S	30,000	N	I	10–01–93	Indef.
ST94–179	Natural Gas P/L Co. of America.	NGC Transportation, Inc.	10–14–93	G–S	40,000	A	F	10–01–93	10–31–93
ST94–180	Northern Natural Gas Co.	Enogex, Inc	10–14–93	B	100,000	N	F/I	09–01–93	Indef.
ST94–181	Northern Natural Gas Co.	Transok Gas Co	10–14–93	G–S	30,000	N	F/I	09–26–93	Indef.
ST94–182	Northern Natural Gas Co.	OXY USA, Inc	10–14–93	G–S	15,000	N	F/I	09–01–93	Indef.
ST94–183	ONG Transmission Co.	Ozark Pipeline Co	10–14–93	C	50,000	N	I	09–15–93	Indef.
ST94–184	Columbia Gas Transmission Corp.	Constitution Gas Transport Co., Inc.	10–14–93	G–S	15,000	N	I	10–01–93	Indef.
ST94–185	Columbia Gas Transmission Corp.	U.S. Energy Development Corp.	10–14–93	G–S	6,000	N	I	10–01–93	Indef.
ST94–186	Colorado Interstate Gas Co.	Wyoming Gas Co	10–14–93	G–S	400	N	F	10–01–93	1–31–95
ST94–187	Colorado Interstate Gas Co.	Mountain Fuel Supply Co.	10–14–93	G–S	540	N	F	10–01–93	Indef.
ST94–188	Colorado Interstate Gas Co.	Helmerich & Payne Energy Services.	10–14–93	G–S	30,000	N	F	10–01–93	3–31–94
ST94–189	Colorado Interstate Gas Co.	ANR Pipeline Co	10–14–93	G–S	35,820	Y	F	10–01–93	10–31–93
ST94–190	Colorado Interstate Gas Co.	Holnam, Inc	10–14–93	G–S	130	N	F	10–01–93	09–30–94
ST94–191	Colorado Interstate Gas Co.	Union Pacific Fuels, Inc.	10–14–93	G–S	10,000	N	F	10–01–93	10–31–95
ST94–192	Colorado Interstate Gas Co.	Associated Intrastate Pipeline Co.	10–14–93	G–S	10,310	N	F	10–01–93	09–30–97
ST94–193	Colorado Interstate Gas Co.	Fuel Resource Development Co.	10–14–93	G–S	1,750	N	F	10–01–93	12–31–08
ST94–194	Southern Natural Gas Co.	Yuma Gas Corp	10–15–93	G–S	50,000	N	I	10–08–93	Indef.
ST94–195	Southern Natural Gas Co.	Petro Source Gas Ventures.	10–15–93	G–S	50,000	N	I	10–11–93	Indef.
ST94–196	Southern Natural Gas Co.	Tennessee Gas Pipeline Co.	10–15–93	G–S	10,000	N	I	10–08–93	Indef.
ST94–197	Southern Natural Gas Co.	Equitable Resources Marketing.	10–15–93	G–S	100,000	N	I	10–02–93	Indef.
ST94–198	Sea Robin Pipeline Co.	Natural Gas Pipeline Co.	10–15–93	G–S	10,000	N	F	10–01–93	09–11–94
ST94–199	Colorado Interstate Gas Co.	Chevron USA, Inc	10–15–93	G–S	10,270	N	F	10–01–93	10–31–94
ST94–200	Colorado Interstate Gas Co.	Texaco Gas Marketing, Inc.	10–15–93	G–5	8,500	N	F	10–01–93	10–31–93.
ST94–201	Colorado Interstate Gas Co.	Snyder Oil Corp	10–15–93	G–5	21,000	N	F	10–01–93	10–31–03.
ST94–202	Colorado Interstate Gas Co.	City of Colorado Springs.	10–15–93	G–5	23,135	N	F	10–01–93	09–30–96.
ST94–203	Colorado Interstate Gas Co.	Associated Intrastate Pipeline Co.	10–15–93	G–5	4,160	N	F	10–01–93	.08–31–94

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST94-204	Great Lakes Gas Trans., L.P.	Coastal Gas Marketing Co.	10-15-93	G-5	10,000	N	I	10-01-93	10-31-93.
ST94-205	Great Lakes Gas Trans., L.P.	Gaz Metropolitan & Co., P.P.	10-15-93	G-5	100,000	N	I	09-16-93	10-31-93.
ST94-206	Great Lakes Gas Trans., L.P.	Coenergy Ventures, Inc.	10-15-93	G-5	30,000	N	I	10-01-93	10-31-93
ST94-207	Florida Gas Transmission Co.	City of Lakeland	10-15-93	G-5	9,338	N	I	08-20-93	INDF.
ST94-208	Tennessee Gas Pipeline Co.	People's Natural Gas Co.	10-18-93	G-5	33,357	N	F	10-01-93	INDF.
ST94-209	Tennessee Gas Pipeline Co.	CNG Transmission Corp.	10-18-93	G-5	30,601	N	F	10-08-93	INDF.
ST94-210	Tennessee Gas Pipeline Co.	Pawtucket Power Associates.	10-18-93	G-5	15,000	N	I	10-01-93	INDF.
ST94-211	Tennessee Gas Pipeline Co.	Niagara Mohawk Power Corp.	10-18-93	G-5	50,467	N	F	10-01-93	INDF.
ST94-212	Tennessee Gas Pipeline Co.	Equitable Inc	10-18-93	G-5	227,000	N	I	10-01-93	INDF.
ST94-213	Arkla Energy Resources Co.	Tenaska Marketing Ventures.	10-18-93	G-5	75,000	N	I	09-01-93	INDF.
ST94-214	Arkla Energy Resources Co.	J. Aron & Co	10-18-93	G-5	30,000	N	I	09-01-93	INDF.
ST94-215	Arkla Energy Resources Co.	Vesta Energy Co	10-18-93	G-5	230	N	F	09-01-93	INDF.
ST94-216	Arkla Energy Resources Co.	Reynolds Metals Co	10-18-93	G-5	3,000	N	I	09-01-93	INDF.
ST94-217	Trunkline Gas Co	City of Vienna	10-18-93	G-5	1,449	N	I	09-01-93	INDF.
ST94-218	Trunkline Gas Co	United Cities Gas Co	10-18-93	G-5	621	N	I	09-01-93	INDF.
ST94-219	Trunkline Gas Co	Entex	10-18-93	G-5	5,072	N	I	09-01-93	INDF.
ST94-220	Trunkline Gas Co	Central Illinois Public Service Co.	10-18-93	G-5	10,340	N	I	09-01-93	INDF.
ST94-221	Trunkline Gas Co	City of Hickman	10-18-93	G-5	3,002	N	I	09-01-93	INDF.
ST94-222	Trunkline Gas Co	United Cities Gas Co	10-18-93	G-5	10,350	N	I	09-01-93	INDF.
ST94-223	Trunkline Gas Co	City of Clay City	10-18-93	G-5	1,139	N	I	09-01-93	INDF.
ST94-224	Trunkline Gas Co	Vesta Energy Co	10-18-93	G-5	10,000	N	I	09-01-93	INDF.
ST94-225	Trunkline Gas Co	BP Gas, Inc	10-18-93	G-5	350,000	N	I	09-26-93	INDF.
ST94-226	Trunkline Gas Co	Chevron U.S.A., Inc	10-18-93	G-5	20,000	N	I	09-01-93	INDF.
ST94-227	Trunkline Gas Co	Chevron U.S.A., Inc	10-18-93	G-5	20,000	N	I	09-01-93	INDF.
ST94-228	Arkansas Oklahoma Gas Corp.	Ozark Gas Trans. System, et al.	10-18-93	C	800	N	I	09-01-93	INDF.
ST94-229	Natural Gas P/L Co. of America.	Northern Indiana Public Service Co.	10-18-93	G-5	310,000	N	I	07-12-93	INDF.
ST94-230	Natural Gas P/L Co. of America.	Northern Indiana Public Service Co.	10-18-93	G-5	100,000	N	I	07-12-93	INDF.
ST94-231	Natural Gas P/L Co. of America.	North Shore Gas Co	10-18-93	G-5	10,000	N	F	09-25-93	10-25-93.
ST94-232	Transtexas Pipeline .	Texas Eastern Transmission Corp.	10-18-93	C	32,939	N	I	10-01-93	INDF.
ST94-233	Valero Transmission, L.P.	Tennessee Gas Pipeline Co.	10-18-93	C	7,500	N	I	10-01-93	INDF.
ST94-234	Valero Transmission, L.P.	Trunkline Gas Co	10-18-93	C	10,927	N	I	10-01-93	INDF.
ST94-235	Valero Transmission, L.P.	Texas Eastern Transmission Corp.	10-18-93	C	11,612	N	I	10-03-93	INDF.
ST94-236	Transtexas Pipeline .	Tennessee Gas Pipeline Co.	10-18-93	C	7,500	N	I	10-01-93	INDF.
ST94-237	Bridgeline Gas Distribution Co.	Columbia Gulf Transmission Co.	10-19-93	G-HT	11,874	N	F	09-22-93	INDF.
ST94-238	Tennessee Gas Pipeline Co.	Alcan Aluminum Corp.	10-19-93	G-5	7,000	N	F	10-05-93	INDF.
ST94-239	Tennessee Gas Pipeline Co.	Transco Energy Marketing Co.	10-19-93	G-5	1,138	N	F	10-01-93	INDF.
ST94-240	Tennessee Gas Pipeline Co.	CNG Transmission Corp.	10-19-93	G-5	402,540	N	F	10-01-93	INDF.
ST94-241	Tennessee Gas Pipeline Co.	Enron Gas Marketing, Inc.	10-19-93	G-5	N/A	N	I	10-01-93	INDF.
ST94-242	Transcontinental Gas P/L Corp.	Ledco, Inc	10-19-93	G-5	80,000	N	I	10-01-93	INDF.
ST94-243	Transcontinental Gas P/L Corp.	Vesta Energy Co	10-19-93	G-5	1,000	N	I	10-02-93	INDF.
ST94-244	Transcontinental Gas P/L Corp.	Associated Natural Gas, Inc.	10-19-93	G-5	180,000	N	I	10-08-93	INDF.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST94-245	Colorado Interstate Gas Co.	Snyder Oil Corp	10-19-93	G-5	50,076	N	F	10-01-93	04-30-08.
ST94-246	Trunkline Gas Co	Louisiana Gas Service Co.	10-20-93	G-5	104	N	I	09-01-93	INDF.
ST94-247	Trunkline Gas Co	City of Colfax	10-20-93	G-5	932	N	I	09-01-93	INDF.
ST94-248	Trunkline Gas Co	Lake County Utility District.	10-20-93	G-5	4,140	N	I	09-01-93	INDF.
ST94-249	Trunkline Gas Co	Hardeman-Fayette Utility District.	10-20-93	G-S	3,933	N	I	09-01-93	Indef.
ST94-250	Trunkline Gas Co	City of Jeffersonville	10-20-93	G-S	414	N	I	09-01-93	Indef.
ST94-251	Enogex Inc	Arkla Energy Resources Co.	10-20-93	C	50,000	N	I	10-01-93	Indef.
ST94-252	Enogex Inc	Phillips Gas Pipeline Co.	10-20-93	C	10,000	N	I	10-01-93	Indef.
ST94-253	Northern Natural Gas Co.	Enron Oil & Gas Marketing, Inc.	10-20-93	G-S	47,500	A	F/I	09-23-93	Indef.
ST94-254	Transwestern Pipeline Co.	Southern California Gas Co.	10-20-93	B	100,000	N	I	09-20-93	Indef.
ST94-255	Transwestern Pipeline Co.	U.S. Gas Transport, Inc.	10-20-93	G-S	12,000	N	F	09-24-93	09-30-93
ST94-256	Tennessee Gas Pipeline Co.	Connecticut Natural Gas Corp.	10-20-93	G-S	2,336	N	F	10-01-93	Indef.
ST94-257	Tennessee Gas Pipeline Co.	Rochester Gas & Electric Corp.	10-20-93	G-S	35,485	N	F	10-01-93	Indef.
ST94-258	Tennessee Gas Pipeline Co.	Hope Gas, Inc	10-20-93	G-S	2,261	N	F	10-01-93	Indef.
ST94-259	Tennessee Gas Pipeline Co.	Washington Gas Light Co.	10-20-93	G-S	4,128	N	F	10-06-93	Indef.
ST94-260	Midwestern Gas Transmission Co.	Phibro Energy, Inc ..	10-20-93	G-S	200,000	N	I	10-01-93	Indef.
ST94-261	Midwestern Gas Transmission Co.	Centran Corp	10-20-93	G-S	30,000	N	I	10-01-93	Indef
ST94-262	Midwestern Gas Transmission Co.	Entrade Corp	10-20-93	G-S	5,300	A	F	10-01-93	Indef.
ST94-263	Midwestern Gas Transmission Co.	Northern Indiana Public Service Co.	10-20-93	G-S	100,000	N	F	10-01-93	Indef.
ST94-264	Transcontinental Gas P/L Corp.	Washington Gas Light Co.	10-20-93	B	405,000	N	I	10-06-93	Indef.
ST94-265	Colorado Interstate Gas Co.	Mountain Cement Co.	10-20-93	G-S	100	N	I	10-01-93	Indef.
ST94-266	Colorado Interstate Gas Co.	Coastal Gas Marketing Co.	10-20-93	G-S	149,473	A	I	10-01-93	12-31-99
ST94-267	Colorado Interstate Gas Co.	Stand Energy Corp .	10-20-93	G-S	100	N	I	10-01-93	Indef.
ST94-268	Colorado Interstate Gas Co.	Windsor Gardens Association.	10-20-93	G-S	525	N	I	10-01-93	Indef.
ST94-269	Colorado Interstate Gas Co.	Western Gas Resources, Inc.	10-20-93	G-S	67,700	N	I	10-01-93	Indef.
ST94-270	Colorad99Interstate Gas Co.	Associated Intrastate Pipeline Co.	10-20-93	G-S	86,375	N	I	10-01-93	Indef.
ST94-271	Colorado Interstate Gas Co.	Associated Intrastate Pipeline Co.	10-20-93	G-S	9,424	N	I	10-01-93	Indef.
ST94-272	ANR Pipeline Co	Associated Natural Gas, Inc.	10-20-93	G-S	150,000	N	I	09-28-93	Indef.
ST94-273	ANR Pipeline Co	Union Pacific Fuels, Inc.	10-20-93	G-S	100,000	N	F	10-01-93	10-31-93
ST94-274	ANR Pipeline Co	Coastal Gas Marketing Co.	10-20-93	G-S	50,000	A	I	10-01-93	Indef.
ST94-275	ANR Pipeline Co	Oryx Gas Marketing, L.P..	10-20-93	G-S	150,000	N	I	09-26-93	Indef.
ST94-276	ANR Pipeline Co	Frontier Natural Gas Corp.	10-20-93	G-S	4,000	N	F	10-01-93	10-31-93
ST94-277	ANR Pipeline Co	O&R Energy, Inc	10-20-93	G-S	50,000	N	F	10-02-93	Indef.
ST94-278	ANR Pipeline Co	Semco Energy Services, Inc.	10-20-93	G-S	3,600	N	F	10-01-93	10-31-93
ST94-279	Koch Gateway Pipeline Co.	KCS Energy Marketing, Inc.	10-21-93	G-S	78,600	N	I	10-13-93	02-10-94
ST94-280	Koch Gateway Pipeline Co.	Chevron U.S.A., Inc	10-21-93	G-S	78,600	N	I	10-13-93	02-10-94
ST94-281	Koch Gateway Pipeline Co.	Chevron U.S.A., Inc	10-21-93	G-S	300,000	N	I	10-13-93	02-10-94

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST94-282	Koch Gateway Pipeline Co.	Texaco Gas Marketing, Inc.	10-21-93	G-S	32,900	N	I	10-14-93	02-11-94
ST94-283	Koch Gateway Pipeline Co.	MG Natural Gas Corp.	10-21-93	G-S	41,920	N	I	10-13-93	02-10-94
ST94-284	Colorado Interstate Gas Co.	Anadarko Trading Corp.	10-21-93	G-S	226	N	I	10-01-93	Indef.
ST94-285	Colorado Interstate Gas Co.	Amoco Energy Trading Corp.	10-21-93	G-S	100	N	I	10-01-93	Indef.
ST94-286	Colorado Interstate Gas Co.	OXY USA, Inc	10-21-93	G-S	22,282	N	I	10-01-93	Indef.
ST94-287	Colorado Interstate Gas Co.	Western Natural Gas & Trans. Corp.	10-21-93	G-S	18,727	N	I	10-01-93	Indef.
ST94-288	Colorado Interstate Gas Co.	Interenergy Transmission Partners.	10-21-93	G-S	20,990	N	I	10-01-93	Indef.
ST94-289	Colorado Interstate Gas Co.	Associated Intrastate Pipeline Co.	10-21-93	G-S	14,110	N	I	10-01-93	Indef.
ST94-290	Trailblazer Pipeline Co.	Arkla Energy Marketing Co.	10-21-93	Gas9S	353,000	N	I	10-01-93	Indef.
ST94-291	U-T Offshore System.	National Gas Resources, L.P..	10-21-93	G-S	50,000	N	I	10-08-93	10-07-94
ST94-292	Westar Transmission Co.	Natural Gas Pipeline Co. of America.	10-21-93	C	20,000	N	I	09-04-93	Indef.
ST94-293	Tennessee Gas Pipeline Co.	Tenngasco Corp	10-22-93	G-S	1,200	A	F	10-01-93	Indef.
ST94-294	K N Interstate Gas Trans. Co.	Enron Gas Marketing, Inc.	10-22-93	G-S	75,000	N	I	10-01-93	Indef.
ST94-295	K N Interstate Gas Trans. Co.	Maxus Exploration Co.	10-22-93	G-S	50,000	N	I	10-01-93	Indef.
ST94-296	K N Interstate Gas Trans. Co.	Associated Intrastate Pipeline Co.	10-22-93	B	50,000	A	I	10-01-93	Indef.
ST94-297	K N Interstate Gas Trans. Co.	Arco Natural Gas Marketing, Inc.	10-22-93	G-S	195,000	N	I	10-01-93	Indef.
ST94-298	K N Interstate Gas Trans. Co.	LL&E Interstate Gas Transmission Co.	10-22-93	G-S	50,000	N	I	10-01-93	Indef.
ST94-299	K N Interstate Gas Trans. Co.	Vesta Energy Co	10-22-93	G-S	50,000	N	I	10-01-93	Indef.
ST94-300	K N Interstate Gas Trans. Co.	Exxon Corp	10-22-93	G-S	23,000	N	I	10-01-93	Indef.
ST94-301	K N Interstate Gas Trans. Co.	Energy Dynamics, Inc.	10-22-93	G-S	30,000	N	I	10-01-93	Indef.
ST94-302	K N Interstate Gas Trans. Co.	Mississippi River Transmission Corp.	10-22-93	G	5,000	N	I	10-01-93	Indef.
ST94-303	K N Interstate Gas Trans. Co.	Associated Natural Gas, Inc.	10-22-93	G-S	100,000	N	I	10-01-93	Indef.
ST94-304	K N Interstate Gas Trans. Co.	Pennzoil Gas Marketing Co.	10-22-93	G-S	5,000	N	I	10-01-93	Indef.
ST94-305	K N Interstate Gas Trans. Co.	Coastal Gas Marketing Co.	10-22-93	G-S	30,000	N	I	10-01-93	Indef.
ST94-306	K N Interstate Gas Trans. Co.	Chevron USA, Inc ...	10-22-93	G-S	25,000	N	I	10-01-93	Indef.
ST94-307	K N Interstate Gas Trans. Co.	Chevron USA, Inc ...	10-22-93	G-S	60,000	N	I	10-01-93	Indef.
ST94-308	K N Interstate Gas Trans. Co.	Aquila Energy Marketing Corp.	10-22-93	G-S	100,000	N	I	10-01-93	Indef.
ST94-309	K N Interstate Gas Trans. Co.	Enogex Services Corp.	10-22-93	G-S	50,000	N	I	10-01-93	Indef.
ST94-310	K N Interstate Gas Trans. Co.	Premier Gas Co	10-22-93	G-S	20,000	N	I	10-01-93	Indef.
ST94-311	K N Interstate Gas Trans. Co.	Delhi Gas Pipeline Corp.	10-22-93	B	75,000	N	I	10-01-93	Indef.
ST94-312	K N Interstate Gas Trans. Co.	Transok Gas Co	10-22-93	G-S	50,000	N	I	10-01-93	Indef.
ST94-313	K N Interstate Gas Trans. Co.	Williams Gas Marketing Co.	10-22-93	G-S	80,000	N	I	10-01-93	Indef.
ST94-314	K N Interstate Gas Trans. Co.	New Mexico Natural Gas Co., Inc.	10-22-93	B	15,000	N	I	10-01-93	Indef.
ST94-315	K N Interstate Gas Trans. Co.	Oryx Gas Marketing, L.P..	10-22-93	G-S	130,000	N	I	10-01-93	Indef.
ST94-316	K N Interstate Gas Trans. Co.	Equitable Resources Marketing Co.	10-22-93	G-S	20,000	N	I	10-01-93	Indef.
ST94-317	K N Interstate Gas Trans. Co.	Post Rock Gas, Inc .	10-22-93	G-S	2,000	N	I	10-01-93	Indef.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST94-318	Natural Gas P/L Co. of America.	O&R Energy, Inc	10-22-93	G-S	10,000	N	F	10-09-93	10-31-93
ST94-319	Natural Gas P/L Co. of America.	Associated Natural Gas, Inc.	10-22-93	G-S	70,500	N	F	10-01-93	09-30-98
ST94-320	Houston Pipe Line Co.	Northern Natural Gas Co.	10-22-93	C	10,000	N	I	09-01-93	Indef.
ST94-321	Houston Pipe Line Co.	Northern Natural Gas Co.	10-22-93	C	50,000	N	I	09-27-93	Indef.
ST94-322	Colorado Interstate Gas Co.	Coastal Oil & Gas Corp.	10-22-93	G-S	33,336	A	I	10-01-93	Indef.
ST94-323	ANR Pipeline Co	Coastal Gas Marketing Co.	10-22-93	G-S	230,000	A	I	10-01-93	Indef.
ST94-324	Oasis Pipe Line Co .	Transwestern Pipeline Co.	10-22-93	C	7,000	N	I	08-01-93	Indef.
ST94-325	Oasis Pipe Line Co .	AMOCO Gas Co	10-22-93	C	50,000	N	I	09-01-93	Indef.
ST94-326	Houston Pipe Line Co.	Natural Gas Pipeline Co. of America.	10-22-93	C	25,000	N	I	09-24-93	Indef.
ST94-327	Colorado Interstate Gas Co.	Aquila Energy Marketing Corp.	10-22-93	G-S	10,367	N	I	10-01-93	Indef.
ST94-328	Colorado Interstate Gas Co.	Associated Intrastate Pipeline Co.	10-22-93	G-S	32,292	N	I	10-01-93	Indef.
ST94-329	Colorado Interstate Gas Co.	Chevron USA, Inc ...	10-22-93	G-S	147	N	I	10-01-93	Indef.
ST94-330	Colorado Interstate Gas Co.	Coastal Chem, Inc ..	10-22-93	G-S	17,616	A	I	10-01-93	Indef.
ST94-331	K N Interstate Gas Trans. Co.	Boyd Rosene & Associates, Inc.	10-25-93	G-S	10,000	N	I	10-01-93	Indef.
ST94-332	K N Interstate Gas Trans. Co.	Premier Gas Co	10-25-93	G-S	6,000	N	I	10-01-93	Indef.
ST94-333	K N Interstate Gas Trans. Co.	Mobil Natural Gas, Inc.	10-25-93	G-S	19,000	N	F	10-01-93	02-28-95
ST94-334	K N Interstate Gas Trans. Co.	Transok, Inc	10-25-93	B	25,000	N	I	10-01-93	Indef.
ST94-335	K N Interstate Gas Trans. Co.	Tenaska Marketing Ventures.	10-25-93	G-S	5,154	N	F	10-01-93	10-31-93
ST94-336	K N Interstate Gas Trans. Co.	Bridge Gas USA, Inc	10-25-93	G-S	75,000	N	I	10-01-93	Indef.
ST94-337	K N Interstate Gas Trans. Co.	Western Natural Gas & Trans. Corp.	10-25-93	G-S	500	N	I	10-01-93	Indef.
ST94-338	K N Interstate Gas Trans. Co.	Transok, Inc	10-25-93	B	50,000	N	I	10-01-93	Indef.
ST94-339	K N Interstate Gas Trans. Co.	LL&E Gas Marketing, Inc.	10-25-93	G-S	5,015	N	F	10-01-93	03-31-94
ST94-340	K N Interstate Gas Trans. Co.	Coastal Gas Marketing Co.	10-25-93	G-S	50,000	N	I	10-01-93	Indef.
ST94-341	K N Interstate Gas Trans. Co.	Chevron USA Production Co.	10-25-93	G-S	32,000	N	I	10-01-93	Indef.
ST94-342	K N Interstate Gas Trans. Co.	Aquila Energy Marketing corp..	10-25-93	G-S	150,000	N	I	10-01-93	Indef.
ST94-343	K N Interstate Gas Trans. Co.	Texaco Gas Marketing, Inc.	10-25-93	G-S	5,000	N	I	10-01-93	Indef.
ST94-344	K N Interstate Gas Trans. Co.	Western Gas Resources, Inc.	10-25-93	G-S	25,000	N	I	10-01-93	Indef.
ST94-345	K N Interstate Gas Trans. Co.	Continental Natural Gas, Inc.	10-25-93	G-S	50,000	N	I	10-01-93	Indef.
ST94-346	K N Interstate Gas Trans. Co.	Universal Resources Corp.	10-25-93	G-S	27,000	N	I	10-01-93	Indef.
ST94-347	K N Interstate Gas Trans. Co.	American Central Gas Cos., Inc.	10-25-93	G-S	100,000	N	I	10-01-93	Indef.
ST94-348	K N Interstate Gas Trans. Co.	Enron Gas Marketing, Inc.	10-25-93	G-S	30,000	N	I	10-01-93	Indef.
ST94-349	K N Interstate Gas Trans. Co.	Oxy USA, Inc	10-25-93	G-S	20,000	N	I	10-01-93	Indef.
ST94-350	K N Interstate Gas Trans. Co.	North Canadian Marketing Corp.	10-25-93	G-S	50,000	N	I	10-01-93	Indef.
ST94-351	K N Interstate Gas Trans. Co.	Anadarko Trading Co.	10-25-93	G-S	30,000	N	I	10-01-93	Indef.
ST94-352	K N Interstate Gas Trans. Co.	Williams Gas Marketing Co.	10-25-93	G-S	100,000	N	I	10-01-93	Indef.
ST94-353	K N Interstate Gas Trans. Co.	Prairie Gas Transportation Co.	10-25-93	G-S	20,000	N	I	10-01-93	ndef.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST94-354	K N Interstate Gas Trans. Co.	K N Gas Marketing, Inc.	10-25-93	G-S	250,000	A	I	10-01-93	Indef.
ST94-355	K N Interstate Gas Trans. Co.	Kerr-McGee Corp	10-25-93	G-S	30,000	N	I	10-01-93	Indef.
ST94-356	K N Interstate Gas Trans. Co.	Mountain Iron & Supply Co.	10-25-93	G-S	20,000	N	I	10-01-93	Indef.
ST94-357	K N Interstate Gas Trans. Co.	Tenaska Marketing Ventures.	10-25-93	G-S	100,000	N	I	10-01-93	Indef.
ST94-358	K N Interstate Gas Trans. Co.	Texaco Exploration & Production.	10-25-93	G-S	10,000	N	I	10-01-93	Indef.
ST94-359	K N Interstate Gas Trans. Co.	Interenergy Corp	10-25-93	G-S	5,000	N	I	10-01-93	Indef.
ST94-360	K N Interstate Gas Trans. Co.	Cimarron Gas Companies, Inc.	10-25-93	G-S	50,000	N	I	10-01-93	Indef.
ST94-361	Mojave Pipeline Co .	Meridian Oil, Inc	10-25-93	G-S	100,000	N	F	12-21-90	10-02-08
ST94-362	K N Interstate Gas Trans. Co.	Boyd Rosene & Associates, Inc.	10-25-93	G-S	12,000	N	I	10-01-93	Indef.
ST94-363	K N Interstate Gas Trans. Co.	Transok, Inc	10-25-93	B	50,000	N	I	10-01-93	Indef.
ST94-364	Colorado Interstate Gas Co.	K N Gas Marketing, Inc.	10-25-93	G-S	108,789	N	I	10-01-93	Indef.
ST94-365	Colorado Interstate Gas Co.	Consolidated Fuel Corp.	10-25-93	G-S	1,513	N	I	10-01-93	Indef.
ST94-366	Colorado Interstate Gas Co.	Farmer's Union Central Exchange.	10-25-93	G-S	3,412	N	I	10-01-93	Indef.
ST94-367	Colorado Interstate Gas Co.	Grand Valley Gas Co.	10-25-93	G-S	13,402	N	I	10-01-93	Indef.
ST94-368	Colorado Interstate Gas Co.	Kiowa Gas Co	10-25-93	G-S	274	N	I	10-01-93	Indef.
ST94-369	Natural Gas P/L Co. of America.	International Paper Co.	10-25-93	G-S	16,500	N	F	09-01-93	06-30-94
ST94-370	Transco-Louisiana Intra. P/L Co.	Transcontinental Gas Pipe Line Corp.	10-25-93	C	120,000	N	I	08-01-93	Indef.
ST94-371	Valero Transmission, L.P.	Trunkline Gas Co	10-26-93	C	10,000	N	I	10-01-93	Indef.
ST94-372	Mojave Pipeline Co .	Meridian Oil, Inc	10-25-93	G-S	100,000	N	F	10-03-93	10-02-08
ST94-373	Trunkline Gas Co	City of Somerville	10-26-93	G-S	1,705	N	F	09-01-93	Indef.
ST94-374	Trunkline Gas Co	Direct Gas Supply Corp.	10-26-93	G-S	12,420	N	I	10-01-93	Indef.
ST94-375	Trunkline Gas Co	Yuma Gas Corp	10-26-93	G-S	51,750	N	I	09-01-93	Indef.
ST94-376	Trunkline Gas Co	Electric Energy, Inc .	10-26-93	G-S	136,620	N	I	10-03-93	Indef.
ST94-377	Trunkline Gas Co	City of Sims	10-26-93	G-S	311	N	F	09-01-93	Indef.
ST94-378	Trunkline Gas Co	City of Boyce	10-26-93	G-S	932	N	F	09-01-93	Indef.
ST94-379	Trunkline Gas Co	City of Louisville	10-26-93	G-S	1,242	N	F	09-01-93	Indef.
ST94-380	Trunkline Gas Co	City of Cisne	10-26-93	G-S	828	N	F	09-01-93	Indef.
ST94-381	Trunkline Gas Co	City of McLeansboro	10-26-93	G-S	3,312	N	F	09-01-93	Indef.
ST94-382	Trunkline Gas Co	KCS Energy Marketing, Inc.	10-26-93	G-S	51,750	N	I	09-01-93	Indef.
ST94-383	Trunkline Gas Co	City of Pittsburg	10-26-93	G-S	311	N	F	09-01-93	Indef.
ST94-384	Trunkline Gas Co	Consolidated Fuel Corp.	10-26-93	G-S	51,750	N	I	09-09-93	Indef.
ST94-385	Trunkline Gas Co	Unigas Energy, Inc ..	10-26-93	G-S	20,700	N	I	09-01-93	Indef.
ST94-386	Trunkline Gas Co	Coastal Gas Marketing Co.	10-26-93	G-S	207,000	N	I	09-01-93	Indef.
ST94-387	Trunkline Gas Co	Panhandle Trading Co.	10-26-93	G-S	100,000	A	I	09-07-93	Indef.
ST94-388	Trunkline Gas Co	City of Obion	10-26-93	G-S	302,220	N	F	09-01-93	Indef.
ST94-389	Trunkline Gas Co	City of Fairfield	10-26-93	G-S	6,417	N	F	09-01-93	Indef.
ST94-390	Colorado Interstate Gas Co.	NGC Transportation, Inc.	10-26-93	G-S	8,345	N	I	09-01-93	Indef.
ST94-391	Colorado Interstate Gas Co.	People Natural Gas Co.	10-26-93	G-S	489	N	I	09-01-93	Indef.
ST94-392	Colorado Interstate Gas Co.	PG&E Resources Co	10-26-93	G-S	3,000	N	I	09-01-93	Indef.
ST94-393	Colorado Interstate Gas Co.	Mountain Fuel Supply Co.	10-26-93	G-S	508	N	I	09-01-93	Indef.
ST94-394	Colorado Interstate Gas Co.	Quivira Gas Co	10-26-93	G-S	9,652	N	I	09-01-93	Indef.
ST94-395	El Paso Natural Gas Co.	Mock Resources, Inc	10-26-93	G-S	10,300	N	I	10-01-93	Indef.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST94-396	Trunkline Gas Co	Eastex Hydrocarbons, Inc.	10-27-93	G-S	20,000	N	I	10-01-93	Indef.
ST94-397	Trunkline Gas Co	City of Dahlgren	10-27-93	G-S	427	N	F	09-01-93	Indef.
ST94-398	Panhandle Eastern Pipe Line Co.	Entrade Corp	10-27-93	G-S	200,000	N	I	10-01-93	09-30-98.
ST94-399	Panhandle Eastern Pipe Line Co.	Thomson Consumer Electronics, Inc.	10-27-93	G-S	1,500	N	F	10-01-93	09-30-96.
ST94-400	Algonquin Gas Transmission Co.	Commonwealth Gas Co.	10-27-93	B	10,380	N	F	10-13-93	Indef.
ST94-401	Algonquin Gas Transmission Co.	Yankee Gas Services Co.	10-27-93	B	6,066	N	F	10-12-93	Indef.
St94-402	Algonquin Gas Transmission Co.	Southern Connecticut Gas.	10-27-93	B	4,517	N	FF	10-13-93	Indef.
ST94-403	Algonquin Gas Transmission Co.	Colonial Gas Co	10-27-93	B	7,918	N	F	10-07-93	Indef.
ST94-404	Algonquin Gas Transmission Co.	Yankee Gas Services Co.	10-27-93	B	8,862	N	F	10-06-93	Indef.
ST94-405	Algonquin Gas Transmission Co.	Commonwealth Gas Co.	10-27-93	B	16,226	N	F	10-12-93	Indef.
ST94-406	Columbia Gas Transmission Corp.	United States Gypsum Co.	10-27-93	G-S	1,000	N	I	10-01-93	Indef.
ST94-407	Colorado Interstate Gas Co.	Rhone-Poulenc Pipeline Co.	10-27-93	G-S	3,261	N	I	10-01-93	Indef.
ST94-408	Colorado Interstate Gas Co.	Rangeline Corp	10-27-93	G-S	164	N	I	10-01-93	Indef.
ST94-409	Colorado Interstate Gas Co.	Snyder Oil Corp	10-27-93	G-S	33,639	N	I	10-01-93	Indef.
ST94-410	Colorado Interstate Gas Co.	SDS Petroleum Products, Inc.	10-27-93	G-S	181	N	I	10-01-93	Indef.
ST94-411	Colorado Interstate Gas Co.	Santa Fe Minerals, Inc.	10-27-93	G-S	823	N	I	10-01-93	Indef.
ST94-412	Colorado Interstate Gas Co.	Sinclair Oil Corp	10-27-93	G-S	8,709	N	I	10-01-93	Indef.
ST94-413	Midwestern Gas Transmission Co.	Superior Natural Gas Corp.	10-28-93	G-S	100,000	N	I	10-01-93	Indef.
ST94-414	Tennessee Gas Pipeline Co.	East Ohio Gas	10-28-93	G-S	48,385	N	F	10-01-93	Indef.
ST94-415	Tennessee Gas Pipeline Co.	Corning Natural Gas Corp.	10-28-93	G-S	3,854	N	F	10-01-93	Indef.
ST94-416	Tennessee Gas Pipeline Co.	CNG Gas Services Corp.	10-28-93	G-S	250,000	N	I	10-15-93	Indef.
ST94-417	Tennessee Gas Pipeline Co.	Washington Gas Light Co.	10-28-93	G-S	7,338	N	FF	10-05-93	Indef.
ST94-418	Tennessee Gas Pipeline Co.	Colonial Gas Co	10-28-93	G-S	3,361	N	F	10-01-93	Indef.
ST94-419	Tennessee Gas Pipeline Co.	Public Service Electric & Gas Co.	10-28-93	G-S	10,206	N	FF	10-13-93	Indef.
ST94-420	Channel Industries Gas Co.	Tennessee Gas Pipeline Co., Et Al.	10-28-93	C	100,000	Y	I	10-01-93	Indef.
ST94-421	Gas Co. of New Mexico.	El Paso Natural Gas Co.	10-28-93	C	20,000	N	I	10-08-93	Indef.
ST94-422	Valero Transmission, L.P.	Texas Eastern Transmission Corp.	10-28-93	C	9,500	N	I	10-01-93	Indef.
ST94-423	Colorado Interstate Gas Co.	Union Pacific Fuels, Inc.	10-28-93	G-S	10,250	N	I	10-01-93	Indef.
ST94-424	Colorado Interstate Gas Co.	Texaco Gas Marketing, Inc.	10-28-93	G-S	44,615	N	I	10-01-93	Indef.
ST94-425	Colorado Interstate Gas Co.	Tiger National Gas, Inc.	10-28-93	G-S	121	N	I	10-01-93	Indef.
ST94-426	Colorado Interstate Gas Co.	Public Service Co. of Colorado.	10-28-93	G-S	10,276	N	I	10-01-93	Indef.
ST94-427	Colorado Interstate Gas Co.	Public Service Co. of Colorado.	10-28-93	G-S	6,000	N	I	10-01-93	Indef.
ST94-428	Colorado Interstate Gas Co.	Universial Resources Corp.	10-28-93	G-S	4,474	N	I	10-14-93	Indef.
ST94-429	Colorado Interstate Gas Co.	Vesgas Co	10-28-93	G-S	6,870	N	I	10-01-93	Indef.
ST94-430	Transwestern Pipeline Co.	Clayton Williams Energy, Inc.	10-28-93	G-S	2,760	N	F	10-01-93	10-31-93.
ST94-431	Transwestern Pipeline Co.	Brooklyn Interstate Natural Gas.	10-28-93	G-S	5,000	N	F	10-01-93	10-31-93.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST94–432	Transwestern Pipeline Co.	Anthem Energy Co., L.P.	10–28–93	G–S	13,780	N	F	10–01–93	10–31–93.
ST94–433	Transwestern Pipeline Co.	Richardson Products Co.	10–28–93	G–S	41,340	N	F	10–01–93	10–31–93.
ST94–434	Transwestern Pipeline Co.	NGC Transportation, Inc.	10–28–93	G–S	19,570	N	F	10–01–93	10–31–93.
ST94–435	Transwestern Pipeline Co.	NGC Transportation, Inc.	10–28–93	G–S	15,790	N	F	10–01–93	10–31–93.
ST94–436	Transwestern Pipeline Co.	GPM Gas Corp	10–28–93	G–S	20,000	N	F	10–01–93	10–31–93.
ST94–437	Transwestern Pipeline Co.	Enron Gas Marketing, Inc.	10–28–93	G–S	200	N	A	10–01–93	06–30–94.
ST94–438	Transwestern Pipeline Co.	Arkla Energy Marketing.	10–28–93	G–S	100,000	N	I	10–01–93	Indef.
ST94–439	Transwestern Pipeline Co.	Cibola Corp	10–28–93	G–S	6,000	N	F	10–01–93	02–28–94.
ST94–440	Transwestern Pipeline Co.	Production Gathering Co.	10–28–93	G–S	530	N	F	10–01–93	10–31–93.
ST94–441	Transwestern Pipeline Co.	Tristar Gas Co	10–28–93	G–S	6,128	N	F	10–01–93	10–31–93.
ST94–442	Transwestern Pipeline Co.	F&M Oil & Gas Co ..	10–28–93	G–S	50,000	N	I	10–01–93	Indef.
ST94–443	Transwestern Pipeline Co.	Brooklyn Interstate Natural Gas.	10–28–93	G–S	50,000	N	I	10–16–93	Indef.
ST94–444	Transwestern Pipeline Co.	Production Gathering Co.	10–28–93	G–S	220	N	F	10–01–93	10–31–93.
ST94–445	Transwestern Pipeline Co.	Enogex Services Corp.	10–28–93	G–S	3,500	N	F	10–02–93	10–31–93
ST94–446	Transwestern Pipeline Co.	Gas Co. of Mexico ..	10–28–93	G–S	5,000	N	F	10–05–93	10–31–93
ST94–447	Transwestern Pipeline Co.	Tristar Gas Co	10–28–93	G–S	1,000	N	F	10–02–93	10–31–93
ST94–448	Transwestern Pipeline Co.	Continental Natural Gas, Inc.	10–28–93	G–S	5,000	N	F	10–01–93	10–31–93
ST94–449	Transwestern Pipeline Co.	Enron Gas Marketing, Inc.	10–28–93	G–S	1,200	A	F	10–03–93	10–31–93
ST94–450	Transwestern Pipeline Co.	Tristar Gas Co	10–28–93	G–S	1,000	N	F	10–02–93	10–05–93
ST94–451	Transwestern Pipeline Co.	Enron Gas Marketing, Inc.	10–28–93	G–S	4,175	A	F	10–06–93	10–31–93
ST94–452	Transwestern Pipeline Co.	Continental Natural Gas, Inc.	10–28–93	G–S	5,000	N	F	10–01–93	10–31–93
ST94–453	Williams Natural Gas Co.	Grove Municipal Services Authority.	10–28–93	G–S	5,500	N	F	10–01–93	Indef.
ST94–454	Williams Natural Gas Co.	Greeley Gas Co	10–28–93	G–S	1,187	N	F	10–01–93	Indef.
ST94–455	Williams Natural Gas Co.	Brock Gas Systems & Equipment, Inc.	10–28–93	G–S	354	N	F	10–01–93	10–01–95
ST94–456	Williams Natural Gas Co.	Brock Gas Systems & Equipment, Inc.	10–28–93	G–S	350	N	F	10–01–93	10–01–95
ST94–457	Williams Natural Gas Co.	Atchison Casting Corp.	10–28–93	B	3,500	N	I	10–01–93	10–01–94
ST94–458	Williams Natural Gas Co.	Amarillo Natural Gas, Inc.	10–28–93	B	250	N	I	10–01–93	Indef.
ST94–459	Williams Natural Gas Co.	Triumph Natural Gas, Inc.	10–28–93	G–S	18,000	N	I	10–01–93	Indef.
ST94–460	Williams Natural Gas Co.	Farmland Industries, Inc.	10–28–93	G–S	250,000	N	I	10–01–93	Indef.
ST94–461	Williams Natural Gas Co.	City Utilities of Springfield.	10–28–93	G–S	120,000	N	I	10–20–93	Indef.
ST94–462	Williams Natural Gas Co.	American Central Gas Cos., Inc.	10–28–93	G–S	20,000	N	I	10–01–93	10–01–94
ST94–463	Williams Natural Gas Co.	Citation Oil & Gas Corp.	10–28–93	G–S	500	N	I	10–22–93	Indef.
ST94–464	Williams Natural Gas Co.	City of Burlingame ...	10–28–93	G–S	496	N	F	10–01–93	Indef.
ST94–465	Williams Natural Gas Co.	City of Denison	10–28–93	G–S	128	N	I	10–01–93	Indef.
ST94–466	Williams Natural Gas Co.	City of Granby	10–28–93	G–S	999	N	I	10–01–93	Indef.
ST94–467	Williams Natural Gas Co.	Greeley Gas Co	10–28–93	G–S	2,650	N	I	10–01–93	Indef.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST94–468	Williams Natural Gas Co.	Missouri Public Service.	10–28–93	G–S	5,834	N	F	10–07–93	Indef.
ST94–469	Williams Natural Gas Co.	Western Resources, Inc.	10–28–93	G–S	14,640	N	F	10–01–93	Indef.
ST94–470	Williams Natural Gas Co.	City Utilities of Springfield.	10–28–93	B	4,833	N	F	10–01–93	10–01–94
ST94–471	Williams Natural Gas Co.	City Utilities of Springfield.	10–28–93	B	6,588	N	F	10–01–93	Indef.
ST94–472	Williams Natural Gas Co.	Western Resources, Inc.	10–28–93	G–S	7,614	N	F	10–01–93	Indef.
ST94–473	Williams Natural Gas Co.	Western Resources, Inc.	10–28–93	G–S	6,450	N	F	10–01–93	Indef.
ST94–474	Williams Natural Gas Co.	Altamont Municipal Gas Authority.	10–28–93	G–S	996	N	I	10–01–93	Indef.
ST94–475	Williams Natural Gas Co.	Quaker Oats Co	10–28–93	G–S	2,000	N	I	10–09–93	10–01–94
ST94–476	Williams Natural Gas Co.	Post Rock Gas, Inc .	10–28–93	G–S	150	N	I	10–01–93	Indef.
ST94–477	Williams Natural Gas Co.	Pawnee Pipeline & Marketing Co.	10–28–93	G–S	500	N	I	10–01–93	Indef.
ST94–478	Williams Natural Gas Co.	Midcoast Energy Resources, Inc.	10–28–93	G–S	8,000	N	I	10–09–93	Indef.
ST94–479	Williams Natural Gas Co.	Kansas Municipal Gas Agency.	10–28–93	G–S	11,108	N	I	10–08–93	Indef.
ST94–480	Panhandle Eastern Pipe Line Co.	Ward Gas Marketing, Inc.	10–28–93	G–S	78,000	N	I	10–01–93	09–30–95
ST94–481	Panhandle Eastern Pipe Line Co.	Enron Gas Marketing, Inc.	10–28–93	G–S	2,628	N	F	10–01–93	10–31–93
ST94–482	Panhandle Eastern Pipe Line Co.	Gedi, Inc	10–28–93	G–S	1,500	N	I	10–01–93	09–30–98
ST94–483	Panhandle Eastern Pipe Line Co.	Tylex, Inc	10–28–93	G–S	3,500	N	I	10–01–93	04–30–98
ST94–484	Panhandle Eastern Pipe Line Co.	Mountain Front Pipeline Co., Inc.	10–28–93	G–S	20,000	N	I	10–01–93	08–31–98
ST94–485	Natural Gas P.L Co. of America.	Tenngasco Corp	10–28–93	B	60,000	N	I	06–01–87	Indef.
ST94–486	Natural Gas P.L Co. of America.	Diamond Shamrock Offshore Partners.	10–28–93	B	50,000	N	I	09–01–87	Indef.
ST94–487	Natural Gas P.L Co. of America.	Energy Marketing Exchange, Inc.	10–28–93	B	30,000	N	I	04–01–87	Indef.
ST94–488	Natural Gas P.L Co. of America.	Chevron U.S.A., Inc	10–28–93	B	9,000	N	I	08–01–88	Indef.
ST94–489	Natural Gas P.L Co. of America.	Texaco Gas Marketing, Inc.	10–28–93	B	100,000	N	I	12–01–87	Indef.
ST94–490	Natural Gas P.L Co. of America.	Amgas, Inc	10–28–93	B	100,000	N	I	04–01–87	Indef.
ST94–491	Natural Gas P.L Co. of America.	Humble Gas Transmission Co.	10–28–93	B	75,000	N		04–01–87	Indef.
ST94–492	Channel Industries Gas Co.	Northern Natural Gas Co., et al.	10–29–93	C	50,000	Y	I	10–01–93	Indef.
ST94–493	Channel Industries Gas Co.	THC Pipeline Co., et al.	10–29–93	C	75,000	N	I	10–01–93	Indef.
ST94–494	Transok, Inc	ANR Pipeline Co., et al.	10–29–93	C	50,000	N	I	10–01–93	Indef.
ST94–495	Delhi Gas Pipeline Corp.	Ozark Gas Transmission System.	10–29–93	C	25,000	N	I	10–11–93	Indef.
ST94–496	Delhi Gas Pipeline Corp.	Ozark Gas Transmission System.	10–29–93	C	600	N	I	10–09–93	Indef.
ST94–497	Transok, Inc	ANR Pipeline Co., et al.	10–29–93	C	10,000	N	I	10–01–93	10–31–93
ST94–498	Transok, Inc	ANR Pipeline Co., et al.	10–29–93	C	20,000	N	I	10–01–93	Indef.
ST94–499	Texas Gas Transmission Corp.	Corning Natural Gas Corp.	10–29–93	G–S	2,882	N	F	10–14–93	Indef.
ST94–500	Texas Gas Transmission Corp.	Sonat Marketing Co	10–29–93	G–S	100,000	N	I	10–20–93	Indef.
ST94–501	Texas Gas Transmission Corp.	Enron Gas Marketing, Inc.	10–29–93	G–S	50,000	N	I	10–11–93	Indef.
ST94–502	Texas Gas Transmission Corp.	Sonat Marketing Co	10–29–93	G–S	100,000	N	I	10–20–93	Indef.
ST94–503	Texas Gas Transmission Corp.	Sonat Marketing Co	10–29–93	G–S	100,000	N	I	10–20–93	Indef.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST94-504	Texas Gas Transmission Corp.	CMS Gas Marketing	10-29-93	G-S	100,000	N	I	10-15-93	Indef.
ST94-505	Kotch Gateway Pipeline Co.	Transco Energy Marketing Co.	10-29-93	G-S	104,800	N	I	10-14-93	02-11-94
ST94-506	Texas Eastern Transmission Corp.	Brooklyn Union Gas Co.	10-29-93	G	20,604	N	F	10-01-93	10-31-99
ST94-507	Texas Eastern Transmission Corp.	Corning Natural Gas Corp.	10-29-93	G	860	N	F	10-01-93	10-31-99
ST94-508	Texas Eastern Transmission Corp.	UGI Utilities, Inc	10-29-93	G-S	4,000	N	F	10-01-93	10-31-99
ST94-509	Texas Eastern Transmission Corp.	Columbia Gas of Ohio, Inc.	10-29-93	G-S	11,000	N	F	10-01-93	10-31-99
ST94-510	Texas Eastern Transmission Corp.	UGI Utilities, Inc	10-29-93	G-S	25,749	N	I	10-01-93	09-30-94
ST94-511	Texas Eastern Transmission Corp.	Texas-Ohio Gas, Inc	10-29-93	G-S	1,000	N	I	10-02-93	09-30-94
ST94-512	Texas Eastern Transmission Corp.	New York State Electric & Gas Corp.	10-29-93	G	17,237	N	F	10-01-93	10-31-99
ST94-513	Texas Eastern Transmission Corp.	Richmond Dept. of Public Utility.	10-29-93	G	3,422	N	I	10-01-93	10-31-99
ST94-514	Texas Eastern Transmission Corp.	River Gas Co	10-29-93	G	1,409	N	I	10-01-93	10-31-99
ST94-515	Texas Eastern Transmission Corp.	Virginia Natural Gas, Inc.	10-29-93	G	4,586	N	I	10-01-93	10-31-99
ST94-516	Texas Eastern Transmission Corp.	Hope Gas, Inc	10-29-93	G-S	5,000	N	I	09-01-93	10-31-99
ST94-517	Texas Eastern Transmission Corp.	East Ohio Gas Co ...	10-29-93	G	44,127	N	F	10-01-93	10-31-99
ST94-518	Texas Eastern Transmission Corp.	East Ohio Gas Co ...	10-29-93	G	30,000	N	I	10-01-93	10-31-99
ST94-519	Texas Eastern Transmission Corp.	Elizabethtown Gas Co.	10-29-93	G	3,603	N	I	10-01-93	10-31-99
ST94-520	Texas Eastern Transmission Corp.	Long Island Lighting Co.	10-29-93	G	12,578	N	I	10-01-93	10-31-99
ST94-521	Texas Eastern Transmission Corp.	National Fuel Gas Dist. Corp.	10-29-93	G	44,313	N	F	10-01-93	10-31-99
ST94-522	Texas Eastern Transmission Corp.	New Jersey Natural Gas Co.	10-29-93	G	5,243	N	I	10-01-93	10-31-99
ST94-523	Texas Eastern Transmission Corp.	Middleborough Gas & Electric Dept.	10-29-93	G	119	N	I	10-01-93	10-31-99
ST94-524	Texas Eastern Transmission Corp.	Boston Gas Co	10-29-93	G	5,033	N	F	10-01-93	10-31-99
ST94-525	Texas Eastern Transmission Corp.	East Ohio Gas Co ...	10-29-93	G	20,762	N	F	10-01-93	10-31-99
ST94-526	Texas Eastern Transmission Corp.	Carnegie Natural Gas Co.	10-29-93	G	18,207	N	F	10-01-93	10-31-99
ST94-527	Texas Eastern Transmission Corp.	Valero Gas Marketing, L.P.	10-29-93	G-S	30,000	N	I	10-01-93	05-30-94
ST94-528	Texas Eastern Transmission Corp.	Miami Valley Resources, Inc.	10-29-93	G-S	4,791	N	I	10-01-93	10-31-93
ST94-529	Texas Eastern Transmission Corp.	Suburbas Natural Gas Co.	10-29-93	G-S	1,060	N	I	10-01-93	11-01-94
ST94-530	Texas Eastern Transmission Corp.	Yuma Gas Corp	10-29-93	G-S	621	N	I	10-01-93	10-31-94
ST94-531	Texas Eastern Transmission Corp.	Union Electric Co	10-29-93	G-S	2,000	N	I	10-02-93	11-01-93
ST94-532	Texas Eastern Transmission Corp.	Meridian Marketing & Trans. Corp.	10-29-93	G-S	10,000	N	I	10-02-93	06-30-94
ST94-533	Texas Eastern Transmission Corp.	Apache Corp	10-29-93	G-S	100,000	N	I	10-02-93	08-31-94
ST94-534	Texas Eastern Transmission Corp.	Murphy Exploration & Production.	10-29-93	G-S	48,439	N	I	10-03-93	09-30-94
ST94-535	Texas Eastern Transmission Corp.	Santa Fe Energy Oper. Partnership.	10-29-93	G-S	25,000	N	I	10-03-93	09-30-94
ST94-536	Texas Eastern Transmission Corp.	Bristol & Warren Gas Co.	10-29-93	G	549	N	I	10-01-93	10-31-99
ST94-537	Texas Eastern Transmission Corp.	Niagara Mohawk Power Corp.	10-29-93	G	23,935	N	F	10-01-93	10-31-99
ST94-538	Texas Eastern Transmission Corp.	Colonial Gas Co	10-29-93	G	1,996	N	F	10-01-93	10-31-99

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST94-539	Texas Eastern Transmission Corp.	Commonwealth Gas Co.	10-29-93	G	4,781	N	F	10-01-93	10-31-99
ST94-540	Texas Eastern Transmission Corp.	North Attleboro Gas Co.	10-29-93	G	79	N	F	10-01-93	10-31-99
ST94-541	Texas Eastern Transmission Corp.	Providence Gas Co .	10-29-93	G	1,814	N	F	10-01-93	10-31-99
ST94-542	Texas Eastern Transmission Corp.	Southern Connecticut Gas Co.	10-29-93	G	2,970	N	F	10-01-93	10-31-99
ST94-543	Texas Eastern Transmission Corp.	Yankee Gas Services Co.	10-29-93	G	3,660	N	F	10-01-93	10-31-99
ST94-544	Texas Eastern Transmission Corp.	Baltimore Gas & Electric Co.	10-29-93	G	21,616	N	F	10-01-93	10-31-99
ST94-545	Texas Eastern Transmission Corp.	People Natural Gas .	10-29-93	G	35,618	N	F	10-01-93	10-31-99
ST94-546	Texas Eastern Transmission Corp.	Public Service Electric & Gas Co.	10-29-93	G	7,690	N	F	10-01-93	10-31-99
ST94-547	Texas Eastern Transmission Corp.	Public Service Co of NC, Inc.	10-29-93	G	5,206	N	F	10-01-93	10-31-99
ST94-548	Texas Eastern Transmission Corp.	Rochester Gas & Electric Corp.	10-29-93	G	48,046	N	F	10-01-93	10-31-99
ST94-549	Texas Eastern Transmission Corp.	Washington Gas Light Co.	10-29-93	G	23,459	N	F	10-01-93	10-31-99
ST94-550	Texas Eastern Transmission Corp.	CNG Transmission Corp.	10-29-93	G	2,993	N	F	10-01-93	10-31-99
ST94-551	Texas Eastern Transmission Corp.	Penn Fuel Gas, Inc .	10-29-93	G	16,136	N	I	10-01-93	01-01-00
ST94-552	Texas Eastern Transmission Corp.	New Jersey Natural Gas Co.	10-29-93	G-S	27,000	N	F	10-01-93	10-31-99
ST94-553	Texas Eastern Transmission Corp.	Interest Gas Supply, Inc.	10-29-93	G-S	2,070	N	I	10-01-93	10-31-93
ST94-554	Transcontinental Gas P/L Corp.	Washington Gas Light Co.	10-29-93	G-S	2,343	N	F	10-08-93	10-31-93
ST94-555	Transcontinental Gas P/L Corp.	East Ohio Gas Co ...	10-29-93	G-S	20,326	N	F	10-01-93	10-31-12
ST94-556	Transcontinental Gas P/L Corp.	Balitmore Gas & Electric Co.	10-29-93	G-S	2,157	N	F	10-01-93	10-31-12
ST94-557	Transcontinental Gas P/L Corp.	Sun Co, Inc	10-29-93	G-S	40,000	N	F	10-01-93	10-31-12
ST94-558	Tennessee Gas Pipeline Co.	UGI Utilities, Inc	10-29-93	G-S	29,999	N	I	10-01-93	Indef.
ST94-559	Williams Natural Gas Co.	Tenaska Marketing Ventures.	10-29-93	G-S	100,000	N	I	10-01-93	Indef.
ST94-560	Williams Natural Gas Co.	Western Resources, Inc.	10-29-93	G-S	50,000	N	I	10-09-93	Indef.
ST94-561	Williams Natural Gas Co.	Nebraska Public Gas Agency.	10-29-93	G-S	10,000	N	I	10-01-93	Indef.
ST94-562	Williams Natural Gas Co.	Mid-Continent Energy, Inc.	10-29-93	G-S	250	N	I	10-21-93	10-01-94
ST94-563	Williams Natural Gas Co.	Centran Corp	10-29-93	G-S	500	N	I	10-01-93	10-01-94
ST94-564	Williams Natural Gas Co.	Nebraska Public Gas Agency.	10-29-93	G-S	6,375	N	I	10-01-93	Indef.
ST94-565	Williams Natural Gas Co.	Wann Public Works Authority.	10-29-93	G-S	30,660	N	F	10-01-93	Indef.
ST94-566	Williams Natural Gas Co.	Anadarko Trading Co.	10-29-93	G-S	3,235	N	F	10-01-93	Indef.
ST94-567	Williams Natural Gas Co.	Armco, Inc	10-29-93	G-S	1,200	N	F	10-01-93	Indef.
ST94-568	Williams Natural Gas Co.	Conoco, Inc	10-29-93	G-S	800	N	F	10-01-93	Indef.
ST94-569	Williams Natural Gas Co.	Continental Natural Gas, Inc.	10-29-93	G-S	1,260	N	F	10-01-93	Indef.
ST94-570	Williams Natural Gas Co.	City of Cleveland	10-29-93	G-S	2,000	N	F	10-13-93	Indef.
ST94-571	Natural Gas P/L Co of America.	Westar Transmission Co.	10-29-93	B	2,000	N	I	03-01-87	Indef.
ST94-572	Natural Gas P/L Co of America.	Transcontinental Gas Pipe Line Corp.	10-29-93	B	400,000	N	I	05-18-87	05-29-87
ST94-573	Natural Gas P/L Co of America.	Monarch Gas Co	10-29-93	B	5,000	N	I	01-01-87	Indef.

Docket No.[1]	Transporter/seller	Recipient	Date filed	Part 284 subpart	Est. max. daily quantity[2]	Aff. Y/A/N[3]	Rate sch.	Date commenced	Projected termination date
ST94–574	Colorado Interstate Gas Co.	Montana Power Co .	10–29–93	B	100	N	I	10–07–93	Indef.
ST94–575	Panhandle Eastern Pipe Line Co.	Amgas, Inc	10–29–93	G-S	10,000	N	F	10–01–93	03–31–94
ST94–576	Panhandle Eastern Pipe Line Co.	Guardian Industries Corp.	10–29–93	G-S	1,271	N	F	10–01–93	03–31–94
ST94–577	Panhandle Eastern Pipe Line Co.	Associated Natural Gas, Inc.	10–29–93	G-S	20,000	N	F	10–01–93	10–31–93
ST94–578	Panhandle Eastern Pipe Line Co.	Columbia Gas of Ohio, Inc.	10–29–93	G-S	30,000	N	F	10–01–93	06–30–94

[1] Notice of transactions does not constitute a determination that filings comply with commission regulations in acsordance with order No. 436 (final rule and notice requesting supplemental comments, 50 FR 42,372, 1

[2] Estimated maxium daily volumes includes volumes reported by the filing company in MMBTU, MCF and DT.

[3] Affiliation of reporting company to entities involved in the transaction. A "Y" indicates affiliation, an "A" indicates marketing affiliation, and a "N" indicates no affiliation.

[FR Doc. 94–973 Filed 1–13–94; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. JD94–01915T Oklahoma–64]

State of Oklahoma; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

January 10, 1994.

Take notice that on December 29, 1993, the Corporation Commission of the State of Oklahoma (Oklahoma) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Skinner, Mississippian, Woodford and Hunton formations, underlying Section 2 and Section 3, Township 10 North Range 7 West, Canadian and Grady County, Oklahoma, qualify as tight formations under section 107(b) of the Natural Gas Policy Act of 1978.

The notice of determination contains Oklahoma's findings that the referenced formations meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 94–971 Filed 1–13–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD94–01917T Oklahoma–64]

State of Oklahoma; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

January 10, 1994.

Take notice that on December 29, 1993, the Corporation Commission of the State of Oklahoma (Oklahoma) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that the Sycamore and Hunton formations, underlying the S/2 of Section 30, Township 4 North, Range 3 West, and the N/2 of Section 31, Township 4 North, Range 3 West, Garvin County, Oklahoma, qualify as tight formations under section 107(b) of the Natural Gas Policy Act of 1978.

The notice of determination contains Oklahoma's findings that the referenced formations meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 94–972 Filed 1–13–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TM94–2–17–000 and TM94–2–17–001]

Texas Eastern Transmission Corp.; Technical Conference

January 10, 1994.

In the Commission's order issued on November 30, 1993, in the above-captioned proceeding, the Commission held that the filing raises issues for which a technical conference is to be convened. The conference to address the issues has been scheduled for Tuesday, January 25, 1994, at 10 a.m. in a room to be designated at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426.

All interested persons and Staff are permitted to attend.

Lois D. Cashell,

Secretary.

[FR Doc. 94–974 Filed 1–13–94; 8:45 am]

BILLING CODE 6717–01–M

[ER–FRL–4707–4]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 260–5076 Or (202) 260–5075. Weekly receipt of Environmental Impact Statements Filed January 03, 1994 Through January 07, 1994 Pursuant to 40 CFR 1506.9.

EIS No. 940000, Draft EIS, IBR, AZ, Glen Canyon Dam Operation, Implementation, Colorado River Storage Project, Funding and COE Section 10 and 404 Permits, Coconino County, AZ, Due: April 11, 1994, Contact: Lee J. McQuivey (801) 524–5479.

EIS No. 940001, Final EIS, BLM, AK, Fort Wainwright Maneuver Area, Resource Management Plan for Nonmilitary Uses, AK, Due: February 15, 1994, Contact: Jim Ducker (907) 271–3369.

EIS No. 940002, Final EIS, BLM, AK, Fort Greely Maneuver Area and Air Drop Zone, Resource Management Plan for Nonmilitary Uses, AK, Due: February 15, 1994, Contact: Jim Ducker (907) 271–3369.

EIS No. 940003, Draft EIS, AFS, ID, Lower Elkhorn Timber Sale, Harvesting Timber and Road Construction, Payette National Forest, New Meadows Ranger District, Idaho County, ID, Due: March 15, 1994, Contact: Mike Balboni (208) 634–0629.

EIS No. 940004, Final EIS, BLM, AZ, Kingman Resource Area, Resource Management Plan, Implementation, Mohave, Yavapi and Coconino, AZ, Due: February 14, 1994, Contact: Ken R. Drew (602) 757–3161.

EIS No. 940005, Revised Draft EIS, COE, FL, Fort Pierce Harbor Navigation Improvement Project, Additional Information concerning Plan Modifications, Indian River, St. Lucie County, FL, Due: February 28, 1994, Contact: Jonathan D. Moulding (904) 232–2286.

EIS No. 940006, Draft EIS, UAF, CA, Castle Air Force Base (AFB) Disposal and Reuse, Implementation, Merced County, CA, Due: March 02, 1994, Contact: Ltc. Gary Baumgartel (210) 536–3907.

Dated: January 10, 1994.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 94–1006 Filed 1–13–94; 8:45 am]

BILLING CODE: 6560–50–P

[ER–FRL–4707–5]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared December 27, 1993 Through December 31, 1993 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260–5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 10, 1993 (58 FR 18392).

Draft EISs

ERP No. D–FHW–K40201–AZ Rating EC2, Red Mountain Freeway (Loop 202) Transportation Facility, Construction from Salt River between the Price Freeway on the west and AZ–87 on the east, COE section 404 and NPDES Permits, Phoenix Metropolitan Area, Maricopa County, AZ.

Summary: EPA expressed environmental concerns because the proposed project may encroach into the Salt River floodplain and floodway. EPA also requested additional information in the FEIS regarding compliance with the conformity requirements of the Clean Air Act and potential impacts to waters of the United States.

ERP No. D–NIH–D81023–MD Rating EC2, National Institutes of Health Bethesda Main Campus Comprehensive Master Plan, Implementation, Montgomery County, MD.

Summary: EPA had environmental concerns with the potential deterioration of air quality as a result of traffic increases around the site, with the failure to consider alternatives to demolition of the 2.3 million square foot Clinical Center, and with overlooked opportunities to incorporate energy and water conservation measures in the project Master Plan and corresponding Transportation and Energy Management Plans.

ERP No. D–NPS–K61127–CA Rating EC2, Presido of San Francisco General Management Plan, Golden Gate National Recreation Areas, Implementation, San Francisco, CA.

Summary: EPA expressed environmental concerns and requested that the FEIS address these concerns: how future park uses may be affected by multiple types of contamination at the Presidio; the most current information on hazardous substances contamination at the Presidio; identification of the responsible party for ensuring compliance with federal and state requirements on asbestos and polychlorinated biphenyls; and the project's consistency with federal requirements regarding the placement of dredged or fill material in wetlands and waters of the United States.

Final EISs

ERP No. F–FRC–K05051–CA, Lower Mokelumne River Hydroelectric Project Modifications, Licensing, (FERC. No. 29116–004), Parts of Pardee and Camanhe Dams, Mokelumne River, CA.

Summary: Review of the Final EIS was not deemed necessary. No comment letter was sent to the preparing agency.

Regulations

ERP No. R–NOA–A91059–00, 50 CFR Parts 215, 216, and 222 Protected Species Special Exception Permits, To Import Marine Mammals for Scientific Research, Proposed Rule (58 FR 53320).

Summary: Review of the final EIS/Regulation has been completed and the project found to be satisfactory. No comment letter was sent to the preparing agency.

ERP No. R–SCS–A90082–00, Emergency Wetlands Reserve Program, Restoration and Maintenance, Interm Rule, 7 CFR part 623.

Summary: EPA was very encouraged by the positive environmental impacts, such as restoring cropland to floodplain wetlands, stated in this interim rule. However, EPA provided a number of suggestions that may allow the rule to more adequately respond to questions regarding land eligibility, owner obligations and payment provisions.

Dated: January 10, 1994.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 94–1007 Filed 11–13–94; 8:45am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4826–7]

Ohio Adequacy Determination of State Municipal Solid Waste Permit Program

AGENCY: Environmental Protection Agency [Region 5].

ACTION: Notice of tentative determination on application of Ohio for full program adequacy determination, public hearing and public comment period.

SUMMARY: Section 4005(c)(1)(B) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, requires States to develop and implement permit programs to ensure that municipal solid waste landfills (MSWLFs) which may receive hazardous household waste will comply with the revised Federal Criteria (40 CFR part 258). RCRA section 4005(c)(1)(C) requires the United States Environmental Protection Agency (USEPA) to determine whether States have adequate permit programs for MSWLFs, but does not mandate issuance of a rule for such determinations. The USEPA has drafted and is in the process of proposing the State/Tribal Implementation Rule (STIR) that will provide procedures by which the USEPA will approve, or partially approve, State/Tribal MSWLF permit

programs as applications are submitted. Thus, these approvals are not dependent on final promulgation of the STIR. Prior to promulgation of the STIR, adequacy determinations will be made based on the statutory authorities and requirements. In addition, States/Tribes may use the draft STIR as an aid in interpreting these requirements. The Agency believes that early approvals have an important benefit. Approved State/Tribal MSWLF permit programs provide interaction between the State/Tribe and the owner/operator regarding site-specific permit conditions. Only those owners/operators located in States/Tribes with approved MSWLF permit programs can use the site-specific flexibility provided by the revised Federal Criteria to the extent the State/Tribe MSWLF permit program allows such flexibility. The USEPA notes that regardless of the approval status of a State/Tribe and the permit status of any facility, the revised Federal Criteria apply to all permitted and unpermitted MSWLF facilities.

Ohio applied for a determination of adequacy under section 4005 of RCRA. At the same time, Ohio proposed modifications to current regulations that will facilitate full approval of its solid waste program. The rules contained in the proposed revisions to the Ohio Administrative Code (OAC), Chapter 3745–27, add definitions and requirements that are no less stringent than portions of the revised Federal Criteria. The specific revised Federal Criteria that Ohio will incorporate are identified in the Ohio Solid Waste Program Application for U.S. EPA Authorization, October 1993. The USEPA reviewed Ohio's application and has made a tentative determination that the combination of Ohio's existing MSWLF permit program and the incorporation of certain portions of the revised Federal Criteria will be adequate to assure compliance with the revised Federal Criteria. The Ohio application for program adequacy determination is available for public review and comment.

The USEPA has also received the proposed revisions to the regulations for review. See *Proposed Municipal Solid Waste Landfill Regulations, OAC–3745–27*, Ohio Environmental Protection Agency (OEPA), December 23, 1993. Review of the finalized OEPA regulations will occur prior to the USEPA's final determination of program adequacy. If the OEPA regulations, when fully promulgated and effective, are essentially unchanged from proposed and are comparable to the revised Federal Criteria, the USEPA may approve the Ohio solid waste program.

Although RCRA does not require USEPA to hold a hearing on any determination to approve a State/Tribal MSWLF permit program, the USEPA Region 5 may schedule an opportunity for a public hearing on this tentative determination. Details appear below in the "DATES" section.

DATES: All comments on Ohio's application for a full determination of adequacy must be received by USEPA Region 5 by the close of business on March 1, 1994. If there is sufficient public interest, USEPA Region 5 will hold a public hearing on March 1, 1994, starting at 1 p.m. at the offices of the Ohio Environmental Protection Agency, Conference Room 1A, located at 1800 Watermark Drive in Columbus, Ohio. Ohio will participate in the public hearing, if held, by USEPA Region 5 on this subject. Written comments on Ohio's application should be submitted to USEPA Region 5 at the address specified below during the public comment period. In addition, oral and/or written comments can be submitted during the public hearing, if held.

Persons requesting that USEPA Region 5 hold a public hearing and/or wishing to be notified of the public hearing, if held, should contact the USEPA Region 5 contact given below in the "FOR FURTHER INFORMATION CONTACT" section, within 30 days of the date of the publication of this notice. Such persons contacting the USEPA will be notified directly if the public hearing will be held or not held, at least 2 weeks prior to March 1, 1994.

ADDRESSES: All written comments should be sent to the USEPA Region 5 Office.

Copies of Ohio's application for full adequacy determination are available from 9 a.m. to 4 p.m. during normal working days at the following addresses for inspection and copying: Ohio Environmental Protection Agency, Library, 1800 Watermark Drive, Columbus, Ohio 43266–0149, Attn: Ms. Ruth Ann Evans; and USEPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Attn: Mr. Andrew Tschampa, mailcode HRP–8J.

FOR FURTHER INFORMATION CONTACT: USEPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Attn: Mr. Andrew Tschampa, mailcode HRP–8J, telephone (312) 886–0976.

SUPPLEMENTARY INFORMATION:

A. Background

On October 9, 1991, the USEPA promulgated revised Federal Criteria for MSWLFs (40 CFR part 258). Subtitle D of RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), requires States to develop permitting programs to ensure that MSWLFs comply with the revised Federal Criteria. Subtitle D also requires in section 4005 that the USEPA determine the adequacy of State MSWLF permit programs to ensure compliance with the revised Federal Criteria. To fulfill these requirements, the Agency has drafted and is in the process of proposing the State/Tribal Implementation Rule (STIR). The rule will specify the requirements which State/Tribal programs must satisfy to be determined adequate.

The USEPA intends to approve State/Tribal MSWLF permit programs prior to the promulgation of the STIR. The USEPA interprets the requirements for States or Tribes to develop adequate programs for permits or other forms of prior approval to impose several minimum requirements. First, each State/Tribe must have enforceable standards for new and existing MSWLFs that are technically comparable to the revised Federal Criteria. Next, the State/Tribe must have the authority to issue a permit or other notice of prior approval to all new and existing MSWLFs in its jurisdiction. The State/Tribe also must provide for public participation in permit issuance and enforcement as required in section 7004(b) of RCRA. Finally, the USEPA believes that the State/Tribe must show that it has sufficient compliance monitoring and enforcement authorities to take specific action against any owner or operator who fails to comply with an approved MSWLF program.

The USEPA will determine whether a State/Tribe has submitted an adequate program based on the interpretation outlined above. The USEPA plans to provide more specific criteria for this evaluation when it proposes the State/Tribal Implementation Rule. The USEPA expects States/Tribes to meet all of these requirements for all elements of a MSWLF permit program before it gives full approval to a MSWLF permit program.

As provided in the revised Federal Criteria, USEPA's national Subtitle D standards took effect on October 9, 1993. On October 1, 1993, USEPA published a final ruling which modified the effective date of the landfill criteria for certain classifications of landfills (58 FR 51536). Thus, for certain small landfills that accept less than 100 tons of waste per day, the Federal landfill criteria will not be effective until April 9, 1994, instead of October 9, 1993. The exact classifications of landfills and details on the effective date extensions are contained in the final rule. See 58 FR 51536 (October 1, 1993).

B. State of Ohio

On October 9, 1993, Ohio submitted an application for program adequacy determination. The USEPA has reviewed Ohio's application and has tentatively determined that the combination of the State's existing permit program and the incorporation of certain portions of the revised Federal Criteria will ensure full compliance with all of the revised Federal Criteria.

The Ohio regulations, contained in OAC–3745–27, currently contain the following elements that are considered equivalent to the revised Federal Criteria:

1. Consideration of other Federal laws (USEPA approval is for current Ohio requirements that are comparable to 40 CFR 258.3);

2. Location restrictions for floodplains, fault areas, seismic impact zones, and unstable areas (USEPA approval is for current Ohio requirements that are comparable to 40 CFR 258.11, 258.13, 258.14, and 258.15);

3. Operating criteria for daily cover material, disease vector control, air criteria, access restrictions, and liquids restrictions (USEPA approval is for current Ohio requirements that are comparable to 40 CFR 258.21, 258.22, 258.24, 258.25, and 258.28);

4. Design criteria (USEPA approval is for current Ohio requirements that are comparable to 40 CFR 258.40);

5. Financial assurance criteria for closure, post-closure care, and allowable mechanisms (USEPA approval is for current Ohio requirements that are comparable to 40 CFR 258.70, 258.71, 258.72, and 258.74).

In addition, the proposed modifications to the OEPA Municipal Solid Waste Landfill Regulations contain the following elements that are considered equivalent to the revised Federal Criteria:

1. General requirements and definitions (USEPA approval would be for proposed Ohio requirements that are comparable to 40 CFR 258.1 and 258.2);

2. Location restrictions for airport safety and wetlands (USEPA approval would be for proposed Ohio requirements that are comparable to 40 CFR 258.10 and 258.12);

3. Closure of existing MSWLFs (USEPA approval would be for proposed Ohio requirements that are comparable to 40 CFR 258.16);

4. Operating criteria for excluding the receipt of hazardous waste, explosive gases control, run-on/run-off control systems, and surface water requirements (USEPA approval would be for proposed Ohio requirements that are comparable to 40 CFR 258.20, 258.23, 258.26, and 258.27);

5. Recordkeeping requirements (USEPA approval would be for proposed Ohio requirements that are comparable to 40 CFR 258.29);

6. Groundwater monitoring applicability, systems, sampling and analysis, detection monitoring program, assessment monitoring program, assessment of corrective measures, selection of remedy, and implementation requirements (USEPA approval would be for proposed Ohio requirements that are comparable to 40 CFR 258.50, 258.51, 258.53, 258.54, 258.55, 258.56, 258.57, and 258.58);

7. Closure and post-closure care requirements (USEPA approval would be for proposed Ohio requirements that are comparable to 40 CFR 258.60 and 258.61);

8. Financial assurance criteria for corrective action (USEPA approval would be for proposed Ohio requirements that are comparable to 40 CFR 258.73).

The elements of the revised Federal Criteria to be incorporated into the Ohio permit program (1–8 above) are contained in the proposed regulations currently under promulgation by the OEPA. See *Proposed Municipal Solid Waste Landfill Regulations, OAC–3745–27*, Ohio Environmental Protection Agency, December 23, 1993.

For purposes of implementation of the revised Federal Criteria, Ohio is incorporating a "unit concept" into its current landfill permitting process. Currently, large areas of unprepared land are permitted for a MSWLF facility as opposed to discrete areas or units prepared for actual waste placement. Landfill owners and operators will be designating "existing units" at MSWLF facilities according to a specific procedure and guidelines established by the proposed OEPA regulations. The procedure involves a clear delineation of the limits of waste placement, design components, significant boundaries, and what the owner or operator designates as an existing unit or new unit(s) at a MSWLF facility as of April 1994. The guidelines require that all areas designated as an existing unit are geographically contiguous and the unfilled areas of the existing unit meet, at a minimum, specific design requirements which are equivalent to the revised Federal Criteria. The revised OEPA regulations, when effective, will then apply to existing units, which have been designated by the landfill owner or operator, as well as all new units.

The revised Federal Criteria require a final cover system with an erosion layer underlain by an infiltration layer comprised of at least 18 inches of earthen material with a permeability less than or equal to any bottom liner system or no greater than 10_{-5} cm/sec, whichever is less. Ohio's final cover design allows for a composite liner involving a flexible membrane liner and a geocomposite clay liner in lieu of 18 inches of recompacted clay. The geocomposite component of the final cover must be demonstrated to have a permeability less than or equal to 18 inches of recompacted clay with a permeability of 10_{-6} cm/sec, which exceeds the Federal Criteria. The use of an alternative final cover design to achieve an equivalent reduction in infiltration is allowed pursuant to 40 CFR 258.60(b).

In addition, the revised Federal Criteria require unfiltered groundwater samples to be used in laboratory analysis. Currently, Ohio regulations require sampling and analysis procedures which ensure monitoring results that provide an "accurate representation" of groundwater quality. This requirement can be interpreted to require unfiltered samples. The USEPA intends to revisit this issue during a proposed rulemaking. If the proposed rulemaking upholds the ban on field filtering, the State will be required to incorporate the provisions of 40 CFR 258.53(b) into its policy regarding groundwater sampling and analysis procedures.

The Ohio program will differ from the revised Federal Criteria with respect to the general effective date of the requirements. The planned effective date of the currently proposed Ohio regulations, which incorporate the Federal Criteria, is April 1994. The rulemaking process in Ohio is extensive, involving the widespread circulation of draft regulations to all interested parties, public comment periods and hearings, and legislative review and approval, a process which takes a minimum of 8 to 12 months. The USEPA understands that State law cannot be retroactive and feels that an effective date of April 1994 for revised State rules incorporating the Federal Criteria will be adequate. However, as stated previously, the effective date of the revised Federal Criteria remains October 9, 1993, unless a facility qualifies for the extension granted to certain small MSWLFs. See 58 FR 51536 (October 1, 1993). All landfill owners and operators in Ohio were notified directly by USEPA that MSWLFs will be regulated under both existing State rules as well as the revised Federal Criteria contained in 40 CFR part 258 from October 9, 1993, until the date that the revised Ohio rules are fully promulgated and effective.

As previously discussed, the USEPA has a final draft of the proposed OEPA regulations. If the OEPA regulations, when fully promulgated and effective, remain unchanged from proposed and adequately incorporate the revised Federal Criteria listed above, the USEPA may approve the Ohio solid waste program.

The public may submit written comments on USEPA's tentative determination until March 1, 1994. The USEPA will consider all public comments on its tentative determination that are received during the public comment period and during any public hearing, if held. Issues raised by those comments will be the basis for a final determination of adequacy for Ohio's program. The USEPA will make a final decision on whether or not to fully approve Ohio's program by April 29, 1994, and will give notice of it in the Federal Register. The notice will include a summary of the reasons for the final determination and a response to all major comments.

Section 4005(a) of RCRA provides that citizens may use the citizen suit provisions of section 7002 of RCRA to enforce the revised Federal Criteria in 40 CFR part 258 independent of any State/Tribal enforcement program. As the USEPA explained in the preamble to the final revised Federal Criteria, theUSEPA expects that any owner or operator complying with the provisions in a State/Tribal program approved by the USEPA should be considered to be in compliance with the Federal Criteria. See 56 FR 50978, 50995 (October 9, 1991).

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this notice from the requirements of section 6 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this tentative approval will not have a significant impact on a substantial number of small entities. It does not impose any new burdens on small entities. This proposed notice, therefore, does not require a regulatory flexibility analysis.

Authority: This notice is issued under the authority of section 4005 of the Solid Waste Disposal Act as amended; 42 U.S.C. 6946.

Dated: January 7, 1994.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 94–1022 Filed 1–13–94; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

January 7, 1994.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 2100 M Street, NW., suite 140, Washington, DC 20037, (202) 857–3800. For further information on these submissions contact Judy Boley, Federal Communications Commission, (202) 632–0276. Persons wishing to comment on these information collections should contact Timothy Fain, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395–3561.

OMB Number: None.

Title: Section 90.673, Modification of EMSP License.

Action: New collection.

Respondents: Individuals or households, state or local governments, and businesses or other for-profit (including small businesses).

Frequency of Response: On occasion reporting requirement.

Estimated Annual Burden: 6,120 responses; .50 hours average burden per response; 3,060 hours total annual burden.

Needs and Uses: Section 90.673 requires any Expanded Mobile Service Provider (EMSP) to submit, along with any application for modification of its EMSP license to include new base station facilities, certain information necessary to determine whether the proposed modification complies with applicable rules. Specifically, the applicant for EMSP license modification must submit a list of all co-channel facilities and previously filed applications for such facilities, not under the control of the EMSP licensee, within 113 km of the proposed base station, a description of how the proposed base station provides protection to these co-channel facilities as required under § 90.621(b) or 90.675, and certification that the proposed station or modification will afford such protection to the other facilities. The request for modification must include the co-channel stations' call signs, coordinates, effective radiated power and directional antenna height above average terrain. This data is necessary to ensure that the Commission will not authorize EMSP operations where they could cause harmful interference to the SMR systems of co-channel licensees. Furthermore, the information collection will lessen the administrative burdens and delays that would be created if the Commission performed the engineering analyses that produce this information.

OMB Number: None.

Title: Section 90.677, Authorization, Construction and Implementation of EMSP Systems.

Action: New collection.

Respondents: Individuals or households, state or local governments, and businesses or other for-profit (including small businesses).

Frequency of Response: One time filing requirement.

Estimated Annual Burden: 135 responses; .50 hours average burden per response; 68 hours total annual burden.

Needs and Uses: Section 90.677 requires any Expanded Mobile Service Provider (EMSP) to submit certain information necessary to determine whether the EMSP has constructed a system that serves 80 percent of the geographic area or 80 percent of the population in the Rand-McNally Major Trading Area (MTA) covered by the EMSP license. Specifically, the applicant for EMSP license modification must submit a U.S. Geological Survey map(s) of the MTA, depicting the licensee's authorized base station sites within the MTA and their respective 40 db contours, a description of how the stations serve the required land area or population, and an explanation and justification of any alternative method used to calculate contours aside from the Commission's R6602 F(50,50) curves with a 9 db adjustment. This data is necessary to ensure that licensees construct and place into operation their authorized channels so as to provide effective service to the public. Furthermore, the information collection will lessen the administrative burdens that would be created if the Commission required EMSP licensees, like traditional Specialized Mobile Radio (SMR) licensees, to demonstrate efficient use of their authorized spectrum by submitting information on loading.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 94–896 Filed 1–13–94; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Determination of Insufficiency of Assets To Satisfy All Claims of Certain Financial Institutions in Receivership

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice.

SUMMARY: In accordance with the authorities contained in 12 U.S.C. 1821(c), the Federal Deposit Insurance Corporation (FDIC) was duly appointed receiver for each of the financial institutions specified in **SUPPLEMENTARY INFORMATION.** The FDIC has determined that the proceeds which can be realized from the liquidation of the assets of these receivership estates are insufficient to satisfy all classes of claims, asserted or unasserted against the receivership estate. Therefore, upon satisfaction of secured claims, depositor claims and claims which have priority over depositors under applicable state law, no amount will remain or will be recovered sufficient to allow a dividend, distribution or payment to any other creditor and therefore the claim of any such creditor is worthless.

FOR FURTHER INFORMATION CONTACT: Keith Ligon, Counsel, Legal Division, FDIC, 1717 H Street, NW., Washington, DC 20006. Telephone: (202) 736–0160.

SUPPLEMENTARY INFORMATION:

Financial Institutions in Receivership Determined To Have Insufficient Assets To Satisfy All Claims

Citizen's Bank #4437, Dallas, Georgia
Breman State Bank, #4559, Breman, Kansas
Cypress Savings Bank, #7586, Plantation, Florida
Bank of Horton, #4366, Horton, Kansas
Cardinal Savings Bank, #7573, Newport, North Carolina

Dated: January 10, 1994.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Acting Executive Secretary.

[FR Doc. 94–907 Filed 1–13–94; 8:45 am]

BILLING CODE 6714–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Public Information Collection Requirements Submitted to OMB for Review

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following public information collection requirements for review and clearance in accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. chapter 35.

DATES: Comments on this information collection must be submitted on or before March 15, 1994.

ADDRESSES: Direct comments regarding the burden estimate or any aspect of this information collection, including suggestions for reducing this burden, to: The FEMA Information Collections Clearance Officer at the address below; and to Gary Waxman, Office of Management and Budget, 3235 New Executive Office Building, Washington, DC 20503, (202) 395–7340, within 60 days of this notice.

FOR FURTHER INFORMATION CONTACT: Copies of the above information collection request and supporting documentation can be obtained by calling or writing Muriel Anderson, FEMA Information Collections Clearance Officer, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472, (202) 646–2624.

Type: Reinstatement of 3067–0213.

Title: FEMA Contract Clause—Accessibility of Meetings to Persons with Disabilities.

Abstract: Contractors who plan meetings, conferences, or seminars for FEMA must develop a plan to ensure that minimum accessibility standards for the disabled as set forth in the contract clause will be met. The plan must be approved by the FEMA Contracting Officer.

Type of Respondents: Businesses or other for-profit, non-profit institutions, small businesses or organizations.

Estimate of Total Annual Reporting and Recordkeeping Burden: 30 hours.

Number of Respondents: 10.

Estimated Average Burden Time per Response: 3 hours.

Frequency of Response: On occasion.

Dated: January 5, 1994.

Wesley C. Moore,

Director, Office of Administrative Support.

[FR Doc. 94–985 Filed 1–13–94; 8:45 am]

BILLING CODE 6718–01–M

Public Information Collection Requirements Submitted to OMB for Review

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency (FEMA) has submitted to the Office of Management and Budget the following public information collection requirements for review and clearance in accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. chapter 35.

DATES: Comments on this information collection must be submitted on or before March 15, 1994.

ADDRESSES: Direct comments regarding the burden estimate or any aspect of this information collection, including suggestions for reducing this burden, to: The FEMA Information Collections Clearance Officer at the address below; and to Gary Waxman, Office of Management and Budget, 3235 New Executive Office Building, Washington, DC 20503, (202) 395–7340, within 60 days of this notice.

FOR FURTHER INFORMATION CONTACT: Copies of the above information collection request and supporting documentation can be obtained by calling or writing Muriel Anderson, FEMA Information Collections Clearance Officer, Federal Emergency Management Agency, 500 C Street, SW. Washington, DC 20472, (202) 646–2624.

Type: Existing Collection in Use without an OMB Control Number.

Title: Financial Reporting for Grants and Cooperative Agreements.

Abstract: This collection of information focuses on the financial and administrative reporting and recordkeeping requirements associated with the financial assistance programs funded by the Federal Emergency Management Agency through the Comprehensive Cooperative Agreement. In the future, these requirements will also encompass reporting on financial assistance provided under FEMA's Disaster Assistance Programs and through other discretionary grants and cooperative agreements. The specific information collections include SF 424, Application for Federal Assistance, the Indirect Cost Agreement, FEMA Form 20–20, Budget Information—Nonconstruction Programs, FEMA Form 20–15, Budget Information—Construction Programs, FEMA Form 20–16, Summary Sheet for Assurances and Certifications, FEMA Form 76–10A, Obligating Document for Award/Amendment, FEMA Form 20–10, Financial Status Report, FEMA Form 20–17, Outlay Report and Request for Reimbursement for Construction Programs, Budget/Program Deviations, FEMA Form 20–18, Report of Government Property, and four modular instructions for completing these information requirements.

Type of Respondents: States and territories.

Estimate of Total Annual Reporting and Recordkeeping Burden: 26,284 hours.

Number of Respondents: 56.

Estimated Average Burden Time per Response: 469 hours.

Frequency of Response: Annually, quarterly, as required.

Dated: December 23, 1993.

Wesley C. Moore,

Director, Office of Administrative Support.

[FR Doc. 94-986 Filed 1-13-94; 8:45 am]

BILLING CODE 6718-01-M

[FEMA-1006-DR]

Missouri; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Missouri, (FEMA-1006-DR), dated December 1, 1993, and related determinations.

EFFECTIVE DATE: January 7, 1994.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Missouri dated December 1, 1993, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of Missouri:

Pulaski County for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Richard W. Krimm,

Associate Director, Response and Recovery Directorate.

[FR Doc. 94-987 Filed 1-13-94; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL RESERVE SYSTEM

Bankers Trust New York Corporation, et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than February 7, 1994.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. Bankers Trust New York Corporation, New York, New York; to acquire The New York Equity Fund 1993 Limited Partnership, New York, New York, and thereby engage in the making of equity and debt investments in corporations or projects designed primarily to promote community welfare, such as economic rehabilitation and development of low-income areas by providing housing, and services or jobs for residents pursuant to § 225.25(b)(6) of the Board's Regulation Y, and simultaneously, applies to make an investment in New York Equity Fund 1993 Limited Partnership. **Comments on this application must be received by January 28, 1994.**

B. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. AmSouth Bancorporation, Birmingham, Alabama; to acquire Fortune Bancorp, Inc., Clearwater, Florida, and thereby acquire its thrift subsidiary, Fortune Bank, A Savings Bank, Clearwater, Florida, and thereby engage in operating a savings association pursuant to § 225.25(b)(9) of the Board's Regulation Y.

C. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. First Tennessee National Corporation, Memphis, Tennessee; to acquire Highland Capital Management Corp., Memphis, Tennessee, and to merge it into First Tennessee Investment Management, Inc., Memphis, Tennessee, and thereby engage in providing investment advice pursuant to § 225.25(b)(4) of the Board's Regulation Y. **Comments on this application must be received by January 28, 1994.**

2. National Commerce Bancorporation, Memphis, Tennessee; to acquire Brooks, Montague & Associates, Inc., Chattanooga, Tennessee, and thereby engage in providing portfolio investment advice pursuant to § 225.25(b)(4)(iii) of the Board's Regulation Y. **Comments on this application must be received by January 28, 1994.**

Board of Governors of the Federal Reserve System, January 10, 1994.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 94-1000 Filed 1-13-94; 8:45 am]

BILLING CODE 6210-01-F

First Virginia Banks, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the

evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than February 7, 1994.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. First Virginia Banks, Inc., Falls Church, Virginia; to merge with FNB Financial Corporation, Knoxville, Tennessee, and thereby indirectly acquire First National Bank of Knoxville, Knoxville, Tennessee.

B. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Synovus Financial Corporation and TB&C Bancshares, Inc., both of Columbus, Georgia; to merge with PNB Bankshares, Inc., Peachtree City, Georgia, and thereby indirectly acquire Peachtree National Bank, Peachtree City, Georgia.

C. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Liberty National Bancorp, Inc., Louisville, Kentucky; to convert First Federal Savings Bank, Hopkinsville, Kentucky, from a thrift to a national bank to be named Liberty National Bank and Trust Company of Western Kentucky, Hopkinsville, Kentucky.

Board of Governors of the Federal Reserve System, January 10, 1994.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 94-1001 Filed 1-13-94; 8:45 am]

BILLING CODE 6210-01-F

GENERAL ACCOUNTING OFFICE

Federal Accounting Standards Advisory Board

AGENCY: General Accounting Office.

ACTION: Notice of January meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. No. 92–463), as amended, notice is hereby given that the monthly meeting of the Federal Accounting Standards Advisory Board will be held on Thursday, January 20, 1994 from 9 a.m. to 4 p.m. in room 7313 of the General Accounting Office, 441 G St., NW., Washington, DC.

The agenda for the meeting includes discussions on (1) an accounting liability concept, (2) cost accounting issues, (3) accrual accounting and criteria for when current value accounting might be appropriate, (4) appropriate ways to address OPEB in the liabilities ED, and (5) entity and display issues.

We advise that other items may be added to the agenda; interested parties should contact the Staff Director for more specific information and to confirm the date of the meeting.

Any interested person may attend the meeting as an observer. Board discussions and reviews are open to the public.

FOR FURTHER INFORMATION CONTACT: Ronald S. Young, Staff Director, 750 First St., NE., room 1001, Washington, DC 20002, or call (202) 512–7350.

Authority: Federal Advisory Committee Act. Public Law No. 92–463, section 10(a)(2), 86 Stat. 770, 774 (1972) (current version at 5 U.S.C. app. section 10(a)(2) (1988); 41 CFR 101–6.1015 (1990).

Dated: January 10, 1994.

Ronald S. Young,

Executive Director.

[FR Doc. 94–964 Filed 1–3–94; 8:45 am]

BILLING CODE 1610–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Funded Childhood Lead Poisoning Prevention Program Grantee Workshop

The National Center for Environmental Health (HCEH) of the Centers for Disease Control and Prevention (CDC) announces the following workshop.

Name: CDC Funded Childhood Lead Poisoning Prevention Program Grantee Workshop.

Times and Dates: 8:30 a.m.–5 p.m., February 22–24, 1994. 8:30 a.m.–12 noon, February 25, 1994.

Place: Hotel Nikko, 3300 Peachtree Road, NE., Atlanta, Georgia 30305.

Status: Open to the public, limited only by the space available.

Purpose: The primary purpose of this workshop is to provide assistance to CDC's Childhood Lead Poisoning Prevention grant recipients in addressing program development, assessment and evaluation issues and concerns.

Matters to Be Discussed: Topics to be discussed include information management, program evaluation, and training issues.

Agenda items are subject to change as priorities dictate.

Contact Person For More Information: Dave Forney, Childhood Lead Poisoning Prevention Branch, Division of Environmental Hazards and Health Effects (F42), NCEH, CDC, 4770 Buford Highway, NE., Chamblee, Georgia 30341, telephone 404/488–7330.

Written comments are welcome and should be received by the contact person no later than February 8, 1994. Persons wishing to make oral comments at the workshop should notify the contact person in writing or by telephone no later than February 8, 1994. All requests to make oral comments should contain the name, address, telephone number, and organizational affiliation of the presenter. Depending on the time available and the number of requests to make oral comments, it may be necessary to limit the time of each presenter.

Dated: January 10, 1994.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 94–961 Filed 1–13–94; 8:45 am]

BILLING CODE 4160–18–M

Administration For Children and Families

Agency Information Collection Under OMB Review

Under the provisions of the Federal Paperwork Reduction Act (44 U.S.C. chapter 35), we have submitted to the Office of Management and Budget (OMB) a request for an urgent review of a new information collection titled: "Application for Fiscal Year 1994 Funds for Family Preservation and Family Support Services." This request for OMB clearance is made by the Children's Bureau of the Administration on Children, Youth and Families (ACYF) of the Administration for Children and Families.

ADDRESSES: Copies of the information collection request may be obtained from Stephen R. Smith, of the Office of Information Systems Management, ACF, by calling (202) 401–6964.

Written comments and questions regarding the requested approval for information collection should be sent directly to: Laura Oliven, OMB Desk Officer for ACF, OMB Reports Management Branch, New Executive Office Building, room 3002, 725 17th Street NW., Washington, DC 20503, (202) 395–7316.

Information on Document

Title: Application for FY 1994 Funds for Family Preservation and Family Support Services.

OMB No.: 0980—New Request.

Description: New legislation in the Omnibus Budget Reconciliation Act (OBRA) of 1994 authorizes entitlement funding to States and certain Indian Tribes and Tribal organizations for family preservation and family support services. The major purpose of family preservation services is to help alleviate

family crises that otherwise might lead to the foster care placement of children, e.g., intensive in-home services, respite care, and services for adoptive parents. The major purpose of family support services is to provide preventive services to families to help alleviate stress (e.g., to prevent child abuse), increase parents' child-rearing abilities and parenting skills, and assist families to use other available community resources, e.g., center-based services, home visiting, and early developmental screening of children.

Annual Number of Respondents: 92.

Annual Frequency: 1.

Average Burden Hours Per Response: 144.

Total Burden Hours: 13,248.

Dated: January 10, 1994.

Larry Guerrero,

Deputy Director, Office of Information Systems Management.

[FR Doc. 94-1115 Filed 1-13-94; 8:45 am]

BILLING CODE 4184-01-M

Food and Drug Administration

[Docket No. 93N-0490]

Improvements in the Drug Master File System; Notice of a Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public workshop on possible improvements in the drug master file (DMF) system. The purpose of this workshop is to exchange ideas with interested persons about ways of improving the drug substance and drug substance intermediate Type II DMF review process.

DATES: The public workshop will be held on January 31, 1994, 8:30 a.m. to 5 p.m. Registration will be between 8 a.m. and 8:30 a.m. Interested persons are encouraged to preregister before January 21, 1994, by telephoning the contact person. Space for the workshop is limited.

ADDRESSES: The public workshop will be held at the Parklawn Bldg., conference rms. D and E, 5600 Fishers Lane, Rockville, MD 20857. Written comments regarding the workshop may be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857. Copies of a report entitled "Recommendations for Improvement in FDA's Drug Master File System" may be obtained from the Freedom of Information Office (HFI-35), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Eric P. Duffy, Center for Drug Evaluation and Research (HFD-635), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-594-0360.

SUPPLEMENTARY INFORMATION: A DMF is a submission to FDA that may be used to provide confidential, detailed information about facilities, processes, or articles used in the manufacturing, processing, packaging, and storing of one or more human drugs (see 21 CFR 314.420). The submission of a DMF is not required by law or FDA regulation. A DMF is submitted solely at the discretion of the holder. The information contained in the DMF may be used to support an investigational new drug application, a new drug application, an abbreviated new drug application, another DMF, an export application, or amendments and supplements to any of these. FDA's Center for Drug Evaluation and Research (CDER) reviews the DMF only when it is referenced in such submissions.

Five types of DMF's exist regarding the following topics: Type I—manufacturing site, facilities, operating procedures, and personnel; Type II—drug substance, drug substance intermediate, and material used in their preparation, or drug product; Type III—packaging material; Type IV—excipient, colorant, flavor, essence, or material used in their preparation; and Type V—FDA-accepted reference information.

CDER is considering ways to improve the DMF system, especially Type II DMF's, which often constitute a critical part of a submission. The workshop will focus on alternative ways for CDER to review Type II DMF's for drug substances and intermediates. CDER's Chemistry, Manufacturing and Controls Coordinating Committee has recommended changes to the DMF review process in a report entitled "Recommendations for Improvement in FDA's Drug Master File System," dated November 2, 1993. The report is available from the Freedom of Information Office (address above) or may be viewed at the Dockets Management Branch (address above) [Docket No. 90S-0308 (document #M-203)].

A tentative agenda for the public workshop is as follows:

Morning session, 8:30 a.m. to 12:30 p.m.

1. FDA presentations:
Recommended review processes for Type II DMF's (drug substances and intermediates)

a. existing DMF system;

b. suggested improvements to the existing DMF system;

c. abbreviated antibiotic application model—approval; and

d. Type II DMF "authorization."

2. Presentations by industry representatives:
Perspectives on the Type II DMF review process and proposals.

3. Presentations by other interested persons/Questions for presenters/ Open discussion
Approvals/nonapprovals/other—pros/cons.

Afternoon session, 1:30 p.m. to 5 p.m.

1. Overview—Other DMF systems for drug substances and intermediates—foreign models.

a. European Community Drug Substance DMF Format and Content; and

b. Canadian Drug Substance DMF Format and Content.

2. Presentations by other interested persons/Questions for presenters/Open discussion.

A transcript and summary of the workshop will be available from the Freedom of Information Office (address above) approximately 10 days after the workshop at a cost of 10 cents per page.

Interested persons may submit comments on the workshop to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

To permit time for all interested persons to submit data, information, or views on this subject, the docket for the workshop will remain open until March 14, 1994. Persons who wish to provide additional materials for consideration should file these materials with the Dockets Management Branch (address above).

Dated: January 10, 1994.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 94–1048 Filed 1–12–94; 11:29 am]

BILLING CODE 4160–01–F

Health Resources and Services Administration

Advisory Council Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of February 1994:

Name: Advisory Committee on Infant Mortality.

Date and Time: February 16–17, 1994, 8:30 a.m.

Place: The Grand Ballroom, The Grand Hotel, 2250 M Street, NW., Washington, DC 20037.

The meeting is open to the public.

Purpose: The Committee provides advice and recommendations to the Secretary on the following: Department programs which are directed at reducing infant mortality and improving the health status of pregnant women and infants; how best to coordinate the variety of Federal, State, local and private programs and efforts that are designed to deal with the health and social problems impacting on infant mortality; and the implementation of the Healthy Start initiative and infant mortality objectives from Healthy People: 2000: National Health Promotion and Disease Prevention Objectives.

Agenda: Topics that will be discussed include: Presentation on the History of Maternal-Child Health; analysis of Health Care Reform and Infant Mortality; and updates on current programs at the National level.

Anyone requiring information regarding the Committee should contact Dr. Peter van Dyck, Executive Secretary, Advisory Committee on Infant Mortality, Health Resources and Services Administration, room 18–44, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–2204.

Persons interested in attending any portion of the meeting should contact Ms. Kerry P. Nesseler, Maternal and Child Health Bureau, Health Resources and Services Administration, Telephone (301) 443–2204.

Agenda Items are subject to change as priorities dictate.

Dated: January 10, 1994.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 94–950 Filed 1–13–94; 8:45 am]

BILLING CODE 4160–15–P

National Institutes of Health

Notice of Meetings of Panel

Notice is hereby given of the first meeting of the National Institutes of Health (NIH) Human Embryo Research Panel, a panel of special consultants to the Advisory Committee to the Director (ACD), NIH, established to recommend guidelines for Federal funding of human embryo research. The Panel's first meeting will be held February 2–3, 1994, from 9 a.m. to 5 p.m. on the 2nd, and 8:30 a.m. to 4:30 p.m. on the 3rd. The meeting will be held at the Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland. Dates of subsequent Panel meetings will be determined at the first meeting.

Until June 1993, Federal regulations governing research on human subjects (45 CFR part 46) required research involving in vitro fertilization (IVF) to be reviewed by an Ethics Advisory Board (EAB). Because of the absence of an EAB since 1980, Federal funding of IVF protocols was not possible. With the enactment of the NIH Revitalization Act of 1993 (Pub. L. 103–43), the regulatory provision requiring EAB review of IVF proposals was nullified. As a result, IVF proposals, as well as research involving human embryos that result from IVF or other sources, may now be considered for Federal funding.

The NIH has received a number of applications for support in this area and in the related field of parthenogenesis. However, before proceeding with the consideration of specific human embryo research proposals for funding, the NIH must address the profound moral and ethical issues raised by the use of human embryos in research and develop guidelines to govern the review and conduct of Federally-funded research. Panel members will be asked to consider various areas of research involving the human embryo and provide advice as to those areas they view to be acceptable for Federal funding, areas that warrant additional review, and areas that are unacceptable for Federal support. For those areas of research considered acceptable for Federal funding, the Panel will be asked to recommend specific guidelines for the review and conduct of this research. Ethical issues related to human germ-line gene modification are not within the Panel's purview. The Panel's final report will be presented to the ACD for review.

The NIH invites public input into this process. Those who wish to share their views about Federal funding of human embryo research may address the Panel during public comment periods that will be scheduled during each meeting. The public comment period during the first meeting is scheduled to take place February 2 from 3 p.m. to 5 p.m. Those who wish to address the Panel at this or subsequent meetings are asked to contact Ms. Peggy Schnoor, by telephoning 301–496–1454 or by sending a facsimile message to 301–402–0280 or 301–402–1759. Oral statements must not exceed five minutes in length, and opportunities to present statements will be determined by the order in which requests are received. Those who wish to present oral statements should forward a one-page summary of their remarks in advance of the scheduled presentation date. Individuals and organizations may also submit written comments of any length to the Panel. These should be forwarded to the NIH in care of Ms. Schnoor at 9000 Rockville Pike, Building 1, room 218, Bethesda, Maryland 20892.

The NIH will endeavor to provide seating for all members of the public who wish to attend the meetings. Individuals are, however, asked to notify the NIH of their interest in attending by using the telephone or facsimile numbers listed above. Individuals who require special accommodations are also asked to contact Ms. Schnoor at the above number. General questions about the Panel or the first meeting should also be directed to Ms. Schnoor.

Future meetings of the Panel will be announced in this publication.

Dated: January 10, 1994.

Harold Varmus,

Director, NIH.

[FR Doc. 94–1017 Filed 1–13–94; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Mental Health; Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meetings of the review committees of the National Institute of Mental Health for February 1994.

These meetings will be open to the public as indicated below for the discussion of NIMH policy issues and will include current administrative, legislative, and program developments. Attendance by the public will be limited to space available.

All meetings will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Joanna L. Kieffer, Committee Management Officer, National Institute of Mental Health, Parklawn Building, room 9–105, 5600 Fishers Lane, Rockville, MD 20857, Area Code 301, 443–4333, will provide a summary of the meeting and a roster of committee members.

Other information pertaining to the meetings may be obtained from the contact person indicated.

Committee Name: Neuropharmacology and Neurochemistry Review Committee.

Contact: Wm. Gregory Zimmerman, Parklawn Building, room 9C–18, Telephone: 301, 443–3857.

Meeting Date: February 3–4, 1994.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Open: February 3, 1994, 8:30 a.m.–10 a.m.

Closed: February 3, 1994, 10 a.m.–5 p.m.; February 4, 1994, 8:30 a.m.–adjournment.

Committee Name: Clinical Neuroscience Review Committee.

Contact: Maurine L. Eister, Parklawn Building, room 9C–18, Telephone: 301, 443–3936.

Meeting Date: February 9–11, 1994.

Place: Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Open: February 9, 1994, 9 a.m.–10 a.m.

Closed: February 9, 1994, 10 a.m.–5 p.m.; February 10, 1994, 9 a.m.–5 p.m.; February 11, 1994, 9 a.m.–adjournment.

Committee Name: Clinical Psychopathology Review Committee.

Contact: Frances Smith, Parklawn Building, room 9C–02, Telephone: 301, 443–4868.

Meeting Date: February 9–11, 1994.

Place: Barcelo Washington Hotel, 2121 P Street, NW., Washington, DC 20337.

Open: February 9, 1994, 9 a.m.–10 a.m.

Closed: February 9, 1994, 10 a.m.–5 p.m.; February 10, 1994, 9 a.m.–5 p.m.; February 11, 1994, 9 a.m.–adjournment.

Committee Name: Health Behavior and Prevention Review Committee.

Contact: Monica F. Woodfork, Parklawn Building, room 9C–05, Telephone: 301, 443–4843.

Meeting Date: February 9–11, 1994.

Place: Sheraton Washington Hotel, 2660 Woodley Road, NW., Washington, DC 20008.

Open: February 9, 1994, 9 a.m.–10 a.m.

Closed: February 9, 1994, 10 a.m.–5 p.m.; February 10, 1994, 9 a.m.– 5 p.m.; February 11, 1994, 9 a.m.–adjournment.

Committee Name: Behavioral Neuroscience Review Committee.

Contact: Wm. Gregory Zimmerman, Parklawn Building, room 9C–18, Telephone: 301, 443–3857.

Meeting Date: February 10–11, 1994.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Open: February 10, 1994, 8:30 a.m.–10 a.m.

Closed: February 10, 1994, 10 a.m.–5 p.m.; February 11, 1994, 8:30 a.m.–adjournment.

Committee Name: Molecular, Cellular, and Developmental Neurobiology Review Committee.

Contact: Katie O'Donnel, Parklawn Building, room 9C–18, Telephone: 301–443–3857.

Meeting Date: February 14–16, 1994.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.

Open: February 14, 1994, 8:30 a.m.–10 a.m.

Closed: February 14, 1994, 10 a.m.–5 p.m.; February 15, 1994, 8:30 a.m.–5 p.m.; February 16, 1994, 8:30 a.m.—adjournment.

Committee Name: Services Research Review Committee.

Contact: Frances Smith, Parklawn Building, room 9C–14, Telephone: 301–443–1367.

Meeting Date: February 16–18, 1994.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.

Open: February 16, 1994, 9 a.m.–9:30 a.m.

Closed: February 16, 1994, 9:30 a.m.–5 p.m.; February 17, 1994, 9 a.m.–5 p.m.; February 18, 1994, 9 a.m.–adjournment.

Committee Name: Cognitive Functional Neuroscience Review Committee.

Contact: Shirley H. Maltz, Parklawn Building, room 9C–18, Telephone: 301–443–3936.

Meeting Date: February 17–18, 1994.

Place: Crowne Plaza Holiday Inn, 1750 Rockville Pike, Rockville, MD 20852.

Open: February 17, 1994, 9 a.m.–10 a.m.

Closed: February 17, 1994, 10 a.m.–5 p.m.; February 18, 1994, 9 a.m.–adjournment.

Committee Name: Emotion and Personality Review Committee.

Contact: Sheri L. Schwartzback, Parklawn Building, room 9C–05, Telephone: 301–443–4843.

Meeting Date: February 17–18, 1994.

Place: Key Bridge Marriott Hotel, 1401 Lee Highway, Arlington, VA 22209.

Open: February 17, 1994, 8:30 a.m.–9 a.m.

Closed: February 17, 1994, 9 a.m.–5 a.m.; February 18, 1994, 8:30 a.m.–adjournment.

Committee Name: Mental Health Special Projects Review Committee, Behavioral Subcommittee.

Contact: Monica F. Woodfork, Parklawn Building, room 9C–05, Telephone: 301–443–6470 or 4843.

Meeting Date: February 17–18, 1994.

Place: Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, MD 20814.

Open: February 17, 1994, 9 a.m.–10 a.m.

Closed: February 17, 1994, 10 a.m.–5 p.m.; February 18, 1994, 9 a.m.–adjournment.

Committee Name: Treatment Assessment Review Committee.

Contact: Frances Smith, Parklawn Building, room 9C–02, Telephone: 301–443–4868.

Meeting Date: February 17–18, 1994.

Place: Barcelo Washington Hotel, 2121 P Street, NW., Washington, DC 20037.

Open: February 17, 1994, 8:30 a.m.–9:30 a.m.

Closed: February 17, 1994, 9:30 a.m.–5 p.m.; February 18, 1994, 8:30 a.m.–adjournment.

Committee Name: Social and Group Processes Review Committee.

Contact: Bernice R. Cherry, Parklawn Building, room 9C–15, Telephone: 301–443–6470.

Meeting Date: February 17–19, 1994.

Place: Residence Inn by Marriott, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Open: February 17, 1994, 9 a.m.–10 a.m.

Closed: February 17, 1994, 10 a.m.–5 p.m.; February 18, 1994, 9 a.m.–5 p.m.; February 19, 1994, 9 a.m.–adjournment.

Committee Name: Mental Disorders of Aging Review Committee.

Contact: Phyllis L. Zusman, Parklawn Building, room 9C–02, Telephone: 301–443–1340.

Meeting Date: February 23–25, 1994.

Place: Bethesda Ramada Inn, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Open: February 23, 1994, 9 a.m.–10 a.m.

Closed: February 23, 1994, 10 a.m.–5 p.m.; February 24, 1994, 9 a.m.–5 p.m.; February 25, 1994, 9 a.m.–adjournment.

Committee Name: Violence and Traumatic Stress Review Committee.

Contact: Phyllis D. Artis, Parklawn Building, room 9C–15, Telephone: 301–443–6470.

Meeting Date: February 23–25, 1994.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Open: February 23, 1994, 9 a.m.–10 a.m.

Closed: February 23, 1994, 10 a.m.–5 p.m.; February 24, 1994, 9 a.m.–5 p.m.; February 25, 1994, 9 a.m.–adjournment.

Committee Name: Psychobiology and Behavior Review Committee.

Contact: William H. Radcliff, Parklawn Building, room 9C–18, Telephone: 301, 443–3857.

Meeting Date: February 24–25, 1994.

Place: The Canterbury Hotel, 1733 N Street, NW., Washington, DC 20036.

Open: February 24, 1994, 9 a.m.–10 a.m.

Closed: February 24, 1994, 10 a.m.–5 p.m.; February 25, 1994, 9 a.m.–adjournment.

Committee Name: Child/Adolescent Risk and Prevention Review Committee.

Contact: Phyllis D. Artis, Parklawn Building, room 9C–05, Telephone 301, 443–1177.

Meeting Date: February 24–26, 1994.

Place: Embassy Suites Hotel, 4300 Military Road, NW., Washington, DC 20015.

Open: February 24, 1994, 9 a.m.–10 a.m.

Closed: February 24, 1994, 10 a.m.–5 p.m.; February 25, 1994, 9 a.m.–5 p.m.; February 26, 1994, 9 a.m.–adjournment.

Committee Name: Perception and Cognition Review Committee.

Contact: Regina M. Thomas, Parklawn Building, room 9C–15, Telephone: 301, 443–6470.

Meeting Date: February 24–26, 1994.

Place: Embassy Square Suites, 2000 N Street, NW., Washington, DC 20036.

Open: February 24, 1994, 9 a.m.–10 a.m.

Closed: February 24, 1994, 10 a.m.–5 p.m.; February 25, 1994, 9 a.m.–5 p.m.; February 26, 1994, 9 a.m.–adjournment.

Committee Name: Mental Health Small Business Research Review Committee.

Contact: Francis Smith, Parklawn Building, room 9C–14, Telephone: 301, 443–1367.

Meeting Date: February 28-March 1, 1994.

Place: The River Inn, 924 25th Street, NW., Washington, DC 20037.

Open: February 28, 1994, 9 a.m.–10 a.m.

Closed: February 28, 1994, 10 a.m.–5 p.m.; March 1, 1994, 9 a.m.–adjournment.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the contact person named above in advance of the meeting.

(Catalog of Federal Domestic Assistance Program Numbers 93.126, Small Business Innovation Research; 93.176, ADAMHA Small Instrumentation Program Grants; 93.242, Mental Health Research Grants; 93.281, Mental Research Scientist Development Award and Research Scientist Development Award for Clinicians; 93.282, Mental Health Research Service Awards for Research Training; and 93.921, ADAMHA Science Education Partnership Award)

Dated: January 10, 1994.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 94–1018 Filed 1–13–94; 8:45 am]

BILLING CODE 4140–01–M

National Institute on Alcohol Abuse and Alcoholism; Meetings

Pursuant to Public Law 92–463, notice is hereby given of meetings of the National Institute on Alcohol Abuse and Alcoholism.

These meetings will be open to the public to discuss administrative details or other issues relating to committee activities as indicated in the notices. Attendance by the public will be limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Diana Widner at (301) 443–4376.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual research grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Council meeting on February 4 may also be closed as noted below in accordance with the provisions set forth in section 552b(c)(9)(B) of title 5, U.S. Code and section 10(d) of Public Law 92–463. This would be if the Council members wish to discuss and prepare comments to submit to the Director, NIH, to be included in the biennial report to the Congress.

Summaries of the meetings and the rosters of committee members may be obtained from: Ms. Diana Widner, NIAAA Committee Management Officer, National Institute on Alcohol Abuse and Alcoholism, Willco Building, suite 409, 6000 Executive Blvd., Rockville, MD 20892, telephone: (301) 443–4376. Other information pertaining to the meetings can be obtained from the Scientific Review Administrator indicated.

Name of Committee: National Advisory Council on Alcohol Abuse and Alcoholism.

Executive Secretary: James F. Vaughan.

Date of Meeting: February 4, 1994.

Place of Meeting: Wilson Hall, 3rd Floor, NIH Campus, 9000 Rockville Pike, Bethesda, MD 20892.

Open: February 4, 10 a.m. to 2:30 p.m.

Agenda: Discussion of administrative details and other issues relating to council activities.

Closed: February 4, 2:30 p.m. to adjournment.

Name of Committee: Biochemestry, Physiology, and Medicine Subcommittee of the Alcohol Biomedical Research Review Committee.

Scientific Review Administrator: Ronald Suddendorf, Ph.D.

Dates of Meeting: February 7–9, 1994.

Place of Meeting: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.

Open: February 7, 9 a.m. to 10 a.m.

Agenda: Reports by Division Directors, Branch Chief, and Scientific Review Administrator on Committee concerns followed by open discussion and review of administrative details.

Closed: February 7, 10 a.m. to recess; February 8, 9 a.m. to recess; February 9, 9 a.m. to adjournment.

Name of Committee: Neuroscience and Behavior Subcommittee, Alcohol Biomedical Research Review Committee.

Scientific Review Administrator: Antonio Noronha, Ph.D.

Dates of Meeting: February 14–16, 1994.

Place of Meeting: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.

Open: February 14, 9 a.m. to 11 a.m.

Agenda: Reports by Division Directors, Branch Chief, and Scientific Review Administrator on Committee concerns followed by open discussion and review of administrative details.

Closed: February 14, 10 a.m. to recess; February 15, 9 a.m. to recess; February 16, 9 a.m. to adjournment.

Name of Committee: Epidemiology and Prevention Subcommittee of the Alcohol Psychosocial Research Review Committee.

Scientific Review Administrator: Lenore S. Radloff.

Dates of Meeting: February 16–18, 1994.

Place of Meeting: River Inn, 924 25th Street, NW., Washington, DC 20037.

Open: February 16, 9 a.m. to 10 a.m.

Agenda: Reports by Division Directors, Branch Chief, and Scientific Review Administrator on Committee concerns followed by open discussion and review of administrative details.

Closed: February 16, 10 a.m. to recess; February 17, 9 a.m. to recess; February 18, 9 a.m. to adjournment.

Name of Committee: Clinical and Prevention Subcommittee of the Alcohol Psychosocial Research Review Committee.

Scientific Review Administrator: Thomas D. Sevy, M.S.W.

Dates of Meeting: February 24–25, 1994.

Place of Meeting: River Inn, 924 25th Street, NW., Washington, DC 20037.

Open: February 24, 8:30 a.m. to 9 a.m.

Agenda: Reports by Division Directors, Branch Chief, and Scientific Review Administrator on Committee concerns followed by open discussion and review of administrative details.

Closed: February 24, 9 a.m. to recess; February 25, 9 a.m. to adjournment.

Name of Committee: Immunology and AIDS Subcommittee of the Alcohol Biomedical Research Review Committee.

Scientific Review Administrator: Barbara Smothers, Ph.D.

Dates of Meeting: March 3–4, 1994.

Place of Meeting: Holiday Inn Crowne Plaza, 1750 Rockville Pike, Rockville, MD 20852.

Open: March 3, 8:30 a.m. to 9:30 a.m.

Agenda: Reports by Division Directors, Branch Chief, and Scientific Review Administrator on Committee concerns followed by open discussion and review of administrative details.

Closed: March 3, 9:30 a.m. to recess; March 4, 9 a.m. to adjournment.

(Catalog of Federal Domestic Assistance Program No. 13.242, 13.272, 13.273, 13.278, 13.279, 13.282, 93.271, 93.272, 93.273, 93.277, 93.278, 93.281, 93.282, National Institutes of Health).

Dated: January 10, 1994.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 94–1019 Filed 1–13–94; 8:45 am]

BILLING CODE 4140–01–M

National Library of Medicine; Meeting of the Literature Selection Technical Review Committee

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Literature Selection Technical Review Committee, National Library of Medicine, on February 3–4, 1994, convening at 9 a.m. on February 3 and at 8:30 a.m. on February 4 in the Board Room of the National Library of Medicine, Building 38, 8600 Rockville Pike, Bethesda, Maryland.

The meeting on February 3 will be open to the public from 9 a.m. to approximately 10:30 a.m. for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available. Individuals who plan to attend and need special assistance, such as sign-language interpretation or other reasonable accommodations, should contact Ms. Karen Griffin at 301–496–6921 two weeks before the meeting.

In accordance with provisions set forth in sec. 552b(c)(9)(B), title 5, U.S.C., Public Law 92–463, the meeting will be closed on February 3 from 10:30 a.m. to approximately 5 p.m. and on February 4 from 8:30 a.m. to adjournment for the review and discussion of individual journals as potential titles to be indexed by the National Library of Medicine. The presence of individuals associated with these publications could hinder fair and open discussion and evaluation of individual journals by the Committee members.

Mrs. Lois Ann Colaianni, Scientific Review Administrator of the Committee, and Associate Director, Library Operations, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20894, telephone number: 301–496–6921, will provide a summary of the meeting, rosters of the committee members, and other information pertaining to the meeting.

Dated: January 10, 1994.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 94–1020 Filed 1–13–94; 8:45 am]

BILLING CODE 4140–01–M

National Library of Medicine; Meeting of the Biomedical Library Review Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Biomedical Library Review Committee on March 2–3, 1994, convening at 8:30 a.m. in the Board Room of the National Library of Medicine, Building 38, 8600 Rockville Pike, Bethesda, Maryland.

The meeting on March 2 will be open to the public from 8:30 a.m. to approximately 11 a.m. for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available. Individuals who plan to attend and need special assistance, such as sign-language interpretation or other reasonable accommodations, should contact Dr. Roger W. Dahlen at 301–496–4221 two weeks before the meeting.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C., and section 10(d) of Public Law 92–463, the meeting on March 2 will be closed to the public for the review, discussion, and evaluation of individual grant applications from 11 a.m. to approximately 5 p.m., and on March 3 from 8:30 a.m. to adjournment. These applications and the discussion could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Robert W. Dahlen, Scientific Review Administrator, and Chief, Biomedical Information Support Branch, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20894, telephone number: 301–496-4221, will provide summaries of the meeting, rosters of the committee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 93.879—Medical Library Assistance, National Institutes of Health)

Dated: January 10, 1994.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 94–1021 Filed 1–13–94; 8:45 am]

BILLING CODE 4140–01–M

Prospective Grant of Exclusive License: Cell Stress Transcriptional Factors

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: This is notice in accordance with 15 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive world-wide license to practice the invention embodied in U.S. Patent Application SN 07/617,910, entitled "Cell Stress Transcriptional Factors" to StressTech Biomedical, Inc. of San Francisco, CA. The patent rights in this invention have been assigned to the United States of America.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. It is anticipated that this license will be limited to the fields of commercial screening assay services and kits provided to third parties. This prospective exclusive license may be granted unless within 60 days from the date of this published notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The patent application is based upon the observation that activation of heat shock proteins in an organism indicates elevated or environmental temperatures or a variety of other environmental stresses. Activation involves binding of a heat shock factor (HSF) to heat shock elements (HSE) and consequent transcription of heat shock genes. This method for detecting the accumulation of HSF in the nucleus of stressed cells involves novel activators for *Drosophilia* and human HSF, polynucleotides encoding those activators, and antibodies to natural and recombinant DNA. The method may also be used to monitor and diagnose the effects of abnormal stresses, including disease, on cells.

ADDRESSES: Requests for a copy of this patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Mr. Steven M. Ferguson, Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, Box OTT, Bethesda, MD 20892. Telephone: (301) 496–7735; Facsimile: (301) 402–0220. A signed Confidentiality Agreement will be required to receive a copy of the patent application. Applications for a license in the indicated exclusive fields filed in response to this notice will be treated as objections to the grant of the contemplated license. Only written comments and/or applications for a license which are received by NIH within sixty (60) days of this notice will be considered.

Dated: January 3, 1994.

Donald P. Christoferson,

Acting Director, Office of Technology Transfer.

[FR Doc. 94–908 Filed 1–13–94; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Public Health Service (PHS) publishes a list of information collection requests it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). The following requests have been submitted to OMB since the list was last published on December 23, 1993.

(Call PHS Reports Clearance Officer on (202) 690–7100 for copies of requests).

1. Survey of NIH Extramural Shared Instrumentation Activitie—0925–0318—The capabilities of expensive state-of-the-art biomedical instruments can be made available to the largest number of researchers in the most cost-effective manner by awarding them on the condition that they be shared. This study will examine the extent to which such instruments are shared; and how fully they are utilized, by whom, and for what purpose. *Respondents:* Non-profit institutions; Businesses or other for-profit; *Number of Respondents:* 9,870; *Number of Responses per Respondent:* 1; *Average Burden per Response:* .286 hours; *Estimated Annual Burden:* 2,819 hours.

2. Application for Designation as a Federally Qualified Health Center—0915–1042 (Revision)—Health centers use the application guide to apply for designation as a Federally Qualified Health Center (FQHC). FQHCs are qualified to be reimbursed by Medicaid for 100 percent of reasonable costs for services to eligible persons. FQHCs use the recertification form to certify continued compliance with program requirements. *Respondents:* Non-profit organizations.

Title	Number of responses	Number of responses per respondent	Average burden per response
Application form ..	60	1	120 hrs.
Recertification form ..	140	1	20 hrs.

Estimated Total Annual Burden—10,000 hours.

3. CD4+ T-Lymphocyte Testing Impact Evaluation—New—The purpose of the proposed survey is to evaluate the relative effectiveness of each of the initiatives of CDC's Division of Laboratory Services, while controlling for the influence of non-CDC factors in improving the quality of CD4+ T-cell testing in clinical flow cytometry laboratories. This study will collect new information from CD4+ T-cell testing staff to characterize changes in laboratory practices in both MPEP and non-MPEP laboratories. Information obtained from this study will be used to identify items that influence laboratories to change. *Respondents:* Non-profit institutions, Businesses or other for-profit; Small businesses or organizations. *Respondents:* 955; *Number of Responses Per Respondent:* 1; *Average Burden Per Response:* .769 hour; *Estimated Annual Burden:* 734 hours.

4. Cardiovascular Health Study (CHS)—0925–0122 (Revision)—This submission is for modification of a previously approved study involving a random sample of men and women by adding a procedure to measure body composition and bone mineral density as measured by dual energy x-ray absorptiometry (DEXA). The procedure will involve 2,400 individuals and 10 minutes of questions to assess the relation of body weight, fat distribution, and bone density to cardiovascular risk factors and disease. *Respondents:* Individuals or Households. *Respondents:* 6,113; *Number of Responses Per Respondent:* 3,176; *Average Burden Per Response:* 0.92 hour; *Estimated Annual Burden:* 17,885 hours.

5. New Animal Drug Application, 21 CFR part 514—0910–0032 (Reinstatement and consolidation with 0910–0228)—Applicants proposing to market animal drugs must detail (1) the scientific and technical information required for the physical manufacture of the drug product and (2) scientific information relative to the safety and effectiveness of the drug use. *Respondents:* Businesses or other for-profit, Small businesses or organizations.

Title	Number of responses	Number of responses per respondent	Average burden per response
Reporting: Content/format of NADA 21 CFR 514.1	190	7.98	212.6 hrs.
Supplemental applications 21 CFR 514.8 and .9	190	7.98	30 hrs.

Estimated Total Annual Burden: 367,781 hours.

Written comments and recommendations concerning the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated below at the following address: Shannah Koss, Human Resources and Housing Branch, New Executive Office Building, room 3002, Washington, DC 20503.

Dated: January 7, 1994.

James Scanlon,

Director, Division of Data Policy, Office of Health Planning and Evaluation.

[FR Doc. 94–997 Filed 1–13–94; 8:45 am]

BILLING CODE 4160–17–M

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of Acetaminophen

The HHS' National Toxicology Program announces the availability of the NTP Technical Report on the toxicology and carcinogenesis studies of acetaminophen, which is a widely consumed analgesic found in several nonprescription pharmaceuticals.

Two-year toxicology and carcinogenesis studies were conducted by administering to both sexes of rats and mice doses of 0, 600, 3,000, or 6,000 ppm acetaminophen in feed for 104 weeks.

Under the conditions of these 2-year feed studies, there was no evidence of carcinogenic activity [1] of acetaminophen in male F344/N rats that received 600, 3,000, or 6,000 ppm. There was equivocal evidence of carcinogenic activity of acetaminophen in female F344/N rats based on increased incidences of mononuclear cell leukemia. There was no evidence of

[1] The NTP uses five categories of evidence of carcinogenic activity observed in each animal study: two categories for positive results ("clear evidence" and "some evidence"), one category for uncertain findings ("equivocal evidence"), one category for no observable effect ("no evidence"), and one category for studies that cannot be evaluated because of major flaws ("inadequate study").

carcinogenic activity of acetaminophen in male and female B6C3F1 mice that received 600, 3,000, or 6,000 ppm.

Nonneoplastic lesions associated with exposure to acetaminophen included increased severity of nephropathy and increased incidences of renal tubule hyperplasia and parathyroid hyperplasia in male rats, increased severity of nephropathy in female rats, and increased incidences of thyroid follicular cell hyperplasia in male and female mice.

Questions or comments about the Technical Report should be directed to Central Data Management at P.O. Box 12233, Research Triangle Park, NC 27709 or telephone (919) 541–3419.

Copies of Toxicology and Carcinogenesis Studies of Acetaminophen (CAS No. 103–90–2) in F344/N Rats and B6C3F1 Mice (Feed Studies) (TR–394) are available without charge from Central Data Management, NIEHS, MD A0–01, P.O. Box 12233, Research Triangle Park, NC 27709; telephone (919) 541–3419.

Dated: January 7, 1994.

Kenneth Olden,

Director, National Toxicology Program.

[FR Doc. 94–909 Filed 1–13–94; 8:45 am]

BILLING CODE 4140–01–M

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of Furan

The HHS' National Toxicology Program announces the availability of the NTP Technical Report on the toxicology and carcinogenesis studies of furan, used primarily as an intermediate in the synthesis and preparation of other organic compounds and also in the preparation of numerous polymeric compounds used for preparation of temperature-resistant structural laminates. Copolymers of maleic acid and furan form complexes with alkaline earth ions and are used in metals, foodstuffs, and machine dishwashing products as alternatives to phosphorus- and nitrogen-containing detergents.

Two-year toxicology and carcinogenesis studies were conducted by administering to both sexes of rats doses of 0, 2, 4, or 8 mg furan per kg body weight and 0, 8, or 15 mg/kg furan to both sexes of mice in corn oil by gavage 5 days per week for 2 years.

Under the conditions of these 2-year gavage studies there was clear evidence of carcinogenic activity[1] of furan in male and female F344/N rats based on increased incidences of cholangiocarcinoma and hepatocellular neoplasms of the liver and on increased incidences of mononuclear cell leukemia. There was clear evidence of carcinogenic activity of furan in male and female B6C3F1 mice based on increased incidences of hepatocellular neoplasms of the liver and benign pheochromocytomas of the adrenal gland.

Nonneoplastic liver lesions associated with furan administration in rats and mice included biliary tract fibrosis, hyperplasia, inflammation, and proliferation, as well as hepatocellular cytomegaly, degeneration, hyperplasia, necrosis, and vacuolization. In rats, increased severity of nephropathy with an associated increased incidence of parathyroid hyperplasia was associated with exposure to furan.

The study scientist for this bioassay is Dr. R. D. Irwin. Questions or comments about the Technical Report should be directed to Dr. Irwin at P.O. Box 12233, Research Triangle Park, NC 27709 or telephone (919) 541–3340.

Copies of Toxicology and Carcinogenesis Studies of Furan (CAS No. 110–00–9) in F344/N Rats and B6C3F1 Mice (Gavage Studies) (TR–402) are available without charge from Central Data Management, NIEHS, MD AO–01, P.O. Box 12233, Research Triangle Park, NC 27709; telephone (919) 541–3419.

Dated: January 7, 1994.

Kenneth Olden,

Director, National Toxicology Program.

[FR Doc. 94–910 Filed 1–13–94; 8:45 am]

BILLING CODE 4140–01–M

[1] The NTP uses five categories of evidence of carcinogenic activity observed in each animal study: two categories for positive results ("clear evidence" and "some evidence"), one category for uncertain findings ("equivocal evidence"), one category for no observable effect ("no evidence"), and one category for studies that cannot be evaluated because of major flaws ("inadequate study").

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of o-Nitroanisole

The HHS' National Toxicology Program announces the availability of the NTP Technical Report on the toxicology and carcinogenesis studies of o-nitroanisole which is used as an intermediate for the preparation of o-anisidine and in the manufacture of azo dyes.

Toxicology and carcinogenicity studies were conducted by feeding groups of 60 F344 rats of each sex diets containing 0, 222, 666, or 2,000 ppm o-nitroanisole and groups of 60 B6C3F1 mice of each sex diets containing 0, 666, 2,000, or 6,000 ppm o-nitroanisole for 103 weeks. In a companion study, male and female rats were fed 0, 6,000, or 18,000 ppm o-nitroanisole for 6 months and maintained on untreated feed for 1½ years.

Under the conditions of these feed studies there was clear evidence of carcinogenic activity[1] of o-nitroanisole in male and female F344 rats that received diets containing 6,000 to 18,000 ppm for 6 months based on overall increased incidences of benign and malignant neoplasms of the urinary bladder, transitional cell neoplasms of the kidney, and benign and malignant neoplasms of the large intestine. There was a chemical-related increased incidence of mononuclear cell leukemia in male and female rats receiving diets containing 222, 666, or 2,000 ppm o-nitroanisole for 2 years. Marginally increased incidences of uncommon renal tubule neoplasms in male rats and forestomach neoplasms in male and female rats were considered uncertain findings. There was clear evidence of carcinogenic activity of o-nitroanisole in male B6C3F1 mice based on increased incidences of benign and malignant hepatocellular neoplasms. There was some evidence of carcinogenic activity of o-nitroanisole in female B6C3F1 mice based on increased incidences of hepatocellular adenomas.

Increased severity of nephropathy in male rats, and increased incidences of focal hyperplasia of the renal tubule epithelium and forestomach ulcers in male rats, and of transitional cell hyperplasia of the urinary bladder, focal hyperplasia of the forestomach, and hyperplasia of transitional epithelium of the kidney pelvis in male and female rats were associated with exposure to o-nitroanisole.

Questions or comments about the Technical Report should be directed to Central Data Management at P.O. Box 12233, Research Triangle Park, NC 27709 or telephone (919) 541–3419.

Copies of Toxicology and Carcinogenesis Studies of o-Nitroanisole (CAS No. 91–23–6) in F344 Rats and B6C3F1 Mice (Feed Studies) (TR–416) are available without charge from Central Data Management, NIEHS, MD AO–01, P.O. Box 12233, Research Triangle Park, NC 27709; telephone (919) 541–3419.

Dated: January 7, 1994.

Kenneth Olden,

Director, National Toxicology Program.

[FR Doc. 94–911 Filed 1–13–94; 8:45 am]

BILLING CODE 4140–01–M

National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of Pentachloroanisole

The HHS' National Toxicology Program announces the availability of the NTP Technical Report on the toxicology and carcinogenesis studies of pentachloroanisole, a chlorinated aromatic compound which is widely distributed at low levels in the environment and in food products. Formation of pentachloroanisole in the environment may result from the degradation of structurally related, commercially important, ubiquitous chlorinated aromatic compounds such as pentachlorophenol and pentachloronitrobenzene which are known rodent toxins or carcinogens.

Two year toxicology and carcinogenesis studies were conducted by administering pentachloroanisole in corn oil by gavage 5 days per week for up to 2 years to groups of 70 male and 70 female rats and mice of each sex. Male rats received doses of 0, 10, 20, and 40 mg/kg of pentachloroanisole; female rats and mice received doses of 0, 20, and 40 mg/kg pentachloroanisole.

Under the conditions of these 2-year gavage studies, there was some evidence of carcinogenic activity[1] of pentachloroanisole in male F344/N rats based on increased incidences of benign pheochromocytomas of the adrenal medulla. There was equivocal evidence of carcinogenic activity of pentachloroanisole in female F344/N rats based on marginally increased incidences of benign pheochromocytomas of the adrenal medulla. There was some evidence of carcinogenic activity of pentachloroanisole in male B6C3F1 mice based on increased incidence of benign pheochromocytomas of the adrenal medulla and hemangiosarcomas of the liver. There was no evidence of carcinogenic activity of pentachloroanisole in female B6C3F1 mice given doses of 20 or 40 mg/kg.

Pentachloroanisole administration was associated with increased incidences of adrenal medulla hyperplasia in female rats and increased incidences of pigmentation in the renal tubule epithelium, olfactory epithelium, and hepatocytes of male and female rats. In addition, decreased incidences of pancreatic adenomas and focal hyperplasia in male rats and decreased incidences of mammary gland fibroadenomas and uterine stromal polyps and sarcomas (combined) in female rats were observed. Hyperthermia-related lesions in male rats receiving 20 or 40 mg/kg were considered indirectly related to pentachloroanisole administration.

Pentachloroanisole administration was associated with increased incidences of adrenal medulla hyperplasia and hypertrophy and hepatocellular mixed cell foci in male mice. In male and female mice, nonneoplastic liver lesions associated with pentachloranisole administration included hepatocellular cytologic alteration, Kupffer cell pigmentation, biliary tract hyperplasia, and subacute inflammation.

Questions or comments about the Technical Report should be directed to Central Data Management at P.O. Box 12233, Research Triangle Park, NC 27709 or telephone (919) 541–3419.

Copies of Toxicology and Carcinogenesis Studies of Pentachloroanisole (CAS No. 1825–21–4) in F344/N Rats and B6C3F1 Mice (Gavage Studies) (TR–414) are available without charge from Central Data Management, NIEHS, MD AO–01, P.O. Box 12233, Research Triangle Park, NC 27709; telephone (919) 541–3419.

Dated: January 7, 1994.

Kenneth Olden,

Director, National Toxicology Program.

[FR Doc. 94–912 Filed 1–13–94; 8:45 am]

BILLING CODE 4140–01–M

[1] The NTP uses five categories of evidence of carcinogenic activity observed in each animal study: Two categories for positive results ("clear evidence" and "some evidence"), one category for uncertain findings ("equivocal evidence"), one category for no observable effect ("no evidence"), and one category for studies that cannot be evaluated because of major flaws ("inadequate study").

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–94–1917; FR–3350–N–66]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

EFFECTIVE DATE: January 14, 1994.

ADDRESSES: For further information, contact Mark Johnston, Department of Housing and Urban Development, room 7262, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–4300; TDD number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* versus *Veterans Administration*, No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: January 7, 1994.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

[FR Doc. 94–847 Filed 1–13–94; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Extension of Comment Period for the Draft Supplemental Programmatic Environmental Impact Statement on the Federal Aid in Sport Fish Restoration and Federal Aid in Wildlife Restoration Programs

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: A Notice of Availability pertaining to the draft document was published in the **Federal Register** on November 1, 1993, (58 FR 58347). The comment period has been extended in response to requests of several parties for more time.

DATES: Written comments will be accepted through March 2, 1994. This is a 45-day extension beyond the previously announced date of January 17, 1994.

ADDRESSES: Comments should be sent to U.S. Fish and Wildlife Service, Division of Federal Aid, 1849 C Street, NW. (Mail Stop 140 Arlington Square), Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Columbus H. Brown, Chief, Division of Federal Aid, U.S. Fish and Wildlife Service, 140 Arlington Square, 4401 North Fairfax Drive, Arlington, Virginia, 22203. Telephone (703) 358–2156.

SUPPLEMENTARY INFORMATION: The U.S. Fish and Wildlife Service is reviewing the operation and management of its Federal Aid in Sport Fish and Wildlife Restoration Programs into the next century. This Supplemental Programmatic Environmental Impact Statement is being prepared to supplement the Programmatic Environmental Impact Statement published in 1978.

Copies are available at the U.S. Fish and Wildlife Service, Division of Federal Aid, 4401 North Fairfax Drive, Arlington, Virginia, room 140 during normal working hours. Telephone (703) 358-2156.

Dated: January 6, 1994.

Bruce Blanchard,

Deputy Director, U.S. Fish and Wildlife Service.

[FR Doc. 94-949 Filed 1-13-94; 8:45 am]

BILLING CODE 4310-55-M

Meetings: Klamath River Basin Fisheries Task Force

AGENCY: Department of the Interior, Fish and Wildlife Service.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Klamath River Basin Fisheries Task Force and the Klamath Fishery Management Council, established under the authority of the Klamath River Basin Fishery Resources Restoration Act (16 U.S.C. 460ss *et seq.*). The meeting is open to the public. Handicap access and hearing-impaired assistance will be provided if requested. Persons needing special assistance must notify the Klamath River Fishery Resource Office (see **FOR FURTHER INFORMATION CONTACT:**) in advance of the meetings.

DATES: The Klamath River Basin Fisheries Task Force (Task Force) will meet from 10 a.m. to 4:45 p.m. on Tuesday, February 1, and from 8 a.m. to 12 noon, Wednesday, February 2, 1994. The Task Force will then meet in joint session with the Klamath Fishery Management Council (Council) from 1 p.m. until 5 p.m. on February 2. The Task Force will adjourn at 5 p.m., February 2, and the Council will continue to meet from 9 a.m. until 1:30 p.m. on February 3, 1994.

ADDRESSES: The meeting will be held at the Mad River Saloon and Eatery's banquet room at 3535 Janes Road in Arcata, California.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald A. Iverson, Project Leader, U.S. Fish and Wildlife Service, P.O. Box 1006, Yreka, California 96097-1006, telephone (916) 842-5763.

SUPPLEMENTARY INFORMATION: For background information on the Task Force and Council, please refer to the notice of their initial meetings that appeared in the **Federal Register** on July 8, 1987 (52 FR 25639).

Primary discussion items that the Task Force will cover include the long-term needs for restoration of the Klamath River fishery resources; the proposed amendment to the long-range plan which incorporates the Klamath Basin above Iron Gate Dam into the Restoration Program planning area; and instream flow needs.

The agenda specifies approximate times that the public is invited to comment on meeting discussion items.

During the joint session of the Task Force and the Council, the two committees will discuss topics such as the 1993 inriver fall chinook salmon run size and harvest, and water needs for fish and farmers. Comments from the public will again be invited.

At the Council's meeting on February 3, members will hear reports from the Council's Technical Advisory Team on issues involving incidental salmon harvest in the Pacific whiting fishery and data on the spring chinook salmon harvest. The Council will also draft a list of tasks to be addressed by the spring chinook salmon workgroup, comment on on-going issues, and set priorities for salmon harvest management recommendations to be made in 1994. The Council will take action by adopting a process for identifying high-priority data needs and adopting a meeting schedule and agenda items for 1994.

Dated: January 5, 1994.

Marvin L. Plenert,

Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 94-977 Filed 1-13-94; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

[ID-020-4060-02]

Notice of Availability of the Proposed Twin Falls County Solid Waste Facility (TFSWF) Draft Environmental Impact Statement and Draft Land Use Plan Amendment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Twin Falls County, Idaho has made application to purchase 1083.77 acres of public land managed by the Bureau of Land Management (BLM), on which they propose to construct, operate and maintain a state of the art "Subtitle D" solid waste facility. The proposed project is located near Hub Butte, 10 miles south of the City of Twin Falls, Idaho. The purpose of the proposed facility would be to bring Twin Falls County into compliance with the Resource Conservation and Recovery Act (RCRA) and its associated regulations, 40 CFR 257 and 258 "Subtitle D". These regulations set forth many new requirements for solid waste facilities that are in operation after April 9, 1993 that the existing facilities in Twin Falls County do not meet. The proposed facility would be constructed and administered by Twin Falls County and would be operated by a private contractor.

DATES: All comments must be received by BLM or postmarked by April 15, 1994. A formal public meeting to receive comments on the Draft Environmental Impact Statement and Draft Plan Amendment (DEIS/DPA) will be held on February 15, 1994 in the College of Southern Idaho cafeteria in Twin Falls, ID from 7 p.m. to 9 p.m.

ADDRESSES: Comments regarding the DEIS/DPA may be made orally at the meeting or they can be submitted in writing to the Burley District Manager, Bureau of Land Management, Route 3, Box 1, Burley, Idaho 83318.

FOR FURTHER INFORMATION CONTACT: Scott Barker, Project Manager, Bureau of Land Management, Burley District Office, Route 3, Box 1, Burley, Idaho 83318. Phone (208) 678-5514.

SUPPLEMENTARY INFORMATION: A Draft Environmental Impact Statement/Draft Plan Amendment (DEIS/DPA) has been prepared which identifies resource values and analyzes the environmental impacts to these resource that would be expected from the proposed action. The DEIS/DPA identifies the preferred alternative, which is the proposed action, and a no action alternative. The Bureau of Land Management is the lead Federal Agency in the preparation of the TFSWF DEIS/DPA.

Copies of the DEIS/DPA are being sent to all individuals and agencies that have participated in the public scoping process or have otherwise asked to be included on the mailing list.

Additional copies are available from the Burley District of the Bureau of Land Management, Route 3, Box 1, Burley, Idaho, 83318. The Burley District telephone number is (208) 678-5514.

Dated: January 5, 1994.

Marvin R. Bagley,

Associate District Manager.

[FR Doc. 94–920 Filed 1–13–94; 8:45 am]

BILLING CODE 4310–CG–M

[OR–014–4333–04; G4–058]

Emergency Road Closure and Restrictions; Wood River Ranch—Correction

AGENCY: Bureau of Land Management, Lakeview District, Klamath Falls Resource Area, Interior.

ACTION: Correction.

SUMMARY: In the public notice document located on page 41800 in the issue of Thursday August 5, 1993, make the following correction.

On page 41800 in the first column this, the third sentence of the Emergency Closure and Restrictions; Wood River Ranch, OR SUMMARY: is deleted: Day use is defined as the hours of 4 a.m. to 10 p.m. The following sentence replaces the deleted sentence: Day use is defined as two hours before sunrise and one half hour after sunset.

On page 41800 in the second column this, the third sentence is deleted: "Vehicles used for administrative, emergency, and law enforcement and adjacent land owners, their agency, and employees, with a right-of-way for access will be exempt from the motor vehicle restrictions". The following two sentences replace the deleted sentence: Vehicles used for administrative, emergency, and law enforcement will be exempt from the motor vehicle restrictions. Adjacent landowners, their agents and employees, with a right-of-way for access, may use vehicles on the dike roads only to gain access to adjacent private property, may not take vehicles off of the dike roads, and while on the Wood River Ranch, may not off-load personnel, personal property or equipment.

FOR FURTHER INFORMATION CONTACT: Lakeview District, Klamath Falls Resource Office, Tom Cottingham, 2795 Anderson Avenue, Building 25, Klamath Falls, OR 97603; 503–883–6916.

Dated: December 29, 1993.

A. Barron Bail,

Klamath Falls Resource Area Manager.

[FR Doc. 94–921 Filed 1–13–94; 8:45 am]

BILLING CODE 4310–33–M

[WY–920–41–5700; WYW72473]

Proposed Reinstatement of Terminated Oil and Gas Lease

January 6, 1994.

Pursuant to the provisions of 30 U.S.C. 188 (d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW72473 for lands in Campbell County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre, or fraction thereof, per year and 16 ⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW72473 effective June 1, 1993, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Florence R. Speltz,

Supervisory Land Law Examiner.

[FR Doc. 94–922 Filed 1–13–94; 8:45 am]

BILLING CODE 4310–22–M

[WY–920–41–5700; WYW72460]

Proposed Reinstatement of Terminated Oil and Gas Lease

January 6, 1994.

Pursuant to the provisions of 30 U.S.C. 188 (d) and (e), and 43 CFR 3108.2–3 (a) and (b)(1), a petition for reinstatement of oil and gas lease WYW72460 for lands in Johnson County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW72460 effective June 1, 1993, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Florence R. Speltz,

Supervisory Land Law Examiner.

[FR Doc. 94–923 Filed 1–13–94; 8:45 am]

BILLING CODE 4310–22–M

[WY–920–41–5700; WYW113055]

Proposed Reinstatement of Terminated Oil and Gas Lease

January 6, 1994.

Pursuant to the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW113055 for lands in Sweetwater County, Wyoming, was timely filed and accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW113055 effective October 1, 1993, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Florence R. Speltz,

Supervisory Land Law Examiner.

[FR Doc. 94–924 Filed 1–13–94; 8:45 am]

BILLING CODE 4310–22–M

[AK–040–04–4210–03; AA–60570]

Realty Action: Section 1303(b) ANILCA Special Use Permit Proposal Near Unalakleet, AK

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of realty action.

SUMMARY: This notice of realty action involves an application for a special use permit on public lands administered by the Bureau of Land Management. The permit is intended to authorize continued use of approximately one (1) acre of land for an existing subsistence cabin and related structures near

Unalakleet, Alaska. This land and the application has been examined and reviewed under the provisions of section 1303(b) of the Alaska National Interest Lands Conservation Act (ANILCA), as amended. The site for the application is located on the right bank of the Unalakleet National Wild River within the following described area:

Kateel River Meridian, Alaska

T. 18 S., R. 8 W.,
Sec. 16 that portion within a one acre parcel around an existing cabin and other related structures.
The area described contains 1.00 acre.

The above land would be offered noncompetitively to the applicant and owner of the improvements, Mrs. Eunice E. Ryan of Unalakleet, Alaska, under a five (5) year permit which would only be renewable for the life of the applicant at no less than fair market rental. The permit would be issued under the provisions of section 1303(b) of ANILCA.

The general terms and conditions for permits found in 43 CFR part 2920 will also apply.

DATES: Interested parties may submit comments on or before February 28, 1994.

ADDRESSES: Comments must be submitted to the Anchorage District Manager, 6881 Abbott Loop Road, Anchorage, Alaska 99507–2599.

FOR FURTHER INFORMATION CONTACT: Sandra Dunn (907) 267–1214.

Dated: December 16, 1993.

Richard J. Vernimen,

Anchorage District Manager.

[FR Doc. 94–979 Filed 1–13–94; 8:45 am]

BILLING CODE 4310–JA–M

[AZ 054–04–4210–05; AZA 28241; 4–00162]

Arizona: Realty Action; Classification of Public Lands for Lease for Recreation and Public Purposes in La Paz County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The following public land in La Paz County, Arizona, has been examined and found suitable for classification for lease to the Buckskin Fire Department under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869, *et seq.*). The fire department will use the land for a fire station and water rescue and medical aid facility.

Gila and Salt River Meridian, Arizona

T. 10 N., R. 19 W.,
Sec. 14, portion of lot 10.
The area described contains 0.949 acre, more or less.

The lease is consistent with the current Bureau planning for this area and is in the public interest. The lease, when issued, will be subject to the provisions of the Recreation and Public Purposes Act, a Bureau of Reclamation withdrawal, and applicable regulations of the Secretary of the Interior.

DATES: On or before February 28, 1994, interested persons may submit comments regarding the proposed lease or classification of the lands to the District Manager at the address under the **ADDRESSES** caption of this notice. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective on March 15, 1994.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for lease under the Recreation and Public Purposes Act and leasing under the mineral leasing laws.

ADDRESSES: Interested persons may submit comments regarding the proposed lease or classification of the land to the District Manager, Bureau of Land Management, Yuma District Office, 3150 Winsor Avenue, Yuma, Arizona 85365.

FOR FURTHER INFORMATION CONTACT: Debbie Rowland, Realty Specialist, Bureau of Land Management, Havasu Resource Area, 3189 Sweetwater Avenue, Lake Havasua City, Arizona 86406, (602) 855–8017.

SUPPLEMENTARY INFORMATION: The parcel is currently withdrawn by the Bureau of Reclamation for the Colorado River Storage Project and is leased to the Buckskin Fire Department under Reclamation authority. This action will convert the fire department to the Bureau of Land Management's Recreation and Public Purposes leasing authority.

Dated: January 6, 1994.

Judith I. Reed,

District Manager.

[FR Doc. 94–925 Filed 1–13–94; 8:45 am]

BILLING CODE 4310–32–M

[MT–025–04–4333–04; M–80893]

Realty Action—Exchange

AGENCY: Bureau of Land Management, Montana, Miles City District, Billings Resource Area, Interior.

ACTION: Notice of Realty Action M–80893, exchange of public and private lands in Yellowstone County.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, U.S.C. 1716:

Principal Meridian, Montana

T.3 N., R.27 E.,
Sec. 14, NE¼, SW¼.
Containing 320 acres of public lands.

In exchange for these lands, the United States will acquire the following described lands from Herman Thaut:

Principal Meridian, Montana

T.3 N., R.27 E.,
Sec. 1, Lots 1 to 4, inclusive, S½N½, S½.
Containing 639.6 acres of private lands.

DATES: Comments will be accepted until February 28, 1994 in the **Federal Register** to the address shown below. Any adverse comments will be evaluated by the BLM Montana State Director who may sustain, vacate or modify this realty action. In absence of any objections this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: The Bureau of Land Management, Area Manager, 810 East Main, Billings, Montana 59105, (406) 657–6262. Information related to the exchange, including the environmental assessment is available for review at this address.

SUPPLEMENTARY INFORMATION: The publication of this notice segregates the public lands described above from settlement, sale, location and entry under the public land laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act for a period of two years from the date of first publication, issuance of a U.S. Government Patent or notice of termination in the **Federal Register**, whichever occurs first. The exchange will be made subject to:

1. A reservation to the United States of a right-of-way for ditches or canals in accordance with 43 U.S.C. 945.

2. A reservation to the United States of all federally owned minerals in the lands being transferred.

3. All valid existing rights of record. MTM–53015, road-of-way to Yellowstone County. MTM–74903, an overhead power distribution line right-of-way to Yellowstone Valley Electric Cooperative.

4. Meeting the requirements of 43 CFR 4110.4–2(b). This exchange is consistent with Bureau of Land Management policies and planning and has been discussed with state and local officials.

The estimated intended time of the exchange is March 15, 1994. The public interest will be served by completion of this exchange because it will enable the Bureau of Land Management to acquire lands with high public values and will increase management efficiency of the public lands in the area.

Donald E. Nelson,

Acting District Manager.

[FR Doc. 94–926 Filed 1–13–94; 8:45 am]

BILLING CODE 4310–DN–M

[NV–930–04–4210–05; N58101; 4–00154]

Realty Action: Lease or Sale of Public Lands for Recreation and Public Purpose, Pershing County, NV

SUMMARY: In response to an application from the Pershing County Fair and Recreation Board, the following described land is being considered for an eighteen hole championship golf course pursuant to the Recreation and Public Purpose Act as amended (43 U.S.C. 869, *et seq.*):

Mount Diablo Meridian, Nevada

T. 27 N., R. 31 E.,
Sec. 7, E½SE¼NE¼, NE¼SW¼SE¼, S½SW¼SE¼, E½SE¼;
Sec. 8, SW¼NW¼, W½SW¼;
Sec. 18, N½NE¼, E½NE¼NW¼.
Totalling approximately 350 acres.

Upon publication of this Notice in the **Federal Register** the above described lands will be segregated from all forms of appropriation under the public land laws, including the general mining laws, but not the Recreation and Public Purpose Act and the Mineral Leasing Laws.

When the required environmental, archaeological and mineral reports are completed and a determination is made that the lands are suitable for the use proposed, a subsequent Notice of Realty Action will be published in the **Federal Register** and appropriate newspapers classifying the lands for lease/conveyance. At that time, a 45 day public comment period will be provided.

FOR FURTHER INFORMATION CONTACT: Chuck Valentine, Bureau of Land Management, 705 E. Fourth Street, Winnemucca, Nevada 89445, (702) 623–1500.

Dated: January 7, 1994.

Ronald Wenker,

District Manager, Winnemucca.

[FR Doc. 94–928 Filed 1–13–94; 8:45 am]

BILLING CODE 4310–HC–M

[NV–930–4210–05; N–58162; 4–00154]

Realty Action: Non-Competitive Sale of Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Non-Competitive Sale of Public Lands in Henderson, Nevada.

SUMMARY: The following described public land in Clark County, Nevada has been examined and found suitable for sale utilizing non-competitive procedures, at not less than the fair market value. Authority for the sale is section 203 and section 209 of Public Law 94–579, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713 and 43 U.S.C. 1719).

Mount Diablo Meridian, Nevada

T. 21 S., R. 62 E.,
Sec. 35: NE¼SW¼.
Containing 40.00 acres, more or less.

This parcel of land, situated in Henderson is being offered as a direct sale to the City of Henderson.

This land is not required for any Federal purposes. The sale is consistent with current Bureau planning for this area and would be in the public interest.

In the event of a sale, conveyance of the available mineral interests will occur simultaneously with the sale of the land. The mineral interests being offered for conveyance have no known mineral value. Acceptance of a direct sale offer will constitute an application for conveyance of those mineral interests. The applicant will be required to pay a $50.00 nonreturnable filing fee for conveyance of the available mineral interests.

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 2890 (43 U.S.C. 945).

2. Oil, gas, sodium, potassium and saleable minerals.

and will be subject to:

1. An easement for roads, public utilities and flood control purposes in accordance with the transportation plan for Clark County.

2. Those rights for Airport marker purposes which have been granted to the Federal Aviation Administration by Permit No. N–4245 under the authority of 44 LD513.

3. Those rights for natural gas pipeline purposes which have been granted to Southwest Gas Corporation by Permit No. NEV–015814 under section 28 of the Mineral Leasing Act of 1920.

4. Those rights for water pipeline purposes which have been granted to Las Vegas Valley Water District by Permit No. NEV–043457 under the Act of October 21, 1976.

5. Those rights for a public road purposes which have been granted to the City of Henderson by Permit No. N–31767 under the Act of October 21, 1976.

6. Those rights for highway (Boulder Highway) purposes which have been granted to the Nevada Department of Transportation by Permit No. CC–018944 under the Act of November 9, 1921.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for sales and disposals under the mineral disposal laws. This segregation will terminate upon issuance of a patent or 270 days from the date of this publication, whichever occurs first.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Las Vegas District, P.O. Box 26569, Las Vegas, Nevada 89126. Any adverse comments will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior. The Bureau of Land Management may accept or reject any or all offers, or withdraw any land or interest in the land from sale, if, in the opinion of the authorized officer, consummation of the sale would not be fully consistent with the Public Law 94–579, or other applicable laws. The lands will not be offered for sale until at least 60 days after the date of publication of this notice in the **Federal Register**.

Dated: January 3, 1994.

Mason K. Hall,

(Acting) District Manager, Las Vegas, NV.

[FR Doc. 94–927 Filed 1–13–94; 8:45 am]

BILLING CODE 4310–HC–M

National Park Service

Big Thicket National Preserve; Boundaries Description

Whereas, the Act of July 1, 1993 (Pub. L. 103–46), which may be referred to as the "Big Thicket National Preserve Addition Act of 1993, provides for the addition of the Village Creek Corridor unit, the Big Sandy Corridor unit and the Canyonlands unit to the Big Thicket

National Preserve, to be administered by the Secretary of the Interior, as a part of the National Park System.

Whereas, section 2(a) of said act states that the addition to Big Thicket National Preserve (hereafter referred to as the preserve), shall include the units as generally depicted on the map entitled "Big Thicket National Preserve," dated October, 1992, and numbered 175–80008.

Whereas, section 2(a) of said act designates the area of the following units:

Village Creek Corridor unit, Hardin County, Texas, comprising approximately four thousand seven hundred and ninety-three acres;

Big Sandy Corridor unit, Hardin, Polk and Tyler Counties, Texas, comprising approximately four thousand four hundred and ninety seven acres; and

Canyonlands unit, Tyler County, Texas, comprising approximately one thousand four hundred and seventy-six acres.

Whereas, section 2(c) provides that a detailed description of the boundaries of the additions to the preserve shall be published in the **Federal Register** not later than six months after the date of enactment of the act.

Now, therefore, a boundary description is hereby published for the Big Thicket National Preserve.

Dated: December 13, 1993.

John E. Cook,

Regional Director, Southwest Region.

The boundaries of Village Creek Corridor unit, the Big Sandy Corridor unit and the Canyonlands unit of the Big Thicket National Preserve are particularly described, as follows:

Boundary Description, Big Thicket National Preserve, Village Creek Corridor Unit; That Portion Lying Within Hardin County

The lands described below are derived from National Park Service Map Number 175–80008, copies of which are available for public inspection in the offices of the National Park Service, Department of the Interior, and the offices of the Superintendent of the preserve.

Survey and Abstract No.: E. Duncan; A–14.

Portion: Part of said A–14 described as follows: Beginning at Lower Neches River Corridor unit angle point no. 38; Thence, S. 37°44′23″ W., 1450 feet, along the common line between Lower Neches River Corridor unit and Village Creek Corridor unit; Thence, Northerly, approximately 3000 feet along the northerly gradient boundary of Village Creek; Thence, N. 86°29′16″ E., 2500 feet, along the North line of said A–14, to the Point of Beginning.

Also Beginning at Lower Neches River Corridor unit angle point no. 39; Thence, along the common line between the Lower Neches River Corridor unit and the Village Creek Corridor unit the following 2 courses: 1. S. 51°59′45″ E., 1594.97 feet to angle point no. 40; 2. S. 08°44′42″ W., 2053.48 feet to angle point no. 41; Thence, N. 41°12′23″ W., 4100 feet; Thence, N. 27°56′24″ W., 1775 feet; Thence, N. 86°29′16″ E., 1450 feet, along the North line of said A–14; Thence, Southerly, approximately 3000 feet, along the southerly gradient boundary of Village Creek; Thence, S. 37°44′23″ W., 850 feet, along the common line between the Lower Neches River Corridor unit and the Village Creek unit, to the Point of Beginning.

Survey and Abstract No.: S. K. Van Meter; A–53.

Portion: Part of said A–53 described as follows: Beginning at Lower Neches River Corridor unit angle point no. 38; Thence, S. 86°29′16″ W., 2500 feet; Thence, Northwesterly, approximately 19,500 feet, along the northerly gradient boundary of Village Creek; Thence, N. 03°00′28″ W., 1050 feet; Thence, N. 88°50′ E., 5900 feet; Thence, S. 64°05′ E., 2600 feet; Thence S. 58°00′ E., 2800 feet; Thence, S. 34°51′12″ E., 2700 feet; Thence, S. 63°21′36″ E., 1200 feet, to the Point of Beginning.

Also Beginning on the South line of said A–53 at a point which lies S. 86°29′16″ W., 2600 feet from angle point no. 38 of the Lower Neches River Corridor unit; Thence, S. 86°29′16″ W., 5100 feet; Thence, N. 03°06′02″ W., 2784.02 feet; Thence, S. 86°55′02″ W., 5244.43 feet; Thence, N. 03°00′28″ W., 1862.70 feet; Thence, Southeasterly, approximately 19,500 feet, along the southerly gradient boundary of Village Creek, to the Point of Beginning.

Survey and Abstract No.: D. C. Montgomery; A–39.

Portion: Part of A–39 described as follows: Beginning on the North line of said A–39 at a point which lies N. 86°55′58″ E., 1150 feet from the Northwest corner of A–39; Thence, N. 86°55′58″ E., 700 feet; Thence, Southerly, approximately 15,000 feet, along the westerly gradient boundary of Village Creek; Thence, along the northerly right-of-way line of said U.S. Highway 96, S. 44°20′ W., 200 feet; Thence, leaving said highway right-of-way line S. 86°52′59″ W., 1450 feet, along the South line of said A–39; Thence, N. 02°50′ W., 2525 feet; Thence, N. 20°39′ W., 3825 feet; Thence, N. 04°18′ W. 800 feet, to the Point of Beginning.

Also Beginning on the North line of said A–39 at a point which lies N. 86°55′58″ E., 2000 feet, from the Northwest corner of A–39; Thence, N. 86°55′58″ E., 1700 feet; Thence S. 36°02′ E., 600 feet, Thence, S. 03°37′19″ E., 1550 feet; Thence, S. 41°31′31″ E. 2125 feet, Thence, S. 06°34′ W., 625 feet; Thence, S. 47°22′ W., 750 feet; Thence, S. 04°34′ E., 1425 feet; Thence, S. 44°20′ W., 650 feet, along the northerly right-of-way line of U.S. Highway 96; Thence, Northerly, approximately 15,000 feet along the easterly gradient boundary of Village Creek, to the Point of Beginning.

Survey and Abstract No.: H. A. Hooks-855; A–879.

Portion: Part of A–879 described as follows: Beginning at the Northwest corner of A–879; Thence, Easterly 300 feet along the North line of A–879; Thence Southeasterly, approximately 1100 feet, along the westerly gradient boundary of said Village Creek; Thence, Westerly, 100 feet, along the North line of the M. M. Bradley survey, A–7; Thence, Southerly, 4200 feet, along the east line of said A–879; Thence, Southerly, approximately 4000 feet, along the westerly gradient boundary of Village Creek; Thence, S. 86°55′58″ W., 700 feet, along the South line of said A–879; Thence, N. 04°18′ W., 1000 feet; Thence, along the Westerly line of said A–879 the following 4 courses: 1. N. 82°55′58″ E., 800 feet; 2. N. 07°04′02″ W., 56 feet; 3. N. 82°55′58″ E., 108 feet; 4. N. 03°02′ W., 6600 feet, to the Point of Beginning.

Also Beginning on the South line of A–879, at a point which lies N. 86°55′58″ E., 2000 feet from the Northwest corner of the D. C. Montgomery survey, A–39; Thence, Northeasterly, approximately 4000 feet, along the easterly gradient boundary of Village Creek; Thence, Southerly, 2800 feet, along the East line of said A–879; Thence, S. 86°55′58″ W., 1100 feet, along the South line of said A–879, to the Point of Beginning.

Survey and Abstract No.: W. Weiss-9; A–634.

Portion: Part of A–634 described as follows: Beginning on the East line of said A–634 at a point which lies S. 03°02′ E., 3800 feet from the Northeast corner of A–634; Thence, along the easterly line of A–634, the following 4 courses: 1. S. 03°02′ E., 2800 feet; 2. S. 82°55′58″ W., 107 feet; 3. S. 07°04′02″ E., 56 feet; 4. S. 82°55′58″ W., 800 feet; Thence, N. 04°18′ W., 1500 feet; Thence, N. 30°19′ E., 1700 feet, to the Point of Beginning.

Also Beginning at the Northeast corner of A–634; Thence, S. 03°02′ E., 1500 feet, along the East line of A–634; Thence, N. 51°34′ W., 2350 feet; Thence,

N. 88°47′33″ E., 1762 feet, along the North line of A–634, to the Point of Beginning.

Survey and Abstract No.: M. M. Bradley; A–7.

Portion: Part of A–7 described as follows: Beginning at the Northwest corner of A–7; Thence, East, 100 feet along the North line of A–7, Thence, Southeasterly and Southwesterly approximately 5000 feet along the westerly gradient boundary of Village Creek; Thence, Northerly 4200 feet along the east line of A–7 to the Point of Beginning.

Also Beginning on the South line of said A–7, at a point which lies N. 86°55′58″ E., 3100 feet from the Northwest corner of the D. C. Montgomery survey, A–39; Thence, Northerly, 2800 feet, along the West line of said A–7; Thence, Northeasterly, approximately 1000 feet, along the easterly, gradient boundary of Village Creek; Thence, N. 87°06′ E., 900 feet, Thence, S. 18°46′ W., 2900 feet; Thence, S. 36°02′ E., 969.16 feet; Thence, S. 86°55′58″ W., 600 feet, along the south line of A–7, to the Point of Beginning.

Survey and Abstract No.: A. E. Spellenberg-35; A–459.

Portion: Part of said A–459 described as follows: Beginning on the North line of said A–459, at a point which lies N. 86°20′ E., 2600 feet from the Northwest corner of said A–459; Thence, N. 86°20′ E., 1950 feet, along the North line of said A–459; Thence, Southeasterly, approximately 2000 feet, along the westerly gradient boundary of said Village Creek; Thence, S. 88°47′33″ W., 2050 feet, along the South line of said A–459; Thence, N. 51°34′ W., 2000 feet, to the Point of Beginning.

Survey and Abstract No.: A. E. Spellenberg-36; A–458.

Portion: Part of said A–458 described as follows: Beginning on the North line of said A–458 at a point which lies N. 86°20′ E., 2550 feet from the Northwest corner of said A–458; Thence, N. 86°20′ E., 1800 feet, along the North line of said A–458; Thence, Southwesterly, Northerly and Southeasterly, approximately 4500 feet, along the westerly gradient boundary of Village Creek; Thence, S. 86°20′ W., 1950 feet, along the South line of said A–458; Thence, N. 51°34′ W., 2325 feet, to the Point of Beginning.

Survey and Abstract No.: F. McCafferty-38; A–397.

Portion: All.

Survey and Abstract No.: F. F. McCafferty-37; A–396.

Portion: Beginning at the Northwest corner of A–396; Thence, N. 88°11′ E., 350 feet; Thence, Southeasterly, approximately 7500 feet, along the southerly gradient boundary of Village Creek; Thence, S. 86°44′ W., 5550 feet, along the South line of A–396; Thence, N. 01°35′15″ W., 1352.23 feet, to the Point of Beginning.

Also Beginning at the Northeast corner of A–396; Thence, S. 01°49′ E., 300 feet; Thence Northwesterly, approximately 5500 feet, along the northerly gradient boundary of Village Creek; Thence, N. 88°11′ E., 4550 feet, along the North line of A–396, to the Point of Beginning.

Survey and Abstract No.: J. M. Swisher; A–631.

Portion: Part of said A–631 described as follows: Beginning on the North line of said A–631 at a point which lies N. 84°52′22″ W., 5650 feet, from the Northwest corner of said A–631; Thence, N. 84°52′22″ E., 2800 feet, along the North line of A–631; Thence, Southeasterly, approximately 3000 feet, along the westerly gradient boundary of Village Creek; Thence, S. 88°11′ W., 350 feet, along the North line of the F. McCafferty survey, A–396; Thence, S. 01°35′15″ E., 1352.23 feet, along the easterly boundary of A–631; Thence, N. 55°00′ W., 2650 feet; Thence, S. 86°44′ W., 2950 feet, along the north line of the J. Lewis survey, A–365; Thence, N. 01°38′ W., 350 feet, to the Point of Beginning.

Survey and Abstract No.: G. R. Ferguson; A–678.

Portion: Part of A–678 described as follows: Beginning on the North line of said A–678 at a point which lies S. 84°52′22″ W., 3900 feet, from the Northeast corner of said A–678; Thence, S. 71°40′ E., 2250 feet; Thence, S. 88°11′ W., 1000 feet; Thence, Northwesterly, approximately 3000 feet, along the easterly gradient boundary of Village Creek; Thence, N. 84°52′22″ E., 1500 feet, to the Point of Beginning.

Survey and Abstract No.: L. De Lesslie; A–35.

Portion: Part of said A–35 described as follows: Beginning on the south line of said A–35 at a point which lies S. 84°52′22″ W., 7450 feet from the southeast corner of said A–35; Thence, S. 84°52′22″ W., 1500 feet; Thence, Northwesterly, approximately 2000 feet, along the easterly gradient boundary of Village Creek; Thence, N. 66°14′ E., 600 feet, along the southerly right-of-way line of Texas State Highway 327; Thence, S. 44°39′ E., 1000 feet; Thence, S. 05°03′ E., 500 feet; Thence, S. 71°40′ E., 1550 feet, to the Point of Beginning.

Also Beginning on the South line of said A–35 at a point which lies N. 84°52′22″ E., 6950 feet from the Southwest corner of said A–35; Thence, N. 07°49′ E., 150 feet; Thence, N. 72°02′ E., 250 feet; Thence, N. 07°29′ W. 200 feet; Thence, N. 35°21′ W., 250 feet; Thence, N. 00°25′ W., 200 feet; Thence, N. 86°44′ E., 400 feet; Thence, N. 04°21′ W., 450 feet; Thence, N. 66°14′ E., 1300 feet, along the South right-of-way line of Texas State Highway 327; Thence, Southeasterly, approximately 2000 feet, along the westerly gradient boundary of Village Creek; Thence S. 84°52′22″ W., 2800 feet, to the Point of Beginning.

Also Beginning on the Northerly right-of-way line of Texas State Highway No. 327 at a point which lies S. 04°21′ E., 150 feet; N. 66°14′ E., 2000 feet; S. 44°39′ E., 1000 feet; S. 05°03′ E., 500 feet; S. 71°40′ E., 1550 feet; N. 84°52′22″ E., 7450 feet from the Southeast corner of said A–35; Thence, N. 04°21′ W. 1300 feet; Thence, S. 86°44′ W. 3750 feet; Thence, N. 03°52′ W., 2600 feet; Thence, Southeasterly, approximately 13,500 feet along the westerly gradient boundary of Village Creek; Thence, S. 66°14′ W., 1200 feet, along the North right-of-way line of Texas State Highway 327, to the Point of Beginning.

Survey and Abstract No.: Jacob Hall; A–31.

Portion: Part of said A–31 described as follows: Beginning on the North line of said A–31 at a point which lies N. 87°00′ E., 2800 feet from the Northwest corner of said A–31; Thence, N. 87°00′ E., 400 feet, along the North line of said A–31; Thence, Southeasterly, approximately 15,500 feet, along the westerly gradient boundary of Village Creek; Thence, S. 86°55′ W., 950 feet, along the South line of said A–31; Thence, N. 05°00′ W., 850 feet; Thence, N. 29°21′ W., 900 feet; Thence, N. 07°46′ W., 550 feet; Thence, N. 41°02′ W., 900 feet; Thence, N. 26°10′ W., 1750 feet; Thence, N. 00°14′ W., 1100 feet; Thence, N. 10°31′ W., 1650 feet, to the Point of Beginning.

Also Beginning on the South line of said A–31 at a point which lies N. 86°55′ E., 2750 feet from the Northwest corner of the L. De Lesslie Survey, A–35; Thence, Easterly, approximately 2600 feet, along the Southerly gradient boundary of Village Creek; Thence, S. 86°55′ W., 1700 feet, to the Point of Beginning.

Survey and Abstract No.: Henry Binns; A–6.

Portion: Part of said A–6 described as follows: Beginning on the South line of said A–6 at a point which lies N. 87°00′ E., 5850 feet from the Southwest corner of said A–6; Thence, N. 03°10′ E., 1125 feet; Thence, S. 85°46′ E., 600 feet, along the South right-of-way line of the A.T. and S.F. Railroad; Thence, Southerly, approximately 2000 feet, along the westerly gradient boundary of Village Creek; Thence, S. 87°00′ W., 500 feet,

along the south line of said A–6, to the Point of Beginning.

Also Beginning at a point of intersection of the Westerly gradient boundary of Village Creek with the North right-of-way line of A. T. and S. F. Railroad which lies N. 87°00′ E., 5850 feet; N. 03°10′ E., 1125 feet; S. 85°46′ E., 600 feet and N. 04°14′ E., 400 feet from the Southwest corner of said A–6; Thence, N. 85°46′ W., 600 feet; Thence, N. 01°09′ E., 1800 feet; Thence, N. 11°57′ W., 1750 feet; Thence, 1400.85 feet; Thence, N. 88°15′ E., 1400 feet, along the South right-of-way line of Farm Road 418; Thence, Southerly, approximately 10,000 feet, along the westerly gradient boundary of Village Creek, to the Point of Beginning.

Also Beginning on the North line of said A–6 at a point which lies N. 87°42′ E., 4300 feet from the Northwest corner of A–6; Thence, N. 87°42′ E., 2100 feet, along the North line of A–6; Thence, Southerly, approximately 1000 feet, along the westerly gradient boundary of Village Creek; Thence S. 88°51′ W., 2300 feet, along the North right-of-way line of Farm Road 418; Thence, S. 73°47′ W., 400 feet, continuing along said North right-of-way line; Thence, N. 04°23′ W., 600 feet, to the Point of Beginning.

Also Beginning on the North line of said A–6 at a point which lies N. 87°42′ E., 6550 feet, from the Northwest corner of A–6; Thence, N. 87°42′ E., 766 feet; Thence, S. 32°14′ E., 693 feet; Thence, S. 88°51′ W., 500 feet, along the Northerly right-of-way line of Farm Road 418; Thence, Northwesterly, approximately 1000 feet, along the easterly gradient boundary of Village Creek, to the Point of Beginning.

Survey and Abstract No.: A. Hampton; A–30.

Portion: Part of said A–30 described as follows: Beginning on the North line of said A–30 at a point which lies N. 88°07′29″ E., 5400 feet, from the Northwest corner of said A–30; Thence, N. 88°07′29″ E., 1300 feet, along the North line of said A–30; Thence, Southwesterly, approximately 14,000 feet along the westerly gradient boundary of Village Creek; Thence, S. 87°42′ W., 1100 feet; Thence, N. 04°23′ W., 1500 feet; Thence, N. 16°22′ E., 1306.04 feet; Thence, N. 41°32′ E., 1500 feet; Thence, N. 68°07′ E., 1100 feet; Thence, N. 11°23′ E., 2000 feet, to the Point of Beginning.

Also Beginning on the South line of A–30 at a point which lies N. 87°42′ E., 5600 feet from the Northwest corner of the Henry Binns survey, A–6; Thence, N. 05°20′ W., 900 feet; Thence, Southeasterly, approximately 1500 feet, along the westerly gradient boundary of Village Creek; Thence, S. 87°42′ W., 800 feet, along the South line of said A–30, to the Point of Beginning.

Also Beginning on the North line of A–30 at a point which lies N. 88°07′29″ E., 7300 feet from the Northwest corner of said A–30; Thence, N. 88°07′29″ E., 300 feet; Thence, Westerly, approximately 600 feet, along the northerly gradient boundary of Village Creek, to the Point of Beginning.

Also Beginning on the North line of A–30 at a point which lies N. 88°07′29″ E., 7700 feet from the Northwest corner of said A–30; Thence, N. 88°07′29″ E., 811.83 feet; Thence, S. 18°41′55″ W., 1012.93 feet; Thence, N. 77°58′ W., 650 feet; Thence, West, 300 feet; Thence, Northwesterly, approximately 1250 feet, along the easterly gradient boundary of Village Creek; Thence, N. 88°07′29″ E., 300 feet, along the North line of A–30; Thence, Easterly, approximately 1000 feet along the southerly gradient boundary of Village Creek, to the Point of Beginning.

Also Beginning on the South line of A–30 at a point which lies N. 87°42′ E., 6550 feet from the Northwest corner of the Henry Binns survey, A–6; Thence, Northwesterly and Northeasterly, approximately 11,000 feet, along the easterly gradient boundary of Village Creek; Thence, N. 85°01′ E., 700 feet; Thence, S. 42°41′ W., 4900 feet; Thence, S. 37°15′ E., 1425 feet; Thence, S. 32°14′ E., 657 feet; Thence, S. 87°42′ W., 766 feet, to the Point of Beginning.

Survey and Abstract No.: F. P. Elliott; A–18.

Portion: Part of said A–18 described as follows: Beginning on the North line of said A–18 at a point which lies N. 86°44′ E., 4488.81 feet, from the Northwest corner of said A–18, Thence, N. 86°44′ E., 3500 feet, along the North line of said A–18; Thence, S. 21°24′28″ W., 2352.86 feet; Thence, S. 14°00′ W., 400 feet; S. 14°02′ E., 1250 feet; Thence, S. 33°45′ E., 2500 feet; Thence, S. 14°40′ E., 1150 feet; Thence, S. 88°07′29″ W., 811.83 feet, along the South line of said A–18; Thence, Northwesterly, approximately 11,750 feet, along the easterly gradient boundary of Village Creek, to the Point of Beginning.

Also Beginning on the North line of said A–18 at a point which lies N. 86°44′ E., 2500 feet from the Northwest corner of said A–18; Thence, N. 86°44′ E., 988.81 feet, along the North line of said A–18; Thence, Southeasterly and Northeasterly approximately 500 feet, along the southerly gradient boundary of Village Creek; Thence, N. 86°44′ E., 600 feet, along the North line of A–18; Thence, Southeasterly 11,800 feet, along the westerly gradient boundary of Village Creek; Thence, S. 88°07′29″ W., 300 feet, along the South line of said A–18; Thence, Northwesterly and Southwesterly, 800 feet, along the northerly gradient boundary of Village Creek; Thence, S. 88°07′29″ W., 1300 feet, along the South line of A–18; Thence, N. 16°41′06″ W., 3455.80 feet; Thence, N. 00°55′ W., 1900 feet; Thence, N. 60°58′ W., 1850 feet; Thence, N. 48°46′ W., 1006.93 feet, to the Point of Beginning.

Also Beginning on the North line of said A–18 at a point which lies N. 86°44′ E., 3588.81 feet from the Northwest corner of said A–18; Thence, N. 86°44′ E., 100 feet, along the North line of said A–18; Thence, Westerly, 150 feet, along the northerly gradient boundary of Village Creek, to the Point of Beginning.

Also Beginning on the South line of said A–18 at a point which lies N. 88°07′29″ E., 6850 feet from the Southwest corner of said A–18; Thence, Northeasterly and Southeasterly, approximately 500 feet, along the southerly gradient boundary of Village Creek; Thence, S. 88°07′29″ W., 300 feet, to the Point of Beginning.

Survey and Abstract No.: A.A. Burell; A–5.

Portion: Part of said A–5 described as follows: Beginning on the South line of said A–5 at a point which lies N. 86°44′ E., 2500 feet from the Southwest corner of said A–5; Thence, N. 48°46′ W., 3593.07 feet; Thence, N. 03°25′18″ W., 900 feet, along the West line of said A–5; Thence, Southeasterly approximately 8500 feet along the westerly gradient boundary of Village Creek; Thence, S. 86°44′ W., 988.81 feet, along the South line of said A–5, to the Point of Beginning.

Also Beginning on the South line of said A–5 at a point which lies N. 86°44′ E., 4488.81 feet, from the Southwest corner of A–5; Thence, Northwesterly and Southwesterly approximately, 1500 feet, along the northerly gradient boundary of Village Creek; Thence, S. 86°44′ W., 100 feet, along the South line of said A–5; Thence, Northerly, approximately 8500 feet, along the easterly gradient boundary of Village Creek; Thence, N. 03°25′18″ W., 1350 feet along the west line of said A–5; Thence S. 37°25′ E., 1750 feet; Thence, S. 26°14′10″ E., 950 feet; Thence, S. 65°31′04″ E., 2400 feet; Thence, S. 77°49′ E., 1800 feet; Thence, South, 950 feet; Thence, S. 86°44′ W., 600 feet, to the Point of Beginning.

Also Beginning on the South line of said A–5 at a point which lies N. 86°44′ E., 3788.81 feet, from the Southwest corner of A–5; Thence, Northeasterly and Southeasterly, approximately 1250 feet, along the southerly gradient

boundary of Village Creek; Thence, S. 86°44′ W., 600 feet, along the South line of said A–5, to the Point of Beginning.

Survey and Abstract No.: G. W. E.; A–886.

Portion: All.

Survey and Abstract No.: Lawrence & Creecy; A–374.

Portion: Part of A–374 described as follows: Beginning at the Northeast corner of said A–374; Thence, S. 03°25′18″ E., 550 feet, along the East line of A–374; Thence, Northerly, approximately 600 feet, along the easterly gradient boundary of Village Creek; Thence, N. 88°00′ E., 50 feet, to the Point of Beginning.

Also Beginning on the North line of A–374 at a point which lies S. 88°00′ W., 150 feet from the Northeast corner of said A–374; Thence, Southerly, approximately 700 feet, along the westerly gradient boundary of Village Creek; Thence, S. 03°25′18″ E., 300 feet, Thence, N. 51°13′ W., 1500 feet, Thence, N. 88°00′ E., 961.15 feet, along the North line of said A–374, to the Point of Beginning.

Survey and Abstract No.: H. Barber; A–88.

Portion: Part of A–88 described as follows: Beginning on the West line of said A–88 at a point which lies S. 03°23′ E., 4400 feet, from the Northwest corner of said A–88; Thence, S. 36°11′ E., 5050 feet; Thence, S. 59°21′ E., 4400 feet; Thence, S. 03°25′18″ E., 800 feet, along the East line of said A–88; Thence, S. 86°58′27″ W., 100 feet along the South line of said A–88; Thence, Northwesterly, approximately 17,500 feet along the easterly gradient boundary of Village Creek; Thence, N. 03°23′ W., 1000 feet, along the West line of said A–88 to the Point of Beginning.

Survey and Abstract No.: G. Kisner; A–349.

Portion: Part of A–349 described as follows: Beginning on the East line of said A–349 at a point which lies S. 03°23′ E., 3800 feet from the Northeast corner of said A–349; Thence, S. 03°23′ E., 1000 feet, along the East line of said A–349; Thence, Southwesterly, approximately 4000 feet, along the northerly gradient boundary of Village Creek; Thence, N. 03°23′ W., 950 feet, along the West line of said A–349; Thence, N. 86°37′ E., 1300 feet; Thence, N. 58°36′ E., 2050 feet, to the Point of Beginning.

Survey and Abstract No.: G. Dorsey-1; A–191.

Portion: Part of A–191 described as follows: Beginning on the West line of said A–191 at a point which lies N. 04°50′ W., 4000 feet from the Southwest corner of said A–191; Thence, N. 04°50′ W., 300 feet, along the West line of said A–191; Thence, Easterly, approximately 5000 feet, along the southerly gradient boundary of Village Creek; Thence, S. 04°50′ E., 500 feet, along the East line of said A–191; Thence, S. 53°51′ W., 3050 feet, to the Point of Beginning.

Survey and Abstract No.: G. Dorsey-2; A–192.

Portion: Part of A–192 described as follows: Beginning on the East line of said A–192 at a point which lies N. 04°50′ W., 4000 feet, from the Southeast corner of said A–192; Thence, S. 86°37′ W., 900 feet; Thence, N. 66°31′ W., 2250 feet; Thence, N. 04°50′ W., 900 feet, along the West line of said A–192; Thence, Easterly, approximately 6000 feet, along the southerly gradient boundary of Village Creek; Thence, S. 04°50′ E., 300 feet, along the East line of said A–192, to the Point of Beginning.

Survey and Abstract No.: G. Dorsey-3; A–193.

Portion: Part of A–193 described as follows: Beginning on the East line of said A–193 at a point which lies N. 04°50′ W., 5050 feet from the Southeast corner of said A–193; Thence, N. 59°51′ W., 1450 feet; Thence, S. 56°43′ W., 1150 feet; Thence, N. 03°56′ W., 1650 feet, along the West line of said A–193; Thence, Easterly, approximately 3500 feet, along the southerly gradient boundary of Village Creek; Thence, S. 04°50′ E., 900 feet, to the Point of Beginning.

Survey and Abstract No.: T.M. McNeely; A–838.

Portion: Part of A–838 described as follows: Beginning at Turkey Creek Unit angle point no. 92; Thence, along the Easterly line of said Turkey Creek Unit the following 3 courses: 1. S. 34°41′58″ W., 1201.85 feet, to angle point no. 91; 2. S. 03°01′54″ E., 2960.10 feet, to angle point no. 90; 3. N. 71°43′43″ E., 1516.87 feet, to angle point no. 89; Thence, N. 05°14′01″ W., 2551.72 feet, along the West line of said A–838; Thence, N. 36°15′ W., 1150 feet, to the Point of Beginning.

Survey and Abstract No.: B. B. B. & C. R. R.–120; A–97.

Portion: Part of A–97 described as follows: Beginning at Turkey Creek Unit angle point no. 89, said point being the Southwest corner of said A–97; Thence, N. 05°14′01″ W., 2551.72 feet; Thence, S. 42°09′ E., 1800 feet; Thence, S. 11°12′ W., 1350 feet; Thence, N. 78°17′10″ W., 762.39 feet, along the South line of said A–97, to the Point of Beginning.

Also land in Hardin County as follows: All land lying between the Northerly and Easterly gradient boundary and southerly and westerly gradient boundary of Village Creek extending from the westerly line of the Lower Neches River Corridor Unit of the preserve upstream to the Easterly line of the Turkey Creek Unit of the preserve.

Boundary Description, Big Thicket National Preserve Big Sandy Corridor Unit;That Portion Lying Within Hardin County

The lands described below are derived from National Park Service Map Number 175–80008, copies of which are available for public inspection in the office of the National Park Service, Department of the Interior and the offices of the Superintendent of the preserve.

Survey and Abstract No.: George Brown Heirs; A–74.

Portion: Part of A–74 described as follows: Beginning at Turkey Creek Unit angle point no. 77; Thence, Northwesterly, approximately 10,000 feet, along the northerly gradient boundary of Village Creek; Thence, N. 01°00′ W., 1600 feet along the West line of said A–74; Thence, S. 70°47′ E., 1250 feet; Thence, S. 62°52′ E., 3700 feet; Thence, N. 70°37′ E., 1750 feet; Thence, N. 88°22′ E., 1500 feet; Thence, S. 18°57′10″ W., 900 feet, along the common line between the Turkey Creek Unit and said A–74, to the Point of Beginning.

Survey and Abstract No.: Samuel McDade; A–400.

Portion: Part of A–400 described as follows: Beginning at the Northeast corner of said A–400; Thence, S. 03°07′ E., 2250 feet, along the East line of said A–400; Thence, N. 81°10′ W., 3850 feet; Thence, N. 03°07′ W., 1750 feet, along the West line of A–400; Thence, Southeasterly, approximately 4500 feet, along the southerly gradient boundary of Village Creek, to the Point of Beginning.

Survey and Abstract No.: James Castello; A–165.

Portion: Part of A–165 described as follows: Beginning at the Northeast corner of said A–165; Thence, S. 03°07′ E., 1750 feet along the East line of A–165; Thence, N. 60°30′ E., 840 feet; Thence, S. 12°51′ W., 300 feet; Thence, S. 61°20′W., 200 feet; Thence, S. 07°47′E., 250 feet; Thence, S. 22°48′ E., 500 feet; Thence, S. 07°17′ E., 500 feet; Thence, S. 22°50′ W., 300 feet; Thence, S. 04°56′ E., 250 feet; Thence, S. 24°07′ W., 570 feet; Thence, S. 14°44′ E., 600 feet; Thence, S. 08°40′ W., 850 feet; Thence, S. 16°27′05″ E., 725 feet; Thence, S. 52°59′33″ W., 213.60 feet; Thence, N. 16°27′05″ W., 300 feet along the East line of lands of United States of America, National Park Service; Thence, N. 16°27′05″ W., 544.56 feet; Thence, N. 08°40′ E., 853.14 feet; Thence N.14°44′ W., 691.11 feet; Thence, N. 24°07′ E., 588.71 feet;

Thence, N. 04°56′ W., 247.62 feet; Thence, N. 22°50′ E., 295.63 feet; Thence, N. 07°17′ W., 418.94 feet; Thence, N. 22°48′ W., 499.11 feet; Thence, N. 07°47′ W., 414.12 feet; Thence, N. 61°20′ E., 247.70 feet; Thence, N. 12°51′ E., 269.75 feet; Thence, N. 60°30′ W., 2751.25 feet; Thence, N. 03°07′ W., 1200 feet; Thence, Southeasterly, approximately 5500 feet, along the southerly gradient boundary of Village Creek, to the Point of Beginning.

Survey and Abstract No.: Hardin County School Land; A–257.

Portion: Part of A–257 described as follows: Beginning at the Southeast corner of said A–257; Thence, Northwesterly, approximately 2250 feet, along the northerly gradient boundary of Village Creek; Thence, N. 01°30′ W., 700 feet along the common line between J. N. Cotten survey, A–534 and said A–257; Thence, S. 70°47′ E., 1150 feet; Thence, S. 01°00′ E., 1600 feet, along the common line between George Brown Heirs survey, A–74 and said A–257, to the Point of Beginning.

Also Beginning at the point of intersection of the West right-of-way line of U.S. Highway 69 and 287 with the northerly gradient boundary of Village Creek; Thence, Westerly, approximately 350 feet, along the northerly gradient boundary of Village Creek; Thence, N. 20°00′ W., 1800 feet, along the East right-of-way line of Southern Pacific Railroad; Thence, N. 88°52′ E., 600 feet; Thence, S. 10°55′42″ E., 1750 feet along the West right-of-way line of U.S. Highway 69 and 287, to the Point of Beginning.

Also Beginning at the point of intersection of the West line of the tract of land now or formerly owned by G.N. Christian, A–257–24, with the northerly gradient boundary of Village Creek; Thence, Northwesterly, approximately 8000 feet, along the northerly gradient boundary of Village Creek; Thence, N. 02°58′ W., 1300 feet, along the East line of the tract of land now or formerly owned by Watson and Watson, A–257–86–A; Thence, S. 59°23′ E., 5500 feet; Thence, S. 02°55′ E., 2050 feet, to the Point of Beginning.

Survey and Abstract No.: J.N. Cotten; A–534.

Portion: Part of A–534 described as follows: Beginning at the point of intersection of the West right-of-way line of U.S. Highway 69 and 287 with the northerly gradient boundary of Village Creek; Thence, N. 11°38′ W., 1250 feet, along the East right-of-way line of said U.S. Highway 69 and 287; Thence S. 70°47′ E., 1200 feet; Thence, S. 01°30′ E., 700 feet, along the East line of said A–534; Thence, Northwesterly, approximately 1400 feet, along the northerly gradient boundary of Village Creek, to the Point of Beginning.

Survey and Abstract No.: Samuel Lint; A–368.

Portion: Part of A–368 described as follows: Beginning at the Northeast corner of said A–368; Thence, S. 03°07′ E., 1200 feet, along the East line of said A–368; Thence, S. 88°09′ W., 850 feet; Thence, N. 11°38′ W., 1300 feet, along the East right-of-way line of U.S. Highway 69 and 287; Thence, Easterly, approximately 1200 feet, along the southerly gradient boundary of Village Creek, to the Point of Beginning.

Also Beginning at the point of intersection of the West right-of-way line of U.S. Highway 69 and 287 with the southerly gradient boundary of Village Creek; Thence, S. 10°55′42″ E., 1750 feet, along the West right-of-way line of U.S. Highway 69 and 287 to the point of intersection of said West right-of-way of U.S. Highway 69 and 287 with the East right-of-way line of the Southern Pacific Railroad; Thence, N. 20°00′ W., 1800 feet, along the East right-of-way line of the Southern Pacific Railroad; Thence, Easterly, approximately 250 feet, along the southerly gradient boundary of Village Creek, to the Point of Beginning.

Also Beginning at the Northwest corner of said A–368; Thence, Easterly, approximately 1250 feet, along the southerly gradient boundary of Village Creek; Thence, S. 20°00′ E., 1200 feet, along the Westerly right-of-way line of Southern Pacific Railroad; Thence, S. 88°09′ W., 1325 feet; Thence, N. 03°32′ W., 1050 feet, to the Point of Beginning.

Survey and Abstract No.: James U. Richardson; A–436.

Portion: Part of A–436 described as follows: Beginning at the Northeast corner of said A–436; Thence, S. 03°14′ E., 700 feet, along the East line of said A–436; Thence, N. 49°04′ W., 400 feet; Thence, N. 71°14′ W., 2000 feet; Thence, West, 2250 feet; Thence, N. 03°47′ W., 2700 feet, along the East line of the tract of land now or formerly owned by G.D. Flowers, A–436–6; Thence, S. 87°00′ W., 1300 feet, along the North line of said A–436–6; Thence, N. 03°47′ W., 1600 feet, along the West line of said A–436; Thence, Southeasterly, approximately 9000 feet along the southerly gradient boundary of Village Creek, to the Point of Beginning.

Survey and Abstract No.: Sam Overstreet; A–851.

Portion: Part of A–851 described as follows: Beginning on the West line of said A–851 at a point which lies N. 03°47′ W., 1150 feet, from the Southwest corner of said A–851; Thence, N. 03°37′ W., 250 feet, along the West line of said A–851; Thence, Northeasterly, approximately 4000 feet along the southerly gradient boundary of Village Creek; Thence, S. 03°47′ E., 1600 feet, along the East line of said A–851; Thence, S. 87°00′ W., 1250 feet, to the Point of Beginning.

Survey and Abstract No.: A. Rodriguez; A–434.

Portion: Part of A–434 described as follows: Beginning at the Southwest corner of A–434; Thence, N. 03°19′ W., 500 feet, along the West line of said A–434; Thence, N. 45°56′ E., 1800 feet; Thence, S. 80°41′ E., 1450 feet; Thence, S. 01°55′ E., 900 feet; Thence, Northwesterly and Southwesterly, along the northerly gradient boundary of Village Creek, to the Point of Beginning.

Survey and Abstract No.: Edward Lubititet; A–366.

Portion: Part of A–366 described as follows: Beginning at the Southwest corner of said A–366; Thence, N. 04°55′ W., 1000 feet, along the West line of said A–366; Thence, S. 82°53′ E., 3475 feet; Thence, S. 04°55′ E., 1300 feet, along the East line of said A–366; Thence, Westerly, approximately 4500 feet along the northerly gradient boundary of Village Creek, to the Point of Beginning.

Survey and Abstract No.: Jacob Buckman; A–85.

Portion: Part of A–85 described as follows: Beginning at the Northwest corner of said A–85; Thence, Easterly, approximately 3500 feet, along the southerly gradient boundary of Village Creek; Thence, S. 04°11′ E., 350 feet, along the East line of said A–85; Thence, N. 86°10′ W., 3275 feet; Thence, N. 02°30′ W., 850 feet, along the West line of said A–85, to the Point of Beginning.

Survey and Abstract No.: Thomas J. Hatton; A–279.

Portion: Part of A–279 described as follows: Beginning at the Southwest corner of said A–279; Thence, N. 04°30′ W., 2000 feet, along the West line of said A–279; Thence, S. 59°47′ E., 3200 feet; Thence, S. 04°55′ E., 1000 feet, along the East line of said A–279; Thence, Northwesterly, approximately 3000 feet along the northerly gradient boundary of Village Creek, to the Point of Beginning.

Survey and Abstract No.: Luke Bryan; A–76.

Portion: Part of A–76 described as follows: Beginning at the Northeast corner of said A–76; Thence, S. 02°30′ E., 850 feet along the East line of said A–76; Thence, N. 38°02′ W., 1025 feet; Thence, S. 87°36′ W., 1300 feet; Thence, N. 03°15′ W., 600 feet, along the West line of said A–76; Thence, Southeasterly, 2500 feet, along the

southerly gradient boundary of Village Creek, to the Point of Beginning.

Survey and Abstract No.: William Hamilton; A–266.

Portion: Part of said A–266 described as follows: Beginning at the Southwest corner of said A–266; Thence, N. 03°30′ W., 1300 feet, along the West line of said A–266; Thence, S. 75°30′ E., 2050 feet; Thence, S. 04°30′ E., 2000 feet, along the East line of said A–266; Thence, Northwesterly, approximately 3250 feet, along the northerly gradient boundary of Village Creek, to the Point of Beginning.

Survey and Abstract No.: Lewis Andrews; A–65.

Portion: Part of A–65 described as follows: Beginning at the Northeast corner of said A–65; Thence, S. 03°15′ E., 600 feet, along the East line of said A–65, Thence, S. 87°36′ W., 900 feet; Thence, N. 14°35′ W., 1275 feet; Thence, N. 39°12′ W., 1125 feet; Thence, N. 03°15′ W., 350 feet, along the West line of said A–65; Thence, Southeasterly, approximately 3000 feet, along the southerly gradient boundary of Village Creek, to the Point of Beginning.

Survey and Abstract No.: Thomas Penny; A–424.

Portion: Part of A–424 described as follows: Beginning at the Northeast corner of said A–424; Thence, S. 03°15′ E., 350 feet, along the East line of said A–424; Thence, S. 87°28′ W., 2700 feet; Thence, N. 02°45′ W., 1050 feet, along the West line of said A–424; Thence, Southeasterly, approximately 4000 feet, along the southerly gradient boundary of Village Creek, to the Point of Beginning.

Survey and Abstract No.: W.O. Flowers; A–205.

Portion: Part of A–205 described as follows: Beginning at the Southwest corner of said A–205; Thence, N. 03°30′ W., 800 feet, along the West line of said A–205; Thence, S. 75°30′ E., 1900 feet; Thence, S. 03°30′ E., 1300 feet, along the East line of said A–205; Thence, Northwesterly, approximately 2500 feet, along the northerly gradient boundary of Village Creek, to the Point of Beginning.

Survey and Abstract No.: D.F. Singleton; A–881.

Portion: Part of A–881 described as follows: Beginning at the Southwest corner of said A–881; Thence, N. 03°30′ W., 1000 feet, along the West line of said A–881; Thence, S. 75°30′ E., 350 feet; Thence, S. 03°30′ E., 800 feet, along the East line of said A–881; Thence, Southwesterly and Northwesterly, approximately 500 feet, along the northerly gradient boundary of Village Creek, to the Point of Beginning.

Survey and Abstract No.: T.&N.O. Railroad; A–482.

Portion: Part of A–482 described as follows: Beginning at the Northeast corner of said A–482; Thence, S. 02°45′ E., 1050 feet, along the East line of said A–482; Thence, S. 87°28′ W., 2650 feet; Thence, N. 03°15′ W., 1100 feet, along the West line of said A–482; Thence, Easterly, approximately 2700 feet, along the southerly gradient boundary of Village Creek, to the Point of Beginning.

Survey and Abstract No.: Louis E. Nordman; A–412.

Portion: Part of A–412 described as follows: Beginning at the Southwest corner of said A–412; Thence, N. 03°54′ W., 1500 feet, along the West line of said A–412; Thence, S. 87°17′ E., 2600 feet; Thence, S. 03°30′ E., 1000 feet, along the East line of said A–412; Thence, Westerly, approximately 2500 feet, along the northerly gradient boundary of Village Creek, to the Point of Beginning.

Survey and Abstract No.: James E. Price; A–556.

Portion: Part of A–556 described as follows: Beginning at the Northeast corner of said A–556; Thence, S. 03°15′ E., 1100 feet, along the East line of said A–556; Thence, S. 87°28′ W., 2700 feet; Thence, N. 03°15′ W., 850 feet, along the West line of said A–556; Thence, Easterly, approximately 3200 feet, along the southerly gradient boundary of Village Creek, to the Point of Beginning.

Survey and Abstract No.: Andrew Hay; A–264.

Portion: Part of A–264 described as follows: Beginning at the Northeast corner of said A–264; Thence, S. 03°15′ E., 850 feet, along the East line of said A–264; Thence, N .85°49′ W., 300 feet; Thence, N. 02°58′ W., 600 feet; Thence, Northeasterly and Southeasterly approximately 450 feet, along the southerly gradient boundary of Village Creek, to the Point of Beginning.

Also Beginning at the Northwest corner of said A–264; Thence, Southeasterly and Northeasterly, approximately 2250 feet, along the southerly gradient boundary of Village Creek; Thence, S. 02°58′ E., 850 feet; Thence, S. 88°04′ W., 1600 feet; Thence, N. 03°15′ W., 1550 feet along the West line of said A–264, to the Point of Beginning.

Survey and Abstract No.: Wilson Brooks; A–79.

Portion: ALL, of said A–79 that lies North of Farm Road 943.

Survey and Abstract No.: F. Helfenstein; A–263.

Portion: Part of A–263 described as follows: Beginning at the Southwest corner of said A–263; Thence, N.04°33′ W., 1950 feet, along the West line of said A–263; Thence, N. 88°31′ E., 4600 feet; Thence, S. 05°04′ E., 1950 feet, along the East line of said A–263; Thence, Northwesterly and Southwesterly, approximately 7500 feet along the northerly gradient boundary of Village Creek, to the Point of Beginning.

Survey and Abstract No.: Wilbur Cherry; A–154.

Portion: Part of A–154 described as follows: Beginning at the Northeast corner of said A–154; Thence, S. 03° 15′ E., 1050 feet, along the East line of said A–154; Thence, N. 82° 21′ W., 2000 feet; Thence, N. 01° 30′ W., 1500 feet, along the West line of said A–154; Thence, Southeasterly, approximately 3500 feet, along the southerly gradient boundary of Village Creek, to the Point of Beginning.

Also Beginning on the West line of said A–154 at a point which lies N. 01° 30′ W., 8050 feet from the Southwest corner of said A–154; Thence, N. 01° 30′ W., 300 feet, along the West line of said A–154; Thence, Southerly, approximately 350 feet, along the westerly gradient boundary of Village Creek, to the Point of Beginning.

Survey and Abstract No.: Henry Emerson; A–203.

Portion: Part of A–203 described as follows: Beginning at the Southwest corner of said A–203; Thence, N. 03° 32′ W., 2500 feet, along the West line of said A–203; Thence, N. 85° 59′ E., 2650 feet; Thence, S. 04° 33′ E., 4400 feet, along the East line of said A–203; Thence, Northwesterly, approximately 4500 feet, along the northerly gradient boundary of Village Creek, to the Point of Beginning.

Survey and Abstract No.: Peter Rich; A–433.

Portion: Part of A–433 described as follows: Beginning at the Northwest corner of said A–433; Thence, Easterly, approximately 1500 feet, along the southerly gradient boundary of Village Creek; Thence, S. 01° 30′ E., 300 feet; Thence, Southerly, approximately 500 feet along the westerly gradient boundary of Village Creek; Thence, S. 01° 30′ E., 1500 feet, along the East line of said A–433; Thence, N. 59° 31′ W., 1600 feet; Thence, N. 01° 30′ W., 1250 feet, along the West line of said A–433, to the Point of Beginning.

Survey and Abstract No.: Eliza A. Davis; A–565.

Portion: Part of A–565 described as follows: Beginning at the Northeast corner of said A–565; Thence, S. 01° 30′ E., 1250 feet; Thence, N. 59° 31′ W., 450 feet; Thence, N. 44° 57′ W., 3825 feet; Thence, N. 02° 45′ W., 800 feet, along the West line of said A–565; Thence, Southeasterly, approximately 5500 feet, to the Point of Beginning.

Survey and Abstract No.: F. Kriner; A–352.

Portion: All.

Survey and Abstract No.: T. & N. O. Railroad; A–680.

Portion: All.

Big Sandy Corridor Unit That Portion Lying Within Hardin and Tyler Counties

Survey and Abstract No.: Mosley Baker; A–87.

Portion: Part of A–87 within Hardin County described as follows: Beginning at the Northeast corner of said A–87; Thence, S. 02°45′ E., 800 feet, along the East line of A–87; Thence, N. 83°04′ W., 1400 feet; Thence, N. 03°00′ W., 1200 feet, along the West line of said A–87, to a point on the North line of Hardin County; Thence, East, 1000 feet along the North line of Hardin County; Thence, Southerly, approximately 800 feet along the westerly gradient boundary of Village Creek, to the Point of Beginning.

Also, a part of A–87 within Tyler County, Beginning at the Northwest corner of said A–87; Thence, Easterly, approximately 1000 feet, along the southerly gradient boundary of Village Creek; Thence, West, 1000 feet, along the South line of Tyler County; Thence, N. 03°00′ W., 100 feet, along the West line of said A–87, to the Point of Beginning.

Survey and Abstract No.: Elizabeth McAnally; A–392.

Portion: Part of A–392 within Hardin County described as follows: Beginning on the North line of Hardin County at a point which lies S. 03°00′ E., 100 feet from the Northeast corner of said A–392; Thence, S. 03° 00′ E., 1200 feet, along the East line of said A–392; Thence, N. 83°04′ W., 1875 feet; Thence, N. 02°15′ W., 850 feet, along the West line of said A–392; Thence, East, 1850 feet, along the North line of Hardin County, to the Point of Beginning.

Also, a part of A–392 within Tyler County, Beginning at the Northeast corner of said A–392; Thence, S. 03°00′ E., 100 feet along the East line of said A–392; Thence, West, 1850 feet along the South line of Tyler County; Thence, N. 02°15′ W., 150 feet, along the West line of said A–392; Thence, Easterly, approximately 2000 feet, along the southerly gradient boundary of Village Creek, to the Point of Beginning.

Survey and Abstract No.: John P. Dorenburg; A–186.

Portion: Part of A–186 within Hardin County described as follows: Beginning at the Northwest corner of said A–186; Thence, Northeasterly, 1000 feet, along the southerly gradient boundary of Village Creek; Thence, East 400 feet, along the North line of Hardin County; Thence, S. 02°15′ E., 850 feet, along the East line of said A–186; Thence, S. 87°54′ W., 1350 feet; Thence, North, 525 feet along the West line of said A–186, to the Point of Beginning.

Also, a part of A–186 within Tyler County, Beginning, at the Northeast corner of said A–186; Thence, S. 02°15′ E., 150 feet, along the East line of said A–186; Thence, West, 400 feet, along the South line of Tyler County; Thence, Northeasterly and Easterly approximately 500 feet, along the southerly gradient boundary of Village Creek, to the Point of Beginning.

Also, land in Hardin County and Tyler County described as follows: All land lying between the Northerly and Easterly gradient boundary and Southerly and Westerly gradient boundary of Village Creek extending from the westerly line of the Turkey Creek Unit of the preserve upstream, crossing through Hardin County and Tyler County to the Easterly line of Polk County.

Big Sandy Corridor Unit, That Portion Lying Within Tyler County

Survey and Abstract No.: F. Kriner; A–423.

Portion: Part of A–423 described as follows: Beginning at the Southwest corner of A–423; Thence, N. 02°45′ W., 1250 feet, along the West line of said A–423; Thence, N. 87°32′ E., 2800 feet; Thence, S. 03°32′ E., 1850 feet, along the East line of said A–423; Thence, West, 2850 feet, along the South line of Tyler County, to the Point of Beginning.

Survey and Abstract No.: T. & N. O. Railroad; A–924.

Portion: Part of A–924 described as follows: Beginning at the Southwest corner of said A–924; Thence, N. 03°00′ W., 1000 feet, along the West line of said A–924; Thence, N. 87°32′ E., 600 feet; Thence, S. 02°45′ E., 1250 feet, along the East line of A–924; Thence, West, 400 feet, along the South line of Tyler County; Thence, Northwesterly, approximately 500 feet, along the northerly gradient boundary of Village Creek, to the Point of Beginning.

Survey and Abstract No.: Frederick Gunderman; A–286.

Portion: Part of A–286 described as follows: Beginning at the Southwest corner of said A–286; Thence, N. 03°00′ W., 1125 feet, along the West line of said A–286; Thence N. 87°00′ E., 1750 feet; Thence, S. 03°00′ E., 1100 feet, along the East line of said A–286; Thence, Westerly, approximately 1800 feet, along the northerly gradient boundary of Village Creek, to the Point of Beginning.

Big Sandy Corridor Unit, That Portion Lying Within Polk County

Survey and Abstract No.: C.J. Conner; A–463.

Portion: Part of A–463 described as follows: Beginning at the Northwest corner of said A–463; Thence, Southeasterly approximately 5000 feet along the southerly gradient boundary of Big Sandy Creek; Thence, S. 03°45′ E., 1600 feet along the East line of said A–463; Thence, Southwesterly and Northwesterly, approximately 2500 feet, along the northerly right-of-way line of Farm Road 943; Thence, N. 03°45′ W., 3400 feet, along the West line of said A–463, to the Point of Beginning.

Survey and Abstract No.: T.F. Pinckney; A–1030.

Portion: All.

Exception to A–1030

Excepting Therefrom the following described parcel: Beginning on the East line of said A–1030; Thence, S. 78°10′ W., 50 feet; Thence, N. 59°55′18″ W., 325 feet; Thence, N. 25°25′ E., 450 feet; Thence, East, 150 feet; Thence, S. 03°45′ W., 550 feet, along the East line of said A–1030, to the Point of Beginning.

Survey and Abstract No.: Hugh Jackson; A–361.

Portion: Part of A–361 described as follows: Beginning at the Northeast corner of said A–361; Thence, S. 03°45′ E., 3400 feet, along the East line of A–361; Thence, Northwesterly, approximately 3500 feet, along the North right-of-way line of Farm Road 943; Thence, N. 03°30′ W., 1300 feet, along the West line of said A–361; Thence, Easterly, approximately 4500 feet, along the southerly gradient boundary of Big Sandy Creek, to the Point of Beginning.

Survey and Abstract No.: Michael Fedenspill; A–725.

Portion: Part of A–725 described as follows: Beginning at the Southeast corner of said A–725; Thence, Westerly, approximately 3000 feet, along the northerly gradient boundary of Big Sandy Creek; Thence, N. 03°30′ W., 1230 feet; Thence, S. 87°54′ 33″ E., 1914.28 feet; Thence, S. 03°45′ E., 1080 feet, along the East line of said A–725, to the Point of Beginning.

Survey and Abstract No.: Marcell Victor; A–588.

Portion: Part of A–588 described as follows: Beginning at the Northwest corner of A–588; Thence, N. 67°00′ E., 350 feet, along the Northerly line of A–588; Thence, Southeasterly, approximately 3000 feet, along the southerly gradient boundary of Big Sandy Creek; Thence, S. 03°30′ E., 1300 feet, along the East line of said A–588;

Thence, Northwesterly, approximately 3000 feet, along the North right-of-way line of Farm Road 943; Thence, N. 03°45′ W., 1400 feet, along the West line of said A–588, to the Point of Beginning.

Also Beginning at the Northeast corner of said A–588; Thence, S. 03°30′ E., 1450 feet, along the East line of said A–588; Thence, Northwesterly, approximately 3000 feet, along the northerly gradient boundary of Big Sandy Creek; Thence, N. 67°00′ E., 2600 feet, along the North line of said A–588, to the Point of Beginning.

Survey and Abstract No.: P. Garcia; A–254.

Portion: Part of A–254 described as follows: Beginning at the Northeast corner of said A–254; Thence, S. 03°45′ E., 1400 feet along the East line of A–254; Thence, Northwesterly, approximately 1500 feet, along the Northerly right-of-way line of Farm Road 943; Thence, N. 67°00′ E., 1450 feet, along the North line of A–254, to the Point of Beginning.

Survey and Abstract No.: Jacob Buckman; A–111.

Portion: Part of A–111 described as follows: Beginning at the Southeast corner of said A–111; Thence, N. 53°33′ E., 3618.44 feet, along the South line of said A–111; Thence, N. 02°45′ W., 1230.86 feet along the West line of said A–111; Thence, S. 48°30′ E., 3875 feet; Thence, S. 04°45′ E., 814.38 feet, along the East line of said A–111, to the Point of Beginning.

Survey and Abstract No.: I. & G. N. Railroad; A–701.

Portion: Part of said A–701 described as follows: Beginning at the Southeast corner of said A–701; Thence, Northwesterly, approximately 250 feet, along the northerly gradient boundary of Big Sandy Creek; Thence, N. 53°33′ W., 170 feet along the southerly line of said A–701; Thence, Northwesterly, approximately 1100 feet, along the northerly gradient boundary of Big Sandy Creek; Thence, N. 53°33′ W., 650 feet, along the southerly line of said A–701; Thence, Northwesterly, approximately 900 feet, along the northerly gradient boundary of Big Sandy Creek; Thence, N. 53°33′ W., 450 feet, along the Southerly line of said A–701; Thence, Northwesterly, approximately 800 feet, along the northerly gradient boundary of Big Sandy Creek; Thence, N. 53°33′ W., 1550 feet, along the Southerly line of said A–701; Thence, N. 36°52′ W., 1350 feet; Thence, S. 48°30′ E., 4500 feet; Thence, S. 02°45′ E., 1230.86 feet, along the East line of said A–701, to the Point of Beginning.

Also Beginning on the South line of said A–701 at a point which lies N. 53°33′ W., 100 feet from the Southeast corner of said A–701; Thence, N. 53°33′ W., 50.29 feet, along the south line of said A–701; Thence, Southeasterly, approximately 250 feet along the southerly gradient boundary of Big Sandy Creek, to the Point of Beginning.

Also Beginning on the South line of said A–701 at a point which lies N. 53°33′ W., 520.29 feet from the Southeast corner of said A–701; Thence, N. 53°33′ W., 750 feet along the South line of said A–701; Thence, Southeasterly, approximately 1100 feet, along the southerly gradient boundary of Big Sandy Creek, to the Point of Beginning.

Also Beginning on the South line of said A–701 at a point which lies N. 53°33′ W., 2120.29 feet, from the Southeast corner of said A–701; Thence, N. 53°33′ W., 500 feet, along the South line of said A–701; Thence, Southeasterly, approximately 900 feet, along the southerly gradient boundary of Big Sandy Creek, to the Point of Beginning.

Also Beginning on the South line of said A–701 at a point which lies N. 53°33′ W., 3270.29 feet from the Southeast corner of said A–701; Thence, N. 53°33′ W., 350 feet, along the South line of said A–701; Thence, Southeasterly, approximately 800 feet, along the southerly gradient boundary of Big Sandy Creek, to the Point of Beginning.

Survey and Abstract No.: Andreas Morales; A–52.

Portion: Part of A–52 described as follows: Beginning on the Southeasterly line of said A–52 at a point which lies S. 67°00′ W., 4400 feet from the Easterly most corner of said A–52; Thence N. 54°24′31″ W., 848.66 feet, along the North right-of-way line of Farm Road 943; Thence, N. 23°49′ W., 700 feet; Thence, N. 05°25′ W., 2300 feet; Thence, N. 39°32′ W., 2700 feet; Thence, N. 88°56′ W., 1540 feet; Thence, N. 63°10′ W., 625 feet; Thence, S. 65°25′ W., 175 feet; Thence, N. 24°35′ W., 1350 feet; Thence, S. 63°43′ W., 2050 feet; Thence, N. 52°51′ W., 2600 feet; Thence, S. 63°14′ W., 1825 feet; Thence, N. 63°23′ W., 1925 feet, along the North right-of-way line of Farm Road 943; Thence, N. 59°53′ W., 3250 feet, along the North right-of-way line of Farm Road 943; Thence, N. 65°00′ E., 3700 feet along the Northwesterly line of said A–52; Thence, Southeasterly, approximately 21,000 feet, along the southerly gradient boundary of Big Sandy Creek; Thence, S. 53°33′ E., 350 feet along the Northeasterly line of said A–52; Thence, Southeasterly, approximately 900 feet, along the southerly gradient boundary of Big Sandy Creek; Thence, S. 53°33′ E., 500 feet along the Northeasterly line of said A–52; Thence, Southeasterly, approximately 1000 feet, along the southerly gradient boundary of Big Sandy Creek; Thence, S. 53°33′ E., 750 feet, along the Northeasterly line of said A–52; Thence, Southeasterly, approximately 500 feet, along the southerly gradient boundary of Big Sandy Creek; Thence, S. 53°33′ E., 50.29 feet, along the Northeasterly line of said A–52; Thence, southeasterly, approximately 8100 feet, along the southerly gradient boundary of Big Sandy Creek; Thence, S. 67°00′ W., 1800 feet, along the southerly line of said A–52, to the Point of Beginning.

Also Beginning at the most Northerly corner of said A–52; Thence, S. 27°46′ W., 2100 feet; Thence, Northwesterly, approximately 2500 feet, along the northerly gradient boundary of Big Sandy Creek; Thence, N. 65°00′ E., 3000 feet along the Northwesterly line of said A–52, to the Point of Beginning.

Also Beginning on the Northeasterly line of A–52 at a point which lies N. 53°33′ W., 9000 feet; from the most Easterly corner of said A–52; Thence, Northwesterly, approximately 900 feet, along the northerly gradient boundary of Big Sandy Creek; Thence, S. 53°33′ E., 450 feet, along the Northeasterly line of said A–52, to the Point of Beginning.

Also Beginning on the Northeasterly line of said A–52 at a point which lies N. 53°33′ W., 7650 feet; from the most Easterly corner of said A–52; Thence, Northwesterly, approximately 1000 feet, along the northerly gradient boundary of Big Sandy Creek; Thence, S. 53°33′ E., 650 feet, along the Northeasterly line of A–52, to the Point of Beginning.

Also Beginning on the Northeasterly line of said A–52 at a point which lies N. 53°33′ W., 6530 feet; from the most Easterly corner of said A–52; Thence, Northwesterly, approximately 500 feet, along the northerly gradient boundary of Big Sandy Creek; Thence, S. 53°33′ E., 170 feet, along the Northeasterly line of said A–52, to the Point of Beginning.

Also Beginning at the most Easterly corner of said A–52; Thence, S. 67°00′ W., 2600 feet, along the Southerly line of said A–52; Thence, Northwesterly, approximately 8000 feet, along the Northerly gradient boundary of Big Sandy Creek; Thence, S. 53°33′ E., 6279.71 feet, along the Northeasterly line of said A–52, to the Point of Beginning.

Survey and Abstract No.: Mary Thomas; A–75.

Portion: Part of said A–75 described as follows: Beginning on the Southerly line of said A–75 at a point which lies S. 65°00′ W., 3805.45 feet, from the most Easterly corner of said A–75; Thence, S.

65°00′ W., 1969.57 feet, along the Southerly line of said A–75; Thence, N. 54°13′ W., 2425 feet; Thence, N. 61°43′ E., 1950 feet; Thence, N. 53°26′ W., 1400 feet; Thence, N. 65°00′ E., 2200 feet; Thence, Southeasterly, approximately 3500 feet, along the southerly gradient boundary of Big Sandy Creek; Thence, S. 63°16′ W., 1200 feet; Thence, S. 53°26′ E., 1750 feet, to the Point of Beginning.

Also Beginning on the Northeasterly line of said A–75 at a point which lies N. 54°46′ W., 1901.61 feet, from the most Easterly corner of said A–75; Thence, S. 63°16′ W., 2396.27 feet; Thence, Northwesterly, approximately 3500 feet, along the northerly gradient line of Big Sandy Creek; Thence, N. 65°00′ E., 1400 feet; Thence, S. 54°46′ E., 2083.50 feet, to the Point of Beginning.

Also Beginning at the most Easterly corner of said A–75, Thence, S. 65°00′ W., 3000 feet, along the Southerly line of said A–75; Thence, Northwesterly, approximately 3500 feet, along the northerly gradient boundary of Big Sandy Creek; Thence, N. 63°16′ E., 2800 feet; Thence, S. 54°46′ E., 1650 feet, along the Northeasterly line of said A–75, to the Point of Beginning.

Also, land in Polk County described as follows: All land lying between the Northerly and Easterly gradient boundary and Southerly and Westerly gradient boundary of Big Sandy Creek extending upstream, from the East line of Polk County to the East line of the Big Sandy Creek Unit of the preserve.

Boundary Description—Big Thicket National Preserve, Canyonlands Unit, That Portion Lying Within Tyler County

The lands described below are derived from National Park Service Map Number 175–80,008, copies of which are available for public inspection in the offices of the National Park Service, Department of the Interior, and the offices of the Superintendent of the preserve.

Survey and Abstract No.: John J. Pemberton; A–503.

Portion: Part of A–503 described as follows: Beginning on the Westerly line of the Upper Neches River Corridor Unit at a point which lies S. 04°55′40″ E., 382.17 feet, from angle point no. 134 of said Upper Neches River Corridor Unit; Thence, S. 04°55′40″ E., 109.71 feet; Thence, S. 86°20′45″ W., 1300 feet; Thence, N. 51°18′ W., 700 feet; Thence, N. 87°39′ E., 2150 feet, along the North line of said A–503, to the Point of Beginning.

Survey and Abstract No.: John J. Pemberton; A–529.

Portion: Part of A–529 described as follows: Beginning at angle point no. 132 on the Westerly line of the Upper Neches River Corridor Unit; Thence, along the Westerly line of said Upper Neches River Corridor Unit, the following 3 courses: 1. S. 35°10′38″ E., 979.76 feet; 2. S. 40°36′33″ W., 2180.43 feet; 3. S. 04°55′40″ E., 382.17 feet; Thence, S. 87°39′00″ W., 2150 feet, along the South line of said A–529; Thence, N. 21°34′ W., 2150 feet; Thence, N. 86°49′01″ E., 3800 feet, to the Point of the Beginning.

Survey and Abstract No.: C.J.M. Sapp; A–597.

Portion: Part of A–597 described as follows: Beginning at angle point no. 131 on the Westerly line of the Upper Neches River Corridor Unit; Thence, S. 35°10′38″ E., 1300 feet, to angle point no. 132 on the Westerly line of the Upper Neches River Corridor Unit; Thence, S. 86°49′01″ W., 3800 feet, along the South line of said A–597; Thence, N. 21°34′ W., 850 feet, to the Southeast corner of the W. D. Pearce Survey, A–520; Thence, N. 03°00′ W., 300 feet; Thence, N. 86°49′01″ E., 3350 feet, along the North line of said A–597 to the Point of Beginning.

Survey and Abstract No.: Solomon Bright, A–90.

Portion: Part of A–90 described as follows: Beginning at angle point no. 130 on the Westerly line of the Upper Neches River Corridor Unit; Thence, S. 40°06′33″ E., 2472.08 feet, to angle point no. 131 on the Westerly line of the Upper Neches River Corridor Unit; Thence, S. 86°49′01″ W., 3350 feet, along the South line of said A–90; Thence, N. 03°00′ W., 2250 feet, along the West line of said A–90; Thence, N. 87°00′ E., 1900 feet, to the Point of Beginning.

Survey and Abstract No.: C. J. M. Sapp; A–599.

Portion: Part of A–599 described as follows: Beginning at angle point no. 129 on the Westerly line of the Upper Neches River Corridor Unit; Thence, S. 26°28′58″ W., 1333.25 feet, to angle point no. 130 on the Westerly line of the Upper Neches River Corridor Unit; Thence, S. 87°00′ W., 1900 feet, along the South line of said A–599; Thence, N. 03°00′ W., 1200 feet, along the West line of said A–599; Thence, N. 87°00′ E., 2400 feet, to the Point of Beginning.

Survey and Abstract No.: W. D. Pearce; A–520.

Portion: Part of A–520 described as follows: Beginning at the Northeast corner of said A–520; Thence, S. 03°00′ E., 2500 feet, along the East line of said A–520; Thence, S. 87°00′ W., 1700 feet; Thence, N. 03°00′ W., 2500 feet; Thence, N. 87°00′ E., 1700 feet, along the North line of said A–520, to the Point of Beginning.

Survey and Abstract No.: Josiah Wheat; A–661.

Portion: Part of A–661 described as follows: Beginning at angle point no. 128 on the Westerly line of the Upper Neches River Corridor Unit; Thence, S. 17°39′17″ W., 2665 feet, to angle point no. 129 on the Westerly line of the Upper Neches River Corridor Unit; Thence, S. 87°00′ E., 4100 feet, along the South line of said A–661; Thence, N. 06°19′ W., 2000 feet; Thence, N. 26°28′ W., 750 feet; Thence, N. 87°19′20″ E., 5900 feet, along the North line of said A–661, to the Point of Beginning.

Survey and Abstract No.: James H. Fulgham; A–256.

Portion: Part of A–256 described as follows: Beginning at angle point no. 125 on the Westerly line of the Upper Neches River Corridor Unit; Thence, along the Westerly line of the Upper Neches River Corridor Unit the following 3 courses: 1. S. 65°03′35″ E., 2077.79 feet; to angle point no. 126; 2. S. 04°00′ E., 1254.69 feet, to angle point no. 127; 3. S. 06°53′46″ W., 1840.95 feet to angle point no. 128; Thence, S. 87°19′20″ W., 4100 feet, along the South line of A–256; Thence, N. 25°30′ W., 1450 feet; Thence, N. 08°45′ W., 1900 feet; Thence N. 27°30′ W., 500 feet; Thence, S. 86°33′27″ W., 3600 feet, along the North line of said A–25, to the Point of Beginning.

Survey and Abstract No.: Jackson Williams; A–660.

Portion: Part of A–660 described as follows: Beginning at angle point no. 124 on the Westerly line of the Upper Neches River Corridor Unit; Thence, S. 18°36′52″ E., 1899.72 feet, to angle point no. 125 on the Westerly line of the Upper Neches River Corridor Unit; Thence, S. 86°33′27″ W., 3600 feet, along the South line of said A–660; Thence, N. 27°30′ W., 400 feet; Thence, N. 44°30′ W., 400 feet; Thence, N. 58°30′ W., 1300 feet; Thence, N. 31°00′ W., 450 feet; Thence, N. 87°21′38″ E., 4500 feet, to the Point of Beginning.

[FR Doc. 94–1023 Filed 1–13–94; 8:45 am]

BILLING CODE 4310–70–P

Bureau of Land Management

[UT–080–4210–04; UTU–65199]

Realty Action; Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action; exchange of public and private lands, Serial Number UTU–65199.

SUMMARY: The following described public lands, located in Uintah County, Utah have been found suitable for disposal by exchange pursuant to Section 206 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1716):

Salt Lake, Meridian, Utah

T. 1 N., R. 23 E.,
Sec. 1: NW¼SE¼.
T. 1 S., R. 23 E.,
Sec. 8: SE¼SW¼;
Sec. 22: SE¼SE¼;
Sec. 23: SE¼SW¼, SW¼SE¼;
Sec. 24: NW¼NW¼;
Sec. 26: Lot 1, N½NE¼, NE¼NW¼;
Sec. 27: E½NE¼.
T. 1 S., R. 24 E.,
Sec. 29: S½SW¼;
Sec. 30: Lot 5 through 7, SE¼NE¼, E½SE¼;
Sec. 31: Lots 5 through 14.
T. 2 S., R. 24 E.,
Sec. 5: S½NW¼, N½SW¼, SE¼;
Sec. 6: Lot 1 through 3, S½NE¼, SE¼NW¼, E½SE¼.
T. 3 S., R. 19 E.,
Sec. 26: SW¼NW¼, SW¼;
Sec. 27: Lots 1 through 3, NE¼NW¼;
Sec. 28: Lots 1 and 2;
Sec. 29: Lot 1.
T. 4 S., R. 22 E.,
Sec. 12: W½NE¼;
Sec. 13: NE¼NE¼, E½E½NW¼SW¼, NE¼SE¼, S½SE¼;
Sec. 24: W½NW¼, W½NE¼NW¼SW¼, W½NW¼SW¼, SE¼NW¼SW¼, SW¼SW¼;
Sec. 25: E½E½NW¼NW¼, E½E½SW¼NW¼, W½NE¼SW¼NW¼, W½SW¼NW¼, W½SE¼SW¼NW¼.
T. 5 S., R. 22 E.,
Sec. 3: N½SE¼, SE¼SE¼;
Sec. 10: NE¼NE¼, N½SE¼NE¼, NE¼SW¼SE¼NE¼, SE¼SE¼NE¼;
Sec. 11: NE¼SW¼, E½SE¼SW¼, N½NW¼SE¼SW¼, SE¼NW¼SE¼SW¼;
Sec. 25: W½NW¼NW¼, W½SE¼NW¼NW¼.
T. 6 S., R. 22 E.,
Sec. 17: NW¼NE¼, SE¼NE¼, NE¼NW¼.
T. 6 S., R. 25 E.,
Sec. 13: Lots 7 and 12;
Sec. 15: SE¼NE¼;
Sec. 24: Lots 1, 6 and 7.
Containing 3,206.94 acres, more or less.

In exchange for the lands selected from the public land exchange pool, described above, the United States would acquire fee title to private land owned by the Rocky Mountain Elk Foundation chosen from the private land exchange pool described below:

Salt Lake, Meridian, Utah

T. 12 S., R. 24 E.,
Sec. 13: S½NE¼, SE¼NW¼, N½SE¼;
Sec. 34: NE¼SE¼;
Sec. 35: NW¼SW¼;
Sec. 36: All.
T. 12 S., R. 25 E.,
Sec. 18: SW¼NE¼, S½NW¼, SW¼;
Sec. 19: NW¼.
T. 13 S., R. 24 E.,
Sec. 3: N½SW¼;
Sec. 35: E½SW¼, SW¼SE¼.
T. 14 S., R. 24 E.,
Sec. 1: SW¼SW¼, SE¼SW¼;
Sec. 2: Lot 2, SW¼NE¼, N½SE¼, SE¼SE¼;
Sec. 12: SW¼NE¼, N½NW¼, SE¼NW¼, W½SE¼, SE¼SE¼;
Sec. 13: N½NE¼, SE¼NE¼.
T. 14 S., R. 25 E.,
Sec. 12: E½SE¼;
Sec. 13: N½NE¼, SE¼NE¼;
Sec. 15: SW¼NE¼, NW¼SE¼, SW¼SE¼;
Sec. 18: Lots 2 & 5;
Sec. 19: E½SW¼;
Sec. 21: SE¼NE¼, N½SE¼;
Sec. 22: NW¼NE¼, N½NW¼, SW¼NW¼;
Sec. 23: SW¼NW¼, SW¼, N½SE¼, SE¼SE¼;
Sec. 24: SW¼SW¼;
Sec. 25: NW¼NE¼, S½NE¼, N½NW¼, E½SE¼.
Sec. 27: SW¼NE¼
Sec. 30: NW¼NE¼, NE¼NW¼,N½SE¼, SE¼SE¼;
Sec. 31: NE¼NE¼.
T. 14 S., R. 26 E.,
Sec. 18: Lot 2, SW¼NW¼.
T. 15 S., R. 25 E.,
Sec. 5: Lot 8, NE¼SW¼, SW¼SE¼;
Sec. 8: NW¼NE¼, SW¼NE¼, N½SE¼, SE¼SE¼;
Sec. 17: E½E½;
Sec. 20: N½NE¼, SW¼NE¼;
Sec. 21: W½NW¼, SE¼NW¼, E½SW¼;
Sec. 33: SW¼NE¼.
T. 13 S., R. 26 E.,
Sec. 30: Lots 1 through 8.
T. 14 S., R. 26 E.,
Sec. 30: Lot 1, 2 & 3, NW¼NW¼, SW¼NW¼, NW¼SW¼.
Containing 5,129.19 acres, more or less.

Note: Publication of this Notice of Realty Action (NORA) terminates and replaces the NORA published under serial number UTU–65199 on November 23, 1992, in Vol. 57, No. 220, Pages 53927 & 53928 of the **Federal Register.**

The purpose of the land exchange is to acquire private land located in the Book Cliffs region of southeastern Uintah County, Utah in exchange for public land. The offered private land, known locally as the Cripple Cowboy Ranch, is needed to consolidate public land ownership within the Book Cliffs. Acquisition of the offered ranch property will enhance resource management objectives to preserve crucial Rocky Mountain elk calving areas; protect habitat for mule deer, black bear, and other wildlife species; improve and protect riparian habitat; enhance native fisheries and provide for public access and recreational opportunities for future generations in the Book Cliffs region.

The public land will be used to equalize land values for the offered private lands within the Book Cliffs pursuant to the exchange agreement between RMEF and BLM. The exchange would proceed until such time as the values of the public and private lands reach full equalization.

In addition to acquiring part of the Cripple Cowboy Ranch via land exchange, riparian lands and associated water rights for portions of the offered ranch property may be removed from the above described pool of private lands to allow direct purchase by the United States.

Disposal of the selected public lands would be subject to the following reservations and third party rights:

Federal Reservations

1. A right-of-way for ditches or canals to the United States in accordance with 43 U.S.C. 945.

2. Those rights for the 138 kV electric power transmission line granted to the Western Area Power Administration, its successors or assigns, by R/W grant, U–0144547, pursuant to the Act of December 5, 1924 (43 Stat. 672).

3. A reservation of oil and gas to the United States for those public lands with moderate to high potential for oil and gas minerals together with the right to explore, prospect for, mine, and remove same under applicable law and regulations.

Third Party Rights

1. Those rights for an access road granted to Robert Young by right-of-way (R/W) grant, UTU–53930.

2. Those rights for electric powerline purposes granted to Moon Lake Electric Association by R/W grants, UTU–50821 and UTU–53079.

3. Those rights for telephone line purposes granted to the Mountain States Telephone and Telegraph Company by R/W grant, UTU–53097.

4. Those rights for a buried water pipeline granted to Sunshine Irrigation Company by R/W grant, UTU–65121.

5. Those rights for a buried water pipeline granted to Jensen Water District by R/W grant, UTU–53937.

6. Those rights for an access road granted to Leonard Heeney by R/W grant, UTU–47456.

7. Those rights for a road granted to Uintah County by R/W grant, UTU–71236.

Oil & Gas Leases

Those rights granted to the holders of oil and gas (O&G) leases, described below, pursuant to the Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. 181, as amended):

1. O&G lease, U–65924, leased to Beard Oil Company, Myers W.

Lockyard, and Petrowest Exploration, Incorporated.

2. O&G leases, U–67262 & U–66075, leased to Atlantic Richfield and Beard Oil Company, respectively.

3. O&G lease, U–66823, leased to Atlantic Richfield.

Grazing Permits

The privilege of existing grazing permittees to graze their livestock on public lands encumbered by such permits would expire two years from the date of publication of the Notice of Realty Action in the **Federal Register**, unless the permittees choose to waive their grazing privileges earlier.

Floodplain

Conveyance of these lands by the Secretary of the Interior shall not exempt the patent holder or subsequent owners of title from compliance with applicable Federal or State law and compliance with State or local land use plans, including floodplain management restrictions.

The offered private land will be acquired subject to the following third party rights and reservations:

1. A Class "D" Road Resolution executed by the Uintah County Commission recorded April 22, 1992 as Entry #92002016 in Book 527 at Page 211 of official records of Uintah County, Utah.

2. Any oil, gas, and mineral rights not reserved to the United States of America.

3. Rights-of-way and easements for roads, ditches, transmission and utility lines, now existing on, over, under or across said premises.

4. An easement in favor of Northwest Pipeline Corporation, recorded September 19, 1979, as entry No. 171200, in the official records of Uintah County, Utah.

Publication of this notice in the **Federal Register** will segregate the public lands from the operation of the public land laws and the mining laws, except for mineral leasing. The segregative effect will end upon issuance of patent or two (2) years from the date of publication, whichever occurs first.

For a period of 45 days from the publication date of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Vernal District Office, 170 South 500 East, Vernal, Utah 84078.

FOR FURTHER INFORMATION CONTACT: Peter Kempenich, Natural Resource Specialist, Phone (801) 781–4432.

Dated: December 20, 1993.

David E. Little,

District Manager.

[FR Doc. 94–5 Filed 1–13–94; 8:45 am]

BILLING CODE 4310–DQ–M

National Park Service

Chickasaw National Recreation Area; Park Boundary

AGENCY: National Park Service, Interior.

ACTION: Notice; correction of park boundary.

Public Law 94–235 established Chickasaw National Recreation Area on March 17, 1976. The legislation specified that the total acreage of the recreation area may not exceed 10,000 acres. On December 9, 1991, a notice of a change in the boundary was published in the **Federal Register**, Vol. 56, No. 236, page 64272. This notice revised the boundaries of the area as depicted on a map entitled "Boundary Map, Chickasaw National Recreation Area," Drawing No. 107/80027, dated April 1991.

During the process of transferring jurisdiction from the Bureau of Reclamation to the National Park Service in accordance with the 1965 Memorandum of Agreement, three errors were made in mapping the original boundary and these errors were perpetuated in subsequent mapping. The three areas requiring correction are described as follows:

Boundary Area "A" is located in the NW¼ of section 6, Township 1 South, Range 3 East, Indian Meridian, Murray County, Oklahoma. The original boundary is revised so as to exclude 41.16 acres which were never acquired by the Bureau of Reclamation from H.H. Thomas or C.W. Purtle. This parcel was never intended to be a part of the Arbuckle Reservoir Project according to the Memorandum of Agreement and the deed records for the project.

Boundary Area "B–1" is located in the NE¼ of section 6, Township 1 South, Range 3 East, Indian Meridian, Murray County, Oklahoma. The original boundary is revised so as to delete 10.10 acres that were conveyed to Glenn Haines by the United States of America, as recorded on May 27, 1966, in Book 159, page 619, of the deed records of Murray County, Oklahoma.

Boundary Area "B–2" is located in the NE¼ of section 6, Township 1 South, Range 3 East, Indian Meridian, Murray County, Oklahoma. The original boundary is revised so as to include 10.00 acres that were conveyed to the United States of America by Glenn Haines and Janetta Haines, as recorded on May 27, 1966, in Book 159, page 617, of the deed records of Murray County, Oklahoma.

In summary, one change will add 10.00 acres and 2 changes will delete 51.26 acres, creating a net decrease of 41.26 acres. With these corrections made to the recreation area boundary, the current total acreage is 9,888.83. The authority for implementing this action is Public Law 94–235 (90 Stat. 235.)

Therefore, notice is hereby given that the boundary of Chickasaw National Recreation Area should be revised as described above and delineated on a map entitled "Boundary Map, Chickasaw National Recreation Area," numbered 107/80,030 and dated January 1993. This map is on file and available for inspection in the Office of the National Park Service, Department of the Interior, the Office of the Southwest Region, National Park Service, and the Office of the Superintendent, Chickasaw National Recreation Area.

Dated: September 23, 1993.

John E. Cook,

Regional Director, Southwest Region.

[FR Doc. 94–1024 Filed 1–13–94; 8:45 am]

BILLING CODE 4310–70–P

Bureau of Reclamation

Coachella Canal Lining Project, Riverside and Imperial Counties, CA

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability of the draft environmental impact statement/draft environmental impact report: INT DES–94–03.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, and section 21002 of the California Environmental Quality Act, Reclamation and the Coachella Valley Water District (Coachella) have issued a joint draft environmental impact statement/draft environmental impact report (DEIS/DEIR) on a proposed canal lining project. The project involves lining the remaining unlined sections of the 70-foot-wide Coachella Canal between Siphons 7 and 14, and Siphons 15 and 32, while the canal continues to deliver irrigation water. The canal, which delivers Colorado River water to Coachella, lies in Riverside and Imperial Counties. The preferred alternative in the DEIS/DEIR is to line the existing canal while diverting the waterflow around the construction area by temporary pipes.

Public Law 100–675 authorizes the Secretary of the Interior (Secretary) to allow lining the unlined sections of canal in order to make the conserved water available in California. No Federal funds have been authorized for the project. In accordance with Public Law 100–675, Coachella and the Metropolitan Water District of Southern California may provide non-Federal funding for the project under contract with the Secretary. Lining the canal would reduce seepage by approximately 31,000 acre-feet per year.

Mitigation of impacts to wetlands habitat could require approximately 5,000 acre-feet per year from the canal, resulting in a net amount of approximately 26,000 acre-feet of conserved water per year.

DATES: A 60-day public review period commences with the publication of this notice. Written comments on the document may be submitted to the regional director at the address below within the 60-day review period.

ADDRESSES: Single copies of the DEIR/DEIS may be obtained on request to the regional director at the address below:

• Regional Director, Bureau of Reclamation, Lower Colorado Region, PO Box 61470, Attention: LC–150, Boulder City, NV 89006–1470; telephone: (702) 293–8560.

Copies of the DEIS/DEIR are also available for public inspection and review at the following locations:

• Bureau of Reclamation, Technical Liaison Division, U.S. Department of the Interior, 1849 C Street, NW., Washington, DC 20240; telephone: (202) 208–4662.

• Bureau of Reclamation, Denver Office Library, Building 67, room 167, Denver Federal Center, 6th and Kipling, Denver, CO 80225; telephone: (303) 236–6963.

• Bureau of Reclamation, Yuma Projects Office, 7301 Calle Agua Salada, Yuma, AZ 85366; telephone: (602) 343–8100.

• Metropolitan Water District of Southern California, 1111 Sunset Boulevard, Los Angeles, CA 90012; telephone: (213) 250–6518.

• Coachella Valley Water District, corner of Highway 111 and Avenue 52, Coachella, CA 92236; telephone: (618) 398–2651.

Libraries: Public libraries located in Coachella, El Centro, Imperial, Indio, San Diego, Brawley, and Los Angeles (Main Library), California; and in Yuma, Arizona.

FOR FURTHER INFORMATION CONTACT: Regional Environmental Officer, Bureau of Reclamation, Lower Colorado Region, PO Box 61470, Attention: LC–150, Boulder City, NV 89006–1470; telephone: (702) 293–8510, or Dr. Richard Thiery, Coachella Valley Water District, PO Box 1058, Coachella, CA 92236; telephone: (619) 398–2651.

Dated: December 23, 1993.

Donald R. Glaser,

Deputy Commissioner.

[FR Doc. 94–984 Filed 1–13–94; 8:45 am]

BILLING CODE 4310–94–M

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Mountaire Corporation, 204 E. 4th Street, P.O. Box 5726, North Little Rock, AR 72119, State of Incorporation: Arkansas.
2. Wholly-owned subsidiaries which will participate in the operations and states of incorporation: (i) Mountaire Farms of Delmarva, Inc. State of Incorporation: Delaware. (ii) Royal Quality Foods, Inc. State of Incorporation: Maryland.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 94–1012 Filed 1–13–94; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 32431]

Patrick D. Broe—Continuance in Control Exemption—Central Kansas Railway, Limited Liability Co.

Patrick D. Broe (Mr. Broe), a noncarrier, has filed a notice of exemption to continue in control of Central Kansas Railway, Limited Liability Company (CKRLLC), upon CKRLLC's becoming a rail carrier.

CKRLLC, a noncarrier, has concurrently filed a notice of exemption in Finance Docket No. 32430, Central Kansas Railway, Limited Liability Company—Acquisition and Operation Exemption—Central Kansas Railway, Inc., and Certain Incidental Line Segments of The Atchison, Topeka and Santa Fe Railway Company and Burlington Northern Railroad Company, to acquire and operate: (1) All of the rail lines of Central Kansas Railway, Inc. (CKR), located in Kansas and Oklahoma; (2) two rail lines in Kansas from The Atchison, Topeka and Santa Fe Railway Company (Santa Fe); (3) one rail line in Kansas from the Burlington Northern Railroad Company; and (4) incidental trackage rights over six segments of track owned by Santa Fe, one segment of track owned by Union Pacific Railroad Company, one segment of track owned by Missouri Pacific Railroad Company, and one segment of track owned by St. Louis Southwestern Railway Company. The parties intended to consummate that transaction on December 28, 1993, or later.

Mr. Broe is a noncarrier individual who will directly control CKRLLC upon its becoming a carrier. Mr. Broe also directly controls Panhandle Northern Railroad Company (exempted in Finance Docket No. 32377), The Broe Companies, Inc., a holding company that directly controls CKR, and noncarriers Great Western Railway Company (Great Western) and Railco, Inc. (Railco). Great Western directly controls rail carriers, Great Western Railway of Colorado, Inc., Great Western Railway Company of Iowa, Inc., and Great Western Railway of Oregon, Inc. Railco controls noncarrier Chicago West Pullman Transportation Company, which in turn, controls six class III railroads: Chicago West Pullman & Southern Railroad Company, Georgia Woodlands Railroad Company, Newburgh & South Shore Railroad Company, Chicago Rail Link, Manufacturers' Junction Railway Company, and Kansas Southwestern Railway Company. The existing common control relationship among these carriers is discussed in Finance Docket No. 32362.

This is a transaction within a corporate family of the type specifically exempted from prior review and approval under 49 CFR 1180.2(d)(3). It will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family. The purpose of this transaction is to have the assets of CKR transferred to CKRLLC, a limited liability corporation, for estate planning purposes.

As a condition to use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in New York Dock Ry.—Control—Brooklyn Eastern Dist., 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: Karl Morell, Taylor, Morell & Gitomer,

suite 210, 919 18th St., NW., Washington, DC 20006.

Decided: January 6, 1994.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 94–1013 Filed 1–13–94; 8:45 am]

BILLING CODE 7035–01–P

[Docket No. AB–167; Sub-No. 1125]

Consolidated Rail Corporation—Abandonment—Between Warsaw and Valparaiso, in Kosciusko, Marshall, Starke, La Porte and Porter Counties, IN

The Commission has found that the public convenience and necessity permit Consolidated Rail Corporation (Conrail), to abandon its 61-mile rail line known as the Fort Wayne Line, from milepost 363.0 near Warsaw to milepost 424.0 near Valparaiso, in Kosciusko, Marshall, Starke, La Porte and Porter Counties, IN.

A certificate will be issued authorizing abandonment unless within 15 days after publication of this notice the Commission finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable rail service to continue; and (2) it is likely that such assistance would fully compensate Conrail.

Requests for public use conditions must be filed with the Commission and Conrail within 10 days after publication.

Any offers of financial assistance must be filed with the Commission and Conrail no later than 10 days from the date of publication of this Notice. The following notation must be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Section of Legal Counsel, AB-OFA". Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27. Requests for public use conditions must conform with 49 CFR 1152.28(a)(2).

Decided: December 21, 1993.

By the Commission, Chairman McDonald, Vice Chairman Simmons, Commissioners Phillips and Philbin. Chairman McDonald commented with a separate expression.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 94–1105 Filed 1–13–94; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32441]

Peter A. Gilbertson, Et al.—Continuance in Control Exemption—Louisville & Indiana Railroad Co.

Peter A. Gilbertson, H. Terry Hearst, Bruce A. Lieberman, R. Lawrence McCaffrey, Jr., and Harold F. Parmly, noncarrier individuals, have filed a notice of exemption to continue in control of Louisville & Indiana Railroad Company (LIRC) when it becomes a carrier.

LIRC concurrently filed a notice of exemption in Louisville & I. R. Co.—Acq. and Oper. Exemp.—Consolidated Rail Corp., Finance Docket No. 32440, to acquire and operate approximately 115 miles of rail line owned by Consolidated Rail Corporation in Indiana and Kentucky. LIRC expects to consummate the transaction on or about March 12, 1994.

Four of the filing parties are officers or directors of the Chicago, SouthShore & South Bend Railroad (CSS), a class III rail carrier operating in Indiana and Illinois. All are minority shareholders in CSS's corporate general partner, SouthShore Corporation (a noncarrier), and three are officers and directors of that entity as well. The parties state that: (1) The railroads will not connect with each other or with any railroads in their corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (3) the transaction does not involve a class I carrier. The transaction is therefore exempt from the prior approval requirements of 49 U.S.C. 11343. See 49 CFR 1180.2(d)(2).

As a condition to use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in New York Dock Ry.—Control—Brooklyn Eastern Dist., 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: Adam M. Mycyk, Weiner, Brodsky, Sidman & Kider, P.C., suite 800, 1350 New York Avenue, NW., Washington, DC 20005–4797.

Decided: January 7, 1994.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 94–1014 Filed 1–13–94; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32439]

Summit View Corp.—Continuance in Control Exemption—The Warren & Trumbull Railroad Co.

Summit View Corporation (Summit), a noncarrier holding company, has filed a notice of exemption to continue in control of the Warren & Trumbull Railroad Company (WTRM), upon WTRM becoming a class III rail carrier.

WTRM has concurrently filed a notice of exemption in The Warren & Trumbull Railroad Company—Operation Exemption—Rail Line in Trumbull County, OH, Finance Docket No. 32438, to operate over 5.28 miles of rail line under contract with the Mahoning Valley Economic Development Rail Corporation (EDRC). The parties intend to consummate the transaction on or soon after the effective date of the exemption.

Summit controls three other nonconnecting class III rail carriers operating in Ohio: Ohio Central Railroad, Inc., Ohio Southern Railroad, Inc. and the Youngstown & Austintown Railroad, Inc.

Summit states that: (1) The properties operated by these four carriers do not connect with each other; (2) the continuance in control is not a part of a series of transactions that would connect the four railroads with each other or any other railroad currently controlled by Summit; and (3) the transaction does not involve a class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11343. See 49 CFR 1180.2(d)(2).

As a condition to use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in New York Dock Ry.—Control—Brooklyn Eastern Dist., 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed by with the Commission and served on: Kelvin J. Dowd, Esq., Slover & Loftus, 1224 Seventeenth Street, NW., Washington, DC 20036.

Decided: January 7, 1994.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 94–1015 Filed 1–13–94; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32438]

The Warren & Trumbull Railroad Co.—Operation Exemption—Rail Line in Trumbull County, OH

Warren & Trumbull Railroad Company (WTRM), a noncarrier, has filed a notice of exemption to operate over 5.28 miles of rail line between milepost 89.10 at Deforest Junction, OH and milepost 94.38 at North Warren, OH, under a contract with the Mahoning Valley Economic Development Rail Corporation (EDRC). The parties intend to consummate the transaction on or soon after the effective date of the exemption.

The subject line, currently owned by CSX Transportation, Inc. (CSXT), was approved for abandonment by the Commission in CSX Transportation, Inc.—Abandonment—Between Deforest Junction and North Warren in Trumbull County, OH, Docket No. AB-55 (Sub-No. 449), (ICC served Feb. 12, 1993). EDRC, a quasi-public regional economic development entity, will purchase the line from CSXT prior to WTRM's commencement of rail carrier service. WTRM will operate over the line as a common carrier by rail serving shippers local to the line, and will interchange traffic with CSXT at Deforest Junction.

The transaction is related to a notice of exemption concurrently filed in Summit View Corporation—Continuance in Control Exemption—The Warren & Trumbull Railroad Company, Finance Docket No. 32439 wherein Summit View Corporation (Summit) seeks to continue in control of WTRM and three other class III railroads upon WTRM becoming a class III rail carrier.[1]

Any comments must be filed with the Commission and served on: Kelvin J. Dowd, Esq., Slover & Loftus, 1224 Seventeenth Street, NW., Washington, DC 20036.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: January 7, 1994.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 94-1016 Filed 1-13-94; 8:45 am]

BILLING CODE 7035-01-P

[1] WTRM is a subsidiary of Summit, a noncarrier holding company which controls Ohio Central Railroad, Inc., Ohio Southern Railroad, Inc. and the Youngstown & Austintown Railroad, Inc., none of which would connect with WTRM.

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA")

In accordance with Departmental policy, notice is hereby given that a proposed consent decree in *United States* v. *Wauconda Sand & Gravel Co.*, was lodged on December 23, 1993 with the United States District Court for the Northern District of Illinois. The proposed consent decree would resolve civil claims that the United States has asserted against 17 defendants under Section 107 of CERCLA, 42 U.S.C. 9607, for reimbursement of response costs incurred in connection with the Wauconda Sand & Gravel Site in Lake County, Illinois.

The proposed consent decree requires defendants to pay $566,448.15 to the Hazardous Substances Superfund as reimbursement for response costs incurred at the Site through March 31, 1989. Under the proposed decree, this sum will be paid in two installments, the last of which is due within 180 days after entry of the consent decree. The proposed consent decree also requires defendants to reimburse oversight costs incurred by the United States Environmental Protection Agency ("U.S. EPA") after March 31, 1992 in monitoring compliance with a December 19, 1989 administrative order issued pursuant to section 106 of CERCLA, 42 U.S.C. 9606. In addition, the proposed consent decree provides that defendants will reimburse any costs incurred by the United States in enforcing terms of the decree.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Wauconda Sand & Gravel Co.*, No. 93-C-7637 (N.D. Ill.) and DOJ Ref. No. 90-11-2-153A.

The proposed Consent Decree may be examined at any of the following offices: (1) The Office of the United States Attorney, Northern District of Illinois, 219 South Dearborn Street, Chicago Illinois 60604; (2) the Region V office of U.S. EPA, 77 West Jackson Blvd., Chicago, Illinois 60604-3590; and (3) the Consent Decree Library, 1120 G Street, NW., 4th floor, Washington, DC 20005, (202) 624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th floor, Washington, DC 20005. In requesting a copy please enclose a check in the amount of $75.75 (25 cents per page reproduction costs) payable to "Consent Decree Library."

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 94-929 Filed 1-13-94; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

Pursuant to the National Cooperative Research and Production Act of 1993—EHC Technologies Consortium—Electrical Energy-Source Alternatives

Notice is hereby given that, on October 18, 1993, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), SouthWest Research Institute ("SwRI") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of a cooperative research project entitled "EHC Technologies Consortium—Electrical Energy-Source Alternatives." The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are Centro Ricerche Fiat—Motori, Torino, Italy; BMW of North America, Inc., Montvale, NJ; Honda R&D Co., Ltd., Hagamachi, Japan; and Emitec GmbH, Lohmar, Germany. The general areas of planned activities are the definition of electrically heated catalysts (EHC) parameters, acquisition and the bench testing of EHC energy sources, as well as the development of energy source devices and finally on-vehicle application and EHC evaluation; in order to evaluate deep-cycle lead-acid battery, bipolar lead-acid battery, nickel-cadmium battery and ultracapacitors for use in EHC and further evaluate the status of other advanced battery technologies so as to select battery candidates which can provide the necessary energy requirements repetitively to heat the catalytic converter at engine start-up to

substantially reduce cold-start emissions.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 94-933 Filed 1-13-94; 8:45 am]

BILLING CODE 4410-01-M

Pursuant to the National Cooperative Research and Production Act of 1993—Petroleum Environmental Research Forum Project No. 93-02

Correction

In notice document 93-23322 appearing on page 49530 in the issue of Thursday, September 23, 1993, in the third column, in the first paragraph, in the twenty-second (22nd) line, "Exxon Research and Engineering Company, Florham Park, NJ" should be inserted before "and BP Research, Cleveland, OH".

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 94-931 Filed 1-13-94; 8:45 am]

BILLING CODE 4410-01-M

Pursuant to the National Cooperative Research and Production Act of 1993—Spinal Implant Manufacturers Group

Notice is hereby given that, on December 8, 1993, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the Spinal Implant Manufacturers Group ("SIMG") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are AMS, Hayward, CA; AcroMed Corporation, Cleveland, OH; American Medical Electronics, Inc., Richardson, TX; Aesculap, Robin, CA; Stryker Instruments, Kalamazoo, MI; Acufex Microsurgical, Inc., Mansfield, MA; Advanced Spine Fixation Systems, Inc., Cypress, CA; Cross Medical Products, Inc., Columbus, OH; Osteotech, Inc., Shrewsbury, NJ; Ace Medical Company, Los Angeles, CA; Synthes U.S.A., Paoli, PA; Electro-Biology, Inc., Parsippany, NJ; Smith & Nephew Richards, Inc., Memphis, TN; and Sofamor Danek Group, Inc., Memphis, TN. The SIMG was formed to promote the development, safety and effectiveness, and regulatory approvals of medical devices known as spinal implants through a variety of activities, including research and the collection, analysis, and dissemination of information related to spinal implants.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 94-934 Filed 1-13-94; 8:45 am]

BILLING CODE 4410-01-M

Pursuant to the National Cooperative Research and Production Act of 1993 Feasibility of Catalytic Preheating Using Latent Heat Energy Storage

Notice is hereby given that, on October 18, 1993, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the Southwest Research Institute ("SwRI") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objective of the research project. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are Daimler Benz, Stuttgart, Germany; Nissan Motor Company, Ltd., through Nissan Research and Development, Inc., Farmington, MI; and Nippon Shokubai, Hyogo, Japan. The objective of the research project is to investigate the feasibility of preheating on automotive exhaust catalytic converter using stored thermal exhaust energy through the evaluation of several reactor designs using various storage media such as packed beds and phase change materials, so as to define the medium's operating conditions; obtain and analyze potential media; design and evaluate a variety of storage beds; examine insulation and heat transfer aspects of the storage medium and container design; and outline a prototype system for implementation on a vehicle. Membership in the project remains open, and the parties intend to file additional written notification disclosing all changes in membership to the group research project.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 94-932 Filed 1-13-94; 8:45 am]

BILLING CODE 4410-01-M

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Petroleum Environmental Research Forum

Notice is hereby given that, on October 27, 1993, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301, *et seq.* ("the Act"), the Petroleum Environmental Research Forum ("PERF") Project No. 91-05, titled "Basic Principles and Control of Refinery Emulsion Formation—Part 2", has filed written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing a membership change. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Petro Canada, Calgary, Alberta T2P 3E3 Canada has become a participant in PERF Project No. 91-05.

No other changes have been made in either membership or the planned activities of the group research project. Membership in this group research project remains open, and the participants intend to file additional written notification disclosing all changes in membership.

On March 16, 1992, the participants filed the original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on April 30, 1992 (57FR 18528).

The last notification was filed with the Department on July 10, 1992. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on August 21, 1992 (57 FR 38067).

Information regarding participation in this project may be obtained from William J. Tracy, Mobil Research and Development Corporation, P.O. Box 480, 600 Billingsport Road, Paulsboro, NJ 08066-0480.

Joseph H. Widmar,

Director of Operations Antitrust Division.

[FR Doc. 94-930 Filed 1-13-94; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment Standards Administration

Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in

accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., room S–3014, Washington, DC 20210.

New General Wage Determination—Decisions

The numbers of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume and State.

Volume II

Wisconsin:
WI930035 (Jan. 14, 1994)

Modification to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Kentucky:
KY930001 (Feb. 19, 1993)
KY930002 (Feb. 19, 1993)
KY930003 (Feb. 19, 1993)
KY930004 (Feb. 19, 1993)
KY930005 (Feb. 19, 1993)
KY930006 (Feb. 19, 1993)
KY930007 (Feb. 19, 1993)
KY930025 (Feb. 19, 1993)
KY930027 (Feb. 19, 1993)
KY930028 (Feb. 19, 1993)
KY930029 (Feb. 19, 1993)
KY930032 (Feb. 19, 1993)
KY930035 (Feb. 19, 1993)
KY930054 (Sept. 10, 1993)
Massachusetts:
MA930001 (Feb. 19, 1993)
New York:
NY930007 (Feb. 19, 1993)
West Virginia:
WV930003 (Feb. 19, 1993)

Volume II

Iowa:
IA930002 (Feb. 12, 1993)
Minnesota:
MN930007 (Feb. 12, 1993)
MN930008 (Feb. 12, 1993)
MN930015 (Feb. 12, 1993)
New Mexico:
NM930001 (Feb. 12, 1993)
Texas:
TX930081 (Jul. 7, 1993)

Volume III

Colorado:
CO930018 (Aug. 13, 1993)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon Act And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783–3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 7th day of January 1994.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 94–801 Filed 1–13–94; 8:45 am]

BILLING CODE 4510–27–M

Employment and Training Administration

[TA–W–29,065, TA–W–29,066]

Penetrators, Inc., Midland and Houston, Texas; Negative Determination on Reconsideration

On December 13, 1993, the Department issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of the subject firm. This notice was published in the **Federal Register** on December 27, 1993 (58 FR 68440).

The former workers stated that the workers produced crude oil and natural gas and should be certified.

New findings on reconsideration show that the workers perform downhole drilling and stimulation services to rejuvenate new and existing oil wells. These services are provided to unaffiliated production firms in the oil and gas industry. The predominate portion of their services is performed on old wells. Only a small portion of their work is performed on new wells. Accordingly, the workers do not meet the on-site requirements for drilling exploration services necessary for a worker group certification.

Further, the price of oil is not a worker group eligibility criterion for certification under the Trade Act of 1974. Accordingly, a decline in the price of crude oil, in itself, would not form a basis for a worker group certification.

The Trade Act was not intended to provide TAA benefits to everyone who is in some way affected by increased imports but only to those who experienced a decline in sales or production and employment and an increase in imports of like or directly competitive products which contributed importantly to declines in sales or production and employment.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance to workers and former workers of Penetrators, Inc., in Midland, Texas and Houston, Texas.

Signed at Washington, DC, this 4th day of January 1994.

Robert O. Deslongchamps,

Director, Office of Legislation & Actuarial Services, Unemployment Insurance Service.

[FR Doc. 94–990 Filed 1–13–94; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–28,968]

Plains Petroleum Operating Co., Southern District, Midland, Texas; Revised Determination on Reconsideration

On December 22, 1993, the Department issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of the Plains Petroleum Operating Company, Southern District, in Midland, Texas. The notice will soon be published in the **Federal Register**.

Investigation findings show that the company submitted corporate sales and production data instead of data for the Southern District of Plains Petroleum Operating Company in Midland, Texas.

The new findings on reconsideration show that crude oil and natural gas sales and production decreased in the 12 month period ending in July 1993 compared to the same period in 1992.

Other findings on reconsideration show substantial worker separations in 1993.

U.S. imports of crude oil and natural gas increased in 1992 compared to 1991 and in the first six months of 1993 compared to the same period in 1992.

The Department's survey showed major customers reducing their purchases of crude oil from the Midland facility and increasing their purchases of imported crude oil.

Conclusion

After careful consideration of the new facts obtained on reconsideration it is concluded that increased imports of articles like or directly competitive with the production of crude oil and natural gas in the Southern District of Plains Petroleum Operating Company in Midland, Texas contributed importantly to the total or partial separation of workers at the Plains Petroleum Operating Company. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

All workers of the Plains Petroleum Operating Company Southern District, in Midland, Texas who became totally or partially separated from employment on or after August 3, 1992 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC., this 27th day of December 1993.

Mary Ann Wyrsch,

Director, Unemployment Insurance Service.

[FR Doc. 94–991 Filed 1–13–94; 8:45 am]

BILLING CODE 4510–30–M

Attestations Filed by Facilities Using Nonimmigrant Aliens as Registered Nurses

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is publishing, for public information, a list of the following health care facilities which plan on employing nonimmigrant alien nurses. These organizations have attestations on file with DOL for that purpose.

ADDRESSES: Anyone interested in inspecting or reviewing the employer's attestation may do so at the employer's place of business.

Attestations and short supporting explanatory statements are also available for inspection in the Immigration Nursing Relief Act Public Disclosure Room, U.S. Employment Service, Employment and Training Administration, Department of Labor, room N4456, 200 Constitution Avenue NW., Washington, DC 20210.

Any complaints regarding a particular attestation or a facility's activities under that attestation, shall be filed with a local office of the Wage and Hour Division of the Employment Standards Administration, U.S. Department of Labor. The address of such offices are found in many local telephone directories, or may be obtained by writing to the Wage and Hour Division, Employment Standards Administration, Department of Labor, room S3502, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT:

Regarding the Attestation Process

Chief, Division of Foreign Labor Certifications, U.S. Employment Service. Telephone: 202–219–5263 (this is not a toll-free number).

Regarding the Complaint Process

Questions regarding the complaint process for the H–1A nurse attestation program shall be made to the Chief, Farm Labor Program, Wage and Hour Division. Telephone: 202–219–7605 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Immigration and Nationality Act requires that a health care facility seeking to use nonimmigrant aliens as registered nurses first attest to the Department of Labor (DOL) that it is taking significant steps to develop, recruit and retain United States (U.S.) workers in the nursing profession. The law also requires that these foreign nurses will not adversely affect U.S. nurses and that the foreign nurses will be treated fairly. The facility's attestation must be on file with DOL before the Immigration and Naturalization Service will consider the facility's H–1A visa petitions for bringing nonimmigrant registered nurses to the United States. 26 U.S.C. 1101(a)(15)(H)(i)(a) and 1181(m). The regulations implementing the nursing attestation program are at 20 CFR part 655 and 29 CFR part 504, 55 FR 50500 (December 6, 1990). The Employment and Training Administration, pursuant to 20 CFR 655.310(c), is publishing the following list of facilities which have submitted attestations which have been accepted for filing.

The list of facilities is published so that U.S. registered nurses, and other persons and organizations can be aware of health care facilities that have requested foreign nurses for their staffs. If U.S. registered nurses or other persons wish to examine the attestation (on Form ETA 9029) and the supporting documentation, the facility is required to make the attestation and documentation available. Telephone numbers of the facilities' chief executive officers also are listed, to aid public inquiries. In addition, attestations and supporting short explanatory statements (but not the full supporting documentation) are available for inspection at the address for the Employment and Training Administration set forth in **ADDRESSES** section of this notice.

If a person wishes to file a complaint regarding a particular attestation or a facility's activities under that attestation, such complaint must be filed at the address for the Wage and Hour Division of the Employment Standards Administration set forth in the **ADDRESSES** section of this notice.

Signed at Washington, DC, this 7th day of December 1993.

Robert A. Schaerfl,

Director, United States Employment Service.

DIVISION OF FOREIGN LABOR CERTIFICATIONS APPROVED ATTESTATIONS

[11/01/93 to 11/30/93]

CEO-name/facility name/address	State	Approval date
Mr. Wenceslao P. Javier, WPJ Health Care Recruiter, 849 Lehigh Avenue, Chula Vista 91913, 619–421–1526	CA	11/01/93
Mr. Guy R. Seaton, St. Luke's Subacute Care Hospital & Nursing Centre, San Leandro, 04578, 510–357–5351	CA	11/01/93
Ms. Judy Williams, International Nurses Who Care Inc., Woodland 95695, 916–661–1493	CA	11/02/93
Mr. Steven Dunton, Pleasant View Conval. Hosp., 22590 Voss Avenue, Cupertino 95014, 408–253–9034	CA	11/05/93
Mr. Jesus Ramirez, Monterey Park Dialysis Ctr., Inc., Monterey Park 91754, 213–780–8787	CA	11/08/93
Ms. Marlene Z. Robertson, Golden Cross Health Care of Santa Cruz, San Diego, 92127, 408–479–6958	CA	11/16/93
Ms. Kelly C. Morgan, Mercy Hospital and Health Services, Merced 95340, 209–384–6523	CA	11/16/93
Mr. Robert V. Duckett, Competent Care, P.O. Box 984, Carmel Valley 93924, 408–659–3896	CA	11/16/93
Mr. Kent Berkey, North Valley Nursing Ctr., 7660 Wyngate Street, Tujunga 91042, 818–352–1454	CA	11/16/93
Mr. Richard A. Gold, Granada Hills Community Hospital, 10445 Balboa Blvd., Granada Hills 91344, 818–360–1021.	CA	11/16/93
Ms. June Hernandez, Cloverleaf Healthcare Ctr., c/o 17199 W Bernardo Dr. A–108, San Diego 92127, 909–658–9441.	CA	11/22/93
Ms. Marietta V. Trasmonte, Nurse Well & Care, 723 N. Gramercy Place #2, Los Angeles 90038, 213–469–5505	CA	11/22/93
Mr. Jeffrey K. Stadnik, Community & Mission Hospitals of Huntington Park, Huntington Park 90255, 213–583–1931.	CA	11/23/93
Mr. Robert C. Shaw, Irvine Medical Center, 10200 Sand Canyon Avenue, Irvine 92718, 714–753–2000	CA	11/26/93
Ms. June Hernandez, Cloverleaf Enterprises, c/o 17199 W Bernardo Dr., San Diego 92127, 909–845–1606	CA	11/29/93
Mr. Michael S. Schrader, Bridgeport Hospital, 267 Grant Street, Bridgeport 06610, 203–384–3005	CT	11/22/93
Mr. Peter Madden, Fairview Health Care Facility, 181 Clifton Street, New Haven 06513, 203–467–1666	CT	11/30/93
Mr. Mark Chastang, District of Columbia General Hospital, Washington 20003, 202–675–5039	DC	11/29/93
Mr. Duncan Moore, Tallahassee Memorial Reg'l. Medical Ctr., Tallahassee 32308, 904–681–5250	FL	11/01/93
Mr. C. Scott Campbell, Highlands Reg'l. Med. Ctr., P.O. Drawer 2066, Sebring 33871, 813–385–6101	FL	11/02/93
Ms. Alice Dessasau, The Ambrosia Home, 1709 Taliaferro Avenue, Tampa 33602, 813–223–4623	FL	11/05/93
Mr. Jeffrey P. Winger, Plantation General Hosp., 401 NW 42nd Avenue, Plantation 33317, 305–797–6450	FL	11/10/93
Ms. Sharon L. Roush, Palm Beaches Medical Ctr., 2201 45th Street, West Palm Beach, 33407, 407–863–3820	FL	11/10/93
Ms. Joyce E. Plourde, Heartland Health Care Ctr., Miami Lakes, Hialeah 33015, 305–625–9857	FL	11/10/93
Ms. Maxcine Darville, Okeechobee Council on Aging, Inc., Pahokee 33476, 407–924–5561	FL	11/15/93
Mr. Fe A. Hanvivatpong, Ultimate Care, Inc., 5241 Jog Lane, Delray Beach 33484, 407–496–7993	FL	11/16/93
Mr. Richard P. Blinn, Hillhaven Rehabilitation Ctr., 2629 Delprado Blvd., Cape Coral 33904, 813–574–4434	FL	11/17/93
Mr. Richard P. Blinn, Menorah House-Hillhaven, 945 Central Park Blvd., North, Boca Raton 33428, 407–483–0498.	FL	11/17/93
Mr. Richard P. Blinn, Orlando Memorial Conv. Ctr., The Hillhaven Corp., Orlando 32806, 407–423–1612	FL	11/17/93
Mr. Isaac Mizrahi, Jackson Manor Nursing Home, Inc., Miami 33136, 305–314–0280	FL	11/19/93
Mr. Isaac Mizrahi, Snapper Creek Nursing Home, 9200 SW 87 Avenue, Miami 33156, 305–271–1313	FL	11/19/93
Mr. Isaac Mizrahi, El Ponce De Leon Conval. Ctr., Eastman Rehab Ctr., Inc., Miami 33130, 305–545–5417	FL	11/19/93
Mr. Gary W. deVane, Center for Infertility & Reproductive Medicine, Orlando 32804, 407–740–0909	FL	11/23/93
Ms. Marian Shaw, Deltona Healthcare Ctr., 1851 Elkcam Blvd., Deltona 32725, 904–789–3769	FL	11/29/93
Mr. Emil P. Miller, Metropolitan General Hospital, Florida CHS, Inc., Pinellas Park 34665, 813–545–7300	FL	11/29/93
Mr. William J. Byron, Good Samaritan Medical Ctr., Flagler Dr. at Palm Bch. Lakes Blvd., West Palm Beach 33402, 407–655–5511.	FL	11/29/93
Mr. Doug White, HCA Medical Ctr. of the Port St. Lucie, Port St. Lucie 34952, 407–335–4000	FL	11/29/93
Mr. Donald F. Snell, Grady Health System, The Fulton-Dekalb Hosp. Authority, Atlanta 30335, 404–616–1900	GA	11/22/93
Mr. Gary T. Johanson, The Washington and Jane Smith Home, Chicago 60643, 312–779–8010	IL	11/01/93
Mr. Howard D. Geller, Garden View Home, Inc., 6450 N. Ridge, Chicago 60626, 312–743–8700	IL	11/09/93
Mr. Blaine Fox, Villas of Shannon, P.O. Box 86, Shannon 64078, 815–864–2425	IL	11/12/93
Mr. Nicholas Stavropoulos, Medi-Search International, Inc., 240 East Lake Street, Suite 206, Addison 60101, 708–941–8341.	IL	11/17/93
Ms. Rose Marie Betz, Carlton at the Lake, Inc., 725 W. Montrose Avenue, Chicago 60613, 312–929–1700	IL	11/18/93
Ms. Cheryl Wadzinski, Beacon Hill Retirement Community, Lombard 60148, 708–620–5850	IL	11/19/93
Ms. Agustina T. Artates, Midwest Quality Nursing Services, Westmont 60559, 708–960–1529	IL	11/23/93
Mr. Richard Haskell, Terracom, c/o Richton Crossing, Richton Park 60471, 708–747–6120	IL	11/29/93
Mr. Dan Shabat, Deauville Health Care Ctr., 7445 N. Sheridan Rd., Chicago 60626, 312–338–3300	IL	11/29/93
Sister M. Elizabeth, Holy Family Health Center, 2380 E. Dempster Street, Des Plaines 60016, 708–296–3335	IL	11/29/93
Mr. Terryll H. Brown, Regency Health Care Ctr., 400 South Rogers, Olathe 66062, 913–782–3350	KS	11/01/93
Mr. David Stroud, Natchitoches Manor, 720 Keyser Avenue, Natchitoches 71457, 318–352–8296	LA	11/15/93
Mr. Lawrence Dorsey, University Medical Ctr., Post Office Box 4016–C, Lafayette 70502, 318–261–6390	LA	11/16/93

DIVISION OF FOREIGN LABOR CERTIFICATIONS APPROVED ATTESTATIONS—Continued

[11/01/93 to 11/30/93]

CEO-name/facility name/address	State	Approval date
Mr. Allen Tuten, Administrator, Lincoln General Hospital, P.O. Drawer 1368, Ruston 71273, 318-254-2100	LA	11/29/93
Ms. Doris C. Henry, Visiting Nurse Assoc. of Greater Lynn, Inc., Lynn 01901, 617-639-1370	MA	11/08/93
Mr. Joseph O'Grady, O'Grady Peyton International USA, Inc., Boston 02210, 617-482-5655	MA	11/30/93
Mr. Morton I. Rapoport, University of Maryland Medical System, Baltimore 21201, 410-328-2756	MD	11/22/93
Mr. Pierce Morton, Anglin Extended Care Ctr., 19175 Anglin, Detroit 48234, 313-892-3600	MI	11/09/93
Ms. Linda Yarbough, Humphreys County Nursing Home, Belzoni 39038, 601-247-1821	MS	11/01/93
Mr. Jeff Finch, Dialysis Facilities, Inc., 1828 Raymond Rd., Jackson 39204, 601-373-7897	MS	11/01/93
Mr. Edward Crow, Adams County Nursing Ctr., 587 John R. Junkin Drive, Natchez 39120, 10/26/93	MS	11/01/93
Mr. Myren Hughes, Attala County Nursing Home, 326 Highway 12 West, Kosciusko 39090, 601-289-1200	MS	11/08/93
Mr. Robert Crook, North Sunflower County Hosp., 840 North Oak Avenue, Ruleville 38771, 601-756-2711	MS	11/10/93
Ms. Patricia G. Webb, Wake Medical Center, 3000 New Bern Avenue, Raleigh 27610, 919-250-8138	NC	11/15/93
Ms. Suzanne L. Jones, Nurses, Rx, Inc., 9801 W. Kincey Ave., Huntersville 28078, 704-875-9233	NC	11/22/93
Mr. Larry Lake, Britthaven of Raleigh, 3609 Bond Street, Raleigh 27604, 919-231-8113	NC	11/29/93
Mr. Berel D. Tennenbaum, Perth Amboy Nursing Home, 303 Elm Street, Perth Amboy 08861, 908-442-9540	NJ	11/05/93
Mr. Thomas Bejgrowicz, Harborview Healthcare Ctr., 178-198 Ogden Avenue, Jersey City 07307, 201-963-1800	NJ	11/10/93
Ms. Martha R. Zeltner, Cranford Hall Nursing Home, 600 Lincoln PKE, Cranford 07016, 908-276-7100	NJ	11/10/93
Ms. Maria Lapid, Green Acres Manor, 1931 Lakewood Road (Route 9), Toms River 08755, 201-286-2323	NJ	11/15/93
Mr. John Dandridge, United Hospitals Med. Ctr., 15 South Ninth Street, Newark 07107, 201-268-8576	NJ	11/15/93
Ms. Maria Lapid, Abbott Manor Conval. Ctr., 810 Central Avenue, Plainfield 07060, 210-757-0696	NJ	11/15/93
Ms. Polly Pine, Cibola General Hospital Corp., 1212 Bonita, Grants 87020, 505-287-4446	NM	11/10/93
Mr. William H. Zacher, Williamsville Suburban, 193 South Union Road, Williamsville 14221, 716-632-6152	NY	11/05/93
Mr. David Putterman, Ocean Promenade H.R.F., 140 Beach 113 Street, Rockaway Beach 11694, 718-945-6350	NY	11/10/93
Mr. Herbert Freeman, Bialystoker Nursing Home, 228 East Broadway, New York 10002, 212-475-7755	NY	11/16/93
Ms. Marie Ferrara, SS Joachim & Anne Residence, 2720 Surf Avenue, Brooklyn 11224, 718-714-4800	NY	11/22/93
Mr. Erie Chapman, Riverside Methodist Hospitals, 3535 Olentangy River Road, Columbus 43214, 614-566-5196	OH	11/15/93
Mr. W. Eugene Baxter, Bass Memorial Baptist Hospital, 600 S. Monroe, Enid 73701, 405-233-2300	OK	11/29/93
Mr. Glenn Jones, Byerly Hospital, 413 East Carolina Avenue, Hartsville 29550, 803-339-2100	SC	11/09/93
Mr. Ray White, P.H.E.O. Medical Ctr., Inc., 1400—18th Avenue South, Nashville 37212, 615-383-4715	TN	11/22/93
Mr. David Parmer, Baptist Hospital of SE Texas, College & 11th Street, Beaumont 77704, 409-835-3187	TX	11/05/93
Mr. Nedro G. Parker, Health Network Int'l, Inc., 4506 La Branch, Houston 77004, 713-522-2443	TX	11/23/93
Total Attestations: 81		

[FR Doc. 94-989 Filed 1-13-94; 8:45 am]

BILLING CODE 4510-30-M

Attestations Filed by Facilities Using Nonimmigrant Aliens as Registered Nurses

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is publishing, for public information, a list of the following health care facilities which plan on employing nonimmigrant alien nurses. These organizations have attestations on file with DOL for that purpose.

ADDRESSES: Anyone interested in inspecting or reviewing the employer's attestation may do so at the employer's place of business.

Attestations and short supporting explanatory statements are also available for inspection in the Immigration Nursing Relief Act Public Disclosure Room, U.S. Employment Service, Employment and Training Administration, Department of Labor, room N4456, 200 Constitution Avenue, NW., Washington, DC 20210.

Any complaints regarding a particular attestation or a facility's activities under that attestation, shall be filed with a local office of the Wage and Hour Division of the Employment Standards Administration, U.S. Department of Labor. The address of such offices are found in many local telephone directories, or may be obtained by writing to the Wage and Hour Division, Employment Standards Administration, Department of Labor, room S3502, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT:

Regarding the Attestation Process

Chief, Division of Foreign Labor Certifications, U.S. Employment Service. Telephone: 202-219-5263 (this is not a toll-free number).

Regarding the Complaint Process

Questions regarding the complaint process for the H-1A nurse attestation program shall be made to the Chief, Farm Labor Program, Wage and Hour Division. Telephone: 202-219-7605 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Immigration and Nationality Act requires that a health care facility seeking to use nonimmigrant aliens as registered nurses first attest to the Department of Labor (DOL) that it is taking significant steps to develop, recruit and retain United States (U.S.) workers in the nursing profession. The law also requires that these foreign nurses will not adversely affect U.S. nurses and that the foreign nurses will be treated fairly. The facility's attestation must be on file with DOL before the Immigration and Naturalization Service will consider the facility's H-1A visa petitions for bringing nonimmigrant registered nurses to the United States. 26 U.S.C. 1101(a)(15)(H)(i)(a) and 1181(m). The regulations implementing the nursing attestation program are at 20 CFR part 655 and 29 CFR part 504, 55 FR 50500 (December 6, 1990). The Employment and Training Administration, pursuant to 20 CFR 655.310(c), is publishing the following list of facilities which have submitted attestations which have been accepted for filing.

The list of facilities is published so that U.S. registered nurses, and other persons and organizations can be aware of health care facilities that have requested foreign nurses for their staffs. If U.S. registered nurses or other persons wish to examine the attestation (on Form ETA 9029) and the supporting documentation, the facility is required to make the attestation and

documentation available. Telephone numbers of the facilities' chief executive officers also are listed, to aid public inquiries. In addition, attestations and supporting short explanatory statements (but not the full supporting documentation) are available for inspection at the address for the Employment and Training Administration set forth in the **ADDRESSES** section of this notice.

If a person wishes to file a complaint regarding a particular attestation or a facility's activities under that attestation, such complaint must be filed at the address for the Wage and Hour Division of the Employment Standards Administration set forth in the **ADDRESSES** section of this notice.

Signed at Washington, DC., this 11th day of January 1994.

Robert A. Schaerfl,

Director, United States Employment Service.

DIVISION OF FOREIGN LABOR CERTIFICATIONS APPROVED ATTESTATIONS

[12/01/93 to 12/31/93]

CEO-name/facility name/address	State	Approval date
Mr. Joseph W. McKinley, Meridian Point Rehab. Hosp., Rehab Systems Co., Scottsdale 85260, 602–860–0671	AZ	12/03/93
Sister St. Joan Willert, Carondelet Health Care Corp. of Arizona, Tucson 85745, 602–740–6020	AZ	12/22/93
Mr. Jerry A. Levine, Jewish Home for the Aged, Hebrew Home for the Aged Disabled, San Francisco 94112, 415–334–2500.	CA	12/01/93
Ms. June Hernandez, Santa Rosa Conval. Care Ctr., c/o 17199 W. Bernardo Dr., A–108, San Diego 92127, 602–795–1610.	CA	12/03/93
Ms. Janine Castano, Heart of Sonoma, TLC Hospitals, Inc., Sonoma 95476, 707–939–0900	CA	12/20/93
Ms. Bernice Schrabeck, South Gate Care Center, 8455 State Street, South Gate 90280, 213–565–7761	CA	12/21/93
Mr. William L. Summers, Patton State Hospital, 3102 E. Highland Avenue, Patton 92369, 909–425–7000	CA	12/21/93
Ms. Bernice Schrabeck, Walnut Whitney Conval. Hospital, Sierra Medical Enterprises, Carmichael 95608, 916–488–8601.	CA	12/21/93
Ms. Ellen L. Kuykendall, Roseville Convalescent Hospital, 1161 Cirby Way, Roseville 95661, 916–782–1238	CA	12/21/93
Ms. Maria Boire, Cornerstore House of Santa Barbara, Santa Barbara 93108, 805–969–1569	CA	12/22/93
Ms. Adelaida Q. Gerbery, International Medical Relocators, San Diego 92114, 619–472–6605	CA	12/22/93
Mr. Todd E. Johnson, Medical Express, Inc., 1650 38th Street, Boulder 80301, 303–449–7470	CO	12/22/93
Arno Nash, Arno Nash, 4819 Hutchins Pl. NW., Washington, DC 20007, 202–333–0262	DC	12/22/93
Ms. Martha Garcia, Golden Glades Reg'l Medical Ctr., Miami 33169, 305–652–4200	FL	12/06/93
Andre Oravec, HCA New Port Richey, 205 High Street, New Port Richey 34656, 813–845–9117	FL	12/08/93
Mr. Ronald A. Cass, Hospital Staffing Services, I, 6245 N. Federal Highway, Ft. Lauderdale 33308, 305–771–0500.	FL	12/08/93
Ms. Carmen Velez, Healthsouth Regional Rehab. Ctr., Miami 33189, 305–251–3800	FL	12/15/93
Ms. Margaret Brock, Calhoun-Liberty Hospital Association, Blountstown 32424, 904–674–5411	FL	12/21/93
Ms. Jo Anne Annichiarico, West Gables Rehab. Hosp. and Health Care Ctr., Miami 33135, 305–262–6800	FL	12/22/93
Ms. Eula King, Health Care Multi Services Corporation, Lilburn 30226, 404–908–7452	GA	12/06/93
Mr. Jerry W. Adams, Sumter Regional Hospital, 100 Wheatley Drive, Americus 31709, 912–924–6011	GA	12/08/93
Mr. John D. Good, Piedmont Hospital, 1968 Peachtree Road, NW., Atlanta 30309, 404–605–5000	GA	12/15/93
Ms. Joy King, Toccoa Nursing Ctr., PO. Box 1129, Toccoa 30577, 706–886–8491	GA	12/22/93
Mr. Charles E. Windsor, St. Mary's Hospital of East St. Louis, Inc., East St. Louis 62201, 618–274–1900	IL	12/01/93
Sr. M. Jacqueline, St. Patrick's Residence, 1400 Brookdale Road, Naperville 60563, 708–416–6565	IL	12/06/93
Mr. Richard Blackburn, Ashwood Health Care Center, 134 North McLean Boulevard, Elgin 60123, 708–742–8822	IL	12/06/93
Ms. Virginia G. Leavitt, Valley Hi Nursing Home for McHenry County, Woodstock 60098, 815–338–0312	IL	12/08/93
Mr. Ronald Shabat, Peterson Park Health Care Ctr., 6141 N. Pulaski, Chicago 60646, 312–478–2000	IL	12/08/93
Mr. Michael Gillman, Deerbrook Nursing Centre, 306 N. Larkin Avenue, Joliet 60435 815–744–5560	IL	12/15/93
Mr. Michael Gillman, Holt Healthcare Centre, 707 W. Riverside Blvd., Rockford 61103, 815–877–5752	IL	12/15/93
Mr. Michael Gillman, Countryside Healthcare Centre, 2330 W. Galena Blvd., Aurora 60506, 708–896–4686	IL	12/15/93
Mr. Bill Brotzman, Maplewood Care, Inc., 50 N. Jane Dr., Elgin 60123, 708–697–3750	IL	12/15/93
Mr. Michael Gillman, Westshire Care Center, 5825 W. Cermak Road, Cicero 60650, 708–656–9120	IL	12/15/93
Mr. Michael Gillman, Northwoods Healthcare Centre, 2250 Pearl Street, Belvidere 61008, 815–544–0358	IL	12/15/93
Ms. Jeanette Fox, Crestwood Heights Nursing Centre, Crestwood 60445, 708–371–0400	IL	12/20/93
Mr. Mark Hollander, Glenview Terrace Nursing Ctr., 1511 Greenwood Road, Glenview 60025, 708–729–9090	IL	12/20/93
Mr. Edward J. Novak, Sacred Heart Hospital, Westside Community Hospital, Inc., Chicago 60624, 312–722–3020	IL	12/21/93
Mr. Benn Greenspan, Mt. Sinai Hospital Medical Ctr., California Ave. at 15th St., Chicago 60608, 312–257–6653	IL	12/21/93
Mr. William Wagmann, Brentwood North Nursing and Rehab. Ctr., Riverwoods 60015, 708–459–1200	IL	12/22/93
Mr. Nanjean Painter, Lake Cook Terrace Nursing Ctr., 222 Dennis Drive, Northbrook 60062, 708–564–0505	IL	12/22/93
Mr. Neal Kjos, North Shore Terrace, 2222 West 14th, Waukegan 60085, 708–249–2400	IL	12/22/93
Mr. Larry Banks, Capitol View Care Center, 707 Armstrong, Lansing 48911, 517–393–5680	MI	12/08/93
Mr. John Dubis, St. Mary's Health Ctr., 100 St. Mary's Medical Plaza, Jefferson City 65101, 314–635–7642	MO	12/22/93
Ms. Wanda Fleming, Claiborne County Hospital, 123 McComb Avenue, Port Gibson 39150, 601–437–5141	MS	12/07/93
Ms. Su Modlin James, Britthaven of Davidson, 706 Pinewood Rd., Thomasville 27360, 919–475–9116	NC	12/03/93
Mr. Glenn Potter, Britthaven, Inc., 1211 Highway 258 N, Kinston 28502, 919–523–9094	NC	12/08/93
Ms. Debra W. Neill, Britthaven of Charlotte, 2623 Cranbrook Lane, Charlotte 28207, 704–332–1161	NC	12/20/93
Ms. Nancy Tofani, Stone Arch Health Care Ctr., Road 1, Pittstown 08867, 908–735–6600	NJ	12/06/93
Ms. Clara Kim, International Nurses Registry, 3 VanAllen Court, Wayne 07470, 201–633–8591	NJ	12/20/93
Mr. James M. Toomey, El Jen Convalescent Hospital, 5538 West Duncan Drive, Las Vegas 89130, 702–645–2606.	NV	12/21/93
Mr. Gary Gambuti, St. Luke's-Roosevelt Hosp. Ctr., Amsterdam Ave. & 114th St., New York 10019, 212–523–2162.	NY	12/20/93
Ms. Estrella Krish, Professional Healthcare Associates, Inc., Bronxville 10708, 914–337–0705	NY	12/20/93
Mr. John Quirk, General Healthcare Resources, Inc., Wayne 19807, 215–993–2800	PA	12/06/93
Ms. Marie V. Fraser, VNA Home Health Services, 218 E. Market Street, York 17403, 717–846–9900	PA	12/21/93
Mr. Jack C. Bailey, Memorial Medical Ctr. of East Texas, Lufkin 75902, 409–639–7789	TX	12/03/93

DIVISION OF FOREIGN LABOR CERTIFICATIONS APPROVED ATTESTATIONS—Continued

[12/01/93 to 12/31/93]

CEO-name/facility name/address	State	Approval date
Mr. Robert V. Deen, Polk County Memorial Hosp., 602 E. Church Street, Livingston 77351, 409–327–4381	TX	12/03/93
Mr. Mike Spurlock, HCA Arlington Medical Ctr., 3301 Matlock Road, Arlington 76015, 817–472–4829	TX	12/03/93
Ms. Luci Micu, Medical Insights & Care Unlimited, Houston 77074, 713–774–6428	TX	12/03/93
Mr. Chuck Schuetz, Heights Hospital, 1917 Ashland, Houston 77008, 713–802–8252	TX	12/03/93
Mr. David Buchmueller, Providence Memorial Hospital, 2001 North Oregon, El Paso 79902, 915–546–2810	TX	12/06/93
Mr. Nedro G. Parker, Allied Health Network, Inc., 4506 La Branch, Houston 77004, 713–522–2443	TX	12/08/93
Mr. John Mims, McAllen Medical Center—UHS, 301 W. Expressway 83, McAllen 78503, 210–632–4000	TX	12/15/93
Ms. Dora Horton, St. Mary's Hospital, Third Street, NE., Norton 24273, 703–679–9100	VA	12/20/93
Mr. Phillip G. Fogg, Rose Vista Care Center, Prestige Care Venture I, Vancouver 98661, 206–696–0161	WA	12/20/93
Total Attestations: 64		

[FR Doc. 94–992 Filed 1–13–94; 8:45 am]

BILLING CODE 4510–30–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: David C. Fisher, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency grant applications. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; or (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), and (6) of section 552b of Title 5, United States Code.

1. *Date*: February 1, 1994
   Time: 9 a.m. to 5 p.m.
   Room: 315
   Program: This meeting will review applications for Elementary and Secondary Education, submitted to the Division of Education Programs, for projects beginning after September 1, 1994.
2. *Date*: February 2, 1994
   Time: 9 a.m. to 5 p.m.
   Room: 315
   Program: This meeting will review applications for the projects in Cultural Studies in Interpretive Research, submitted to the Division of Research Programs, for projects beginning after July 1, 1994.
3. *Date*: February 3, 1994
   Time: 9 a.m. to 5 p.m.
   Room: 315
   Program: This meeting will review applications for Elementary and Secondary Education, submitted to the Division of Education Programs, for projects beginning after September 1, 1994.
4. *Date*: February 3–4, 1994
   Time: 8:30 a.m. to 5 p.m.
   Room: M–14
   Program: This meeting will review applications for Humanities Projects in Museums and Historical Organizations program received during the December 3, 1993 deadline, submitted to the Division of Public Programs, for projects beginning after July 1, 1994.
5. *Date*: February 4, 1994
   Time: 8:30 a.m. to 5 p.m.
   Room: 415
   Program: This meeting will review applications for the National Heritage Preservation Program Projects, submitted to the Division of Preservation and Access, for projects beginning after July 1, 1994.
6. *Date:* February 4, 1994
   Time: 9 a.m. to 5 p.m.
   Room: 315
   Program: This meeting will review applications for projects in History in Interpretive Research, submitted to the Division of Research Programs, for projects beginning after July 1, 1994.
7. *Date:* February 7, 1994
   Time: 8:30 a.m. to 5 p.m.
   Room: 415
   Program: This meeting will review applications for Library and Archival Preservation and Access Projects, submitted to the Division of Preservation and Access, for projects beginning after July 1, 1994.
8. *Date:* February 8, 1994
   Time: 9 a.m. to 5 p.m.
   Room: 315
   Program: This meeting will review applications for Elementary and Secondary Education, submitted to the Division of Education Programs, for projects beginning after September 1, 1994.
9. *Date:* February 14, 1994
   Time: 8:30 a.m. to 5 p.m.
   Room: M–14
   Program: This meeting will review applications for Documentation of Humanities Collections Projects, submitted to the Division of Preservation and Access, for projects beginning after July 1, 1994.
10. *Date:* February 14, 1994
    Time: 9 a.m. to 5 p.m.
    Room: 315
    Program: This meeting will review applications for projects in Literature and Humanities Studies of the Fine Arts in Interpretive Research, submitted to the Division of Research Programs, for projects beginning after July 1, 1994.
11. *Date:* February 18, 1994
    Time: 8:30 a.m. to 5 p.m.
    Room: M–14
    Program: This meeting will review

applications for Library and Archival Preservation and Access Projects, submitted to the Division of Preservation and Access, for projects beginning after July 1, 1994.

12. *Date:* February 25, 1994
Time: 8:30 a.m. to 5 p.m.
Room: M–07
Program: This meeting will review applications in Library an Archival Preservation and Access Projects, submitted to the Division of Preservation and Access, for projects beginning after July 1, 1994.

13. *Date:* February 28, 1994
Time: 8:30 a.m. to 5 p.m.
Room: M–07
Program: This meeting will review applications in Library and Archival Preservation and Access Projects, submitted to the Division of Preservation and Access, for projects beginning after July 1, 1994.

David C. Fisher,
Advisory Committee Management Officer.

[FR Doc. 94–1034 Filed 1–13–94; 8:45 am]

BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–443; License No. NPF–86]

North Atlantic Energy Service Corp.; Seabrook Station, Unit No. 1; Order Approving Transfer of License

I

Vermont Electric Generation and Transmission Cooperative, Inc., (Vermont) is the holder of a 0.41259-percent ownership share in Seabrook Station, Unit No. 1. Vermont's interest in Seabrook Station, Unit No. 1, is governed by License No. NPF–86 issued by the U.S. Nuclear Regulatory Commission (the NRC) pursuant to 10 CFR part 50 on March 15, 1990, in Docket No. 50–443. Under this license, only North Atlantic Energy Service Corporation (North Atlantic), acting as agent and representative of 12 joint owners listed in the license, has the authority to operate Seabrook Station, Unit No. 1. Seabrook Station, Unit No. 1, is located in Rockingham County, New Hampshire.

II

By letter dated August 27, 1993, North Atlantic proposed an amendment to License No. NPF–86 which would change the license to reflect the transfer of Vermont's 0.41259-percent ownership share in Seabrook Station, Unit No. 1, to North Atlantic Energy Corporation (NAEC).

In 1990, Vermont filed a claim against Public Service Company of New Hampshire (PSNH) with the United States Bankruptcy Court which was then hearing a petition from PSNH for reorganization under Chapter II of the United States Bankruptcy Code. Vermont's claim sought redress for damages that were alleged to have been incurred while PSNH had been the managing agent for the Seabrook Station. In November 1990, the two parties reached a settlement which included an agreement by PSNH or its designee to purchase Vermont's share of the Seabrook Station, Unit No. 1, subject to obtaining the necessary approvals from all regulatory agencies. In December 1990, the Bankruptcy Court issued an order approving the stipulation that PSNH and Vermont had filed describing the settlement.

In June 1992, in accordance with the Plan of Reorganization for PSNH that was confirmed by the Bankruptcy Court, Northeast Utilities (NU) acquired PSNH in merger transactions and, after receipt of NRC approval, NAEC (a weekly formed and wholly owned subsidiary of NU) acquired PSNH's interest in Seabrook Station, Unit No. 1. The transfer of Vermont's ownership share in Seabrook to NAEC will consummate the settlement entered into by Vermont and PSNH.

The transfer of rights under License No. NPF–86 is subject to the NRC's approval under 10 CFR 50.80(a). After reviewing information submitted in the August 27, 1993, letter and other information before the Commission, the NRC staff has determined that the transfer of Vermont's interest in Seabrook Station, Unit No. 1 to NAEC (which is already a licensee) does not affect NAEC's technical or financial qualifications to be a holder of License No. NPF–86, and the license transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission.

III

Pursuant to 10 CFR 51.21, 51.32, and 51.35, an environmental assessment and finding of no significant impact was published in the **Federal Register** on January 5, 1994 (59 FR 605). Accordingly, based upon the environmental assessment, the Commission has determined that issuance of this order will not have a significant effect on the quality of the human environment.

Accordingly, pursuant to Sections 161b and 161i of the Atomic Energy Act of 1954 (as amended), 42 U.S.C. 2201, and 10 CFR 50.80, *it is hereby ordered* that the transfer of control of Vermont Electric Generation and Transmission Cooperative, Inc.'s 0.41259-percent undivided ownership interest in Seabrook Station, Unit No. 1, to North Atlantic Energy Corporation is approved subject to the following: (1) Should the transfer not be completed by May 30, 1994, this Order will be null and void and (2) on application and for good cause shown, this Order may be extended for a short period beyond May 30, 1994.

Dated at Rockville, MD, this 7th day of January 1994.

For the Nuclear Regulatory Commission.

Thomas E. Murley,
Director, Office of Nuclear Reactor Regulation.

[FR Doc. 94–951 Filed 1–13–94; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Rel. No. 20007; 811–3377]

Gradison U.S. Government Trust; Application for Deregistration

January 10, 1994.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 ("Act").

APPLICANT: Gradison U.S. Government Trust.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on December 13, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on February 4, 1994 and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request such notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549.

Applicant, 580 Walnut Street, Cincinnati, Ohio 45202.

FOR FURTHER INFORMATION CONTACT: James M. Curtis, Senior Counsel, at (202) 504–2406, or Barry D. Miller, Senior Special Counsel, at (202) 272–3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a diversified open-end management investment company organized as a Massachusetts business trust. On January 15, 1992, applicant filed a notification of registration pursuant to section 8(1) of the Act and a registration statement under section 8(b) of the Act and under the Securities Act of 1933. The registration statement was declared effective on April 13, 1982, and applicant commenced its initial public offering on that date.

2. On June 14, 1993, applicant's board of trustees approved, subject to shareholder approval, an Agreement and Plan or Reorganization and Liquidation (the "Reorganization") providing for the transfer of all or substantially all of the assets and liabilities of applicant to Gradison Cash Reserves Trust (the "Acquiring Fund") in exchange for shares of the Gradison-McDonald U.S. Government Reserves Series of Gradison Cash Reserves Trust ("GM–US Shares") and the assumption of liabilities. According to a registration statement filed by the Acquiring Fund on July 1, 1993, containing a proxy statement/prospectus, the Board of Trustees of applicant, including the trustees who are not "interested persons" of applicant as that term is defined in the Act, concluded that the Reorganization would be in the best interests of the shareholders of applicant, and that the interests of applicant's shareholders would not be diluted as a result.

3. The registration statement on Form N–14 and the proxy statement/prospectus contained therein was furnished to applicant's shareholders on or about August 15, 1993. At a special meeting of shareholders held on September 15, 1993, the holders of at least a majority of the outstanding voting shares of applicant approved the Reorganization.

4. On September 24, 1993, 24,964,000 shares of applicant were outstanding at a net asset value of $1.00 per share. At such date, aggregate net assets of applicant were $24,964,000. As of September 24, 1993, GM–US Shares were distributed to applicant's shareholders. Each shareholder received the proportion of GM–US Shares received by applicant that the number of applicant shares owned by each such shareholder bore to the number of outstanding applicant shares.

5. Applicant's investment adviser paid expenses incurred in the reorganization totalling $54,222.

6. As of the date of the application, applicant had no shareholders, assets, or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–998 Filed 1–13–94; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended January 7, 1994

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 49349.
Date filed: January 5, 1994.
Parties: Members of the International Air Transport Association.
Subject: COMP Telex 033f—Cargo Currency Adjustment in Hungary.
Proposed Effective Date: February 1, 1994.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 94–1003 Filed 1–13–94; 8:45 am]

BILLING CODE 4910–62–P

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended January 7, 1994

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 49348.
Date filed: January 5, 1994.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: February 2, 1994.
Description: Application of Delta Air Lines, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations applies to renew its certificate of public convenience and necessity to permit Delta to continue to provide scheduled air transportation of persons, property and mail over the following route segments: 1. Between the terminal point Atlanta, Georgia, and the terminal point Mexico City, Mexico; 2. Between the terminal point Dallas/Ft. Worth, and the terminal point Mexico City, Mexico.

Docket Number: 49354.
Date filed: January 7, 1994.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: February 4, 1994.
Description: Application of United Air Lines, Inc., pursuant to section 401 of the Act and subpart Q of the Regulations, applies for renewal of segments 1, 2, 3 and 9 of its Certificate of Public Convenience and Necessity for Route 566 authorizing services between San Francisco, CA and Mexico City, Mexico; Chicago, IL and Mexico City, Mexico; Washington DC and Mexico City, Mexico; and Orlando, Florida and Mexico City, Mexico, respectively. This authority is due to expire on July 13, 1994.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 94–1002 Filed 1–13–94; 8:45 am]

BILLING CODE 4910–62–P

Federal Highway Administration

Environmental Impact Statement; Asotin County, WA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Recission of notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that, based on environmental studies and comments received during the scoping process and public information meetings for the proposed project, it has been decided to prepare an

Environmental Assessment (EA) in lieu of an Environmental Impact Statement. The Notice of Intent which appeared in the **Federal Register** /Vol. 58, No. 149/ Thursday, August 5, 1993, regarding a proposed highway project in Asotin County, Washington, is hereby rescinded.

FOR FURTHER INFORMATION CONTACT: Lynn Porter, Area Engineer, Federal Highway Administration, 711 S. Capitol Way, Evergreen Plaza Bldg., suite 501, Olympia, Washington 98501–1284, Telephone: (206) 753–2120.

SUPPLEMENTARY INFORMATION: An EA for the proposed project was approved for circulation on December 28, 1993. Subsequent distribution included State and Federal agencies and interested parties identified during project planning and scoping. The EA discusses a proposal (build alternative) to construct a new 1.1 mile Fleshman Way roadway on a route north of 16th Avenue in Asotin County, Washington. The proposed improvements would also involve the reconstruction of the existing 15th Street between 16th Avenue and Bridge Street (U.S. Highway 12) for a distance of about 1.5 miles. It would also include a new interchange or intersection in the vicinity of 13th Street and a new intersection on 16th Avenue and Fleshman Way.

Improvements to the corridor are considered necessary to address existing traffic operations problems, to meet projected traffic demand and to improve safety. Existing deficient features include lane and shoulder widths, horizontal and vertical alignments, and pavement structure. The proposed project is included in the Asotin County and the City of Clarkston Comprehensive Plans as a link between U.S. Highway 12 west of Clarkston and the Southway Bridge, and provides a southern connection between the Cities of Clarkston and Lewiston.

Several alternatives were evaluated as part of the environmental studies conducted for the project. However, only one build alternative and the no-build are under consideration at present. The build alternative includes a four-lane roadway on a new location, generally north of 16th Avenue, as described above, and intersecting 15th Street south of Highland Avenue. It also includes widening 15th Street to three lanes (two travel lanes and a continuous left-turn lane).

Letters describing the proposed action and soliciting comments, have been sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in the proposal. A series of public meetings were held in Asotin County between January and August 1993. A public hearing has been scheduled for January 27, 1994. The EA is currently available for review and comments.

Comments on the EA and the proposed action will be accepted until ten days after the public hearing. To ensure that the full range of issues related to this proposed action are addressed and any significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EA should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal Programs and activities apply to this program.)

Issued on: January 4, 1993.

Jose M. Miranda,

Environmental Program Manager, Olympia.

[FR Doc. 94–938 Filed 1–13–94; 8:45 am]

BILLING CODE 4910–22–M

Environmental Impact Statement: Contra Costa County and Solano County, CA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a supplement to a Draft Environmental Impact Statement will be prepared for a proposed highway project in Contra Costa County and Solano County, California.

FOR FURTHER INFORMATION CONTACT: Mr. John Schultz, Chief, District Operations "A", Federal Highway Administration, 980 9th Street—Suite 400, Sacramento, California 95814–2724, Telephone: (916) 551–1314.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans), will prepare a supplement to the Draft Environmental Impact Statement (DEIS) on a proposal to construct a new toll bridge across the Carquinez Strait at Interstate 680 between the City of Benicia and the City of Martinez. The proposed new toll bridge will be parallel to the existing Benicia-Martinez Bridge. The original DEIS for the Benicia-Martinez Bridge System (FHWA–CA–EIS–91–03–D) was approved October 17, 1991. The proposed improvements will provide a new five-lane bridge, including one auxiliary lane and one slow-vehicle lane, a new toll plaza and new freeway-to-freeway connectors between I–680 and I–780. These are considered necessary to improve operation and safety, relieve freeway congestion and accommodate projected traffic volumes.

The proposed project limits include I–680, from 2000 feet south of the Marina Vista Interchange in Contra Costa County to Bayshore Road in Solano County, and I–780, from East 5th Street to include the I–680/I–780 Interchange in Solano County. The scope of the traffic study includes: (1) I–680 from Route 4 to I–80, (2) I–780 between I–680 and I–80, (3) I–80 between Red Top Road and the Route 12 East Interchange, (4) Freeway-to-freeway as well as local interchanges, and (5) Freeway ramp-end and local street intersections potentially affected by proposed improvements. Modifications to the I–680/Marina Vista Interchange and the I–680/I–780 Interchange will be required, and will be considered in the preliminary engineering and environmental studies.

A Draft EIR/EIS for the Benicia-Martinez Bridge System Project was circulated and a public hearing was held in December 1991. One hundred thirty (130) written comments were received. Substantial comments involved: (1) Matching the scope of the project with the available funding, (2) providing for future rail transit on the new bridge, (3) location of the new bridge and toll plaza, (4) the direction of toll collection, and (5) construction impacts. Based on this information the decision was made to down-scope the project to the current proposal and prepare a Supplemental Draft Environmental Impact Statement.

Alternatives under consideration include: (1) Taking no action, (2) providing for mass transit and (3) providing for multi-modal transportation modes including bicycle and pedestrian facilities. Incorporated into the studies with the build alternatives will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A public meeting (open house/map display) will be held to provide information and discuss features of the project. In addition, a public hearing will be held. Public notice will be given of the time and place of the meeting and hearing. The Supplemental Draft EIS will be available

for public and agency review and comment prior to the public hearing. No formal scoping meeting will be held.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address previously provided in this document.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: January 6, 1994.

Patrick A. Bauer,

Transportation Engineer, Sacramento, California.

[FR Doc. 94-939 Filed 1-13-94; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Johnson County, KS

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed highway project located in Johnson County, Kansas, Cass County, Missouri, and Jackson County, Missouri.

FOR FURTHER INFORMATION CONTACT: Johnny R. Dahl, Operations Engineer, FHWA, 3300 South Topeka Boulevard, suite 1, Topeka, Kansas 66611-2237, Telephone: (913) 267-7284. Donald L. Neuman, Programs Engineer, FHWA, P.O. Box 1787, Jefferson City, Missouri 65102, Telephone: (314) 636-7104. Warren Sick, P.E., Chief of Bureau of Design, Kansas Department of Transportation, Docking State Office Building, Topeka, Kansas 66612, Telephone: (913) 296-3525. Bob Sfreddo, Division Engineer—Design, Missouri Highway and Transportation Department, P.O. Box 270, Jefferson City, Missouri 65102, Telephone: (314) 751-2876. James F. Pilley, P.E., Johnson County Engineer, 1800 West 56 Highway, Olathe, Kansas 66061, Telephone: (913) 782-2640.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Kansas Department of Transportation, Missouri Highway and Transportation Department, Cass County, and Johnson County will prepare an EIS for a proposed highway project known as the 21st Century Transportation Corridor. If constructed, the project would be primarily on new location and developed initially as a two-lane road (ultimately as a four-lane roadway). The study corridor begins at the existing K-7/Shawnee Mission Parkway interchange, passes to the east side of DeSoto, extends southerly along the west side of the Cedar Creek development and the Johnson County Industrial Airport, extends southeasterly to U.S. 169 north of Spring Hill, and then extends easterly across the southern part of Johnson County passing south of Stilwell and intersecting the State Line in the vicinity of 195th Street. The corridor will then enter Cass County, Missouri, and connect with Highway 71 south of Belton; a distance of approximately 74 kilometers (46 miles).

The project is intended to provide relief for projected traffic demands in western and southern Johnson County, Kansas, northern Cass County, Missouri, and southern Jackson County, Missouri. Several alternatives will be considered including the no build. Also incorporated into the study will be various alignments within the corridor.

One public information and two *Citizen's Group* meetings have been held to keep the local citizens informed of the study. These meetings have provided early coordination with appropriate Federal, State, local agencies, and private organizations who have expressed interest in this proposed project.

Public hearing(s) will be held during the development of the EIS. Public notice will be given for the time and place of the hearing(s) and the location of where the Draft EIS will be available for review and comment.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning this proposed action and the EIS should be directed to the FHWA, Johnson County, or the Kansas Department of Transportation at the addresses provided.

Issued on: January 4, 1994.

Johnny R. Dahl,

Operations Engineer, Kansas Division, Federal Highway Administration, Topeka, Kansas.

[FR Doc. 94-982 Filed 1-13-94; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Miller County, AR

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Miller County, Arkansas.

FOR FURTHER INFORMATION CONTACT: Wendall L. Meyer, Environmental and Design Specialist, Federal Highway Administration, 3128 Federal Office Building, Little Rock, Arkansas 72201-3298, telephone: (501) 324-6430; or Reid Beckel, Consultant Coordinator, Chief Engineer, Arkansas State Highway and Transportation Department, P.O. Box 2261, Little Rock, Arkansas 72203, Telephone: (501) 569-2163.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Arkansas State Highway and Transportation Department and Louisiana Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to construct a four-lane, divided, fully controlled access highway facility located on new alignment. The proposed project along U.S. 71, from Texarkana, Arkansas-Texas south to the Louisiana State Line, includes several alternatives based on new location corridors and varying termini. The approximate length of the project is 53.1 kilometers (33.0 miles).

The proposed improvements would improve the capacity of the existing route and increase regional mobility along a proposed ultimate route extending from Kansas City, Missouri to Shreveport, Louisiana. This project is one of several projects identified as "high priority corridors" on the National Highway System that would provide a transportation corridor of national significance from Kansas City to Shreveport. The proposed improvements will draw new traffic through southwest Arkansas, northwest Louisiana, and northeast Texas and serve as both a short-term and long-term economic stimulus, promoting development in this currently rural area. Major metropolitan areas lying along this "high priority corridor" include Kansas City, Kansas-Missouri; Joplin, Missouri; Fayetteville, Arkansas, Fort Smith, Arkansas; Texarkana, Arkansas-Texas; and Shreveport, Louisiana.

The northern terminus of the proposed improvements will connect to the proposed Loop 151/245 in Texarkana, Arkansas-Texas. Loop 151/

245 is currently being designed and/or constructed around the south side of Texarkana, Arkansas-Texas. The southern terminus will be at the Louisiana state line, and its location determined based on existing and new location U.S. 71 corridors.

Alternatives to be considered are:

(1) The "Do-Nothing" Alternative, where roads are constructed according to the regional plan with the exception of the proposed facility;

(2) The "Reconstruction" Alternative, where existing U.S. 71 and roads on the regional plan are upgraded to handle traffic forecast for the proposed facility, but with less than full control of access; and

(3) The "New Location" Alternative, considering several different alignments and full control of access.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, state, and local agencies and to private organizations, including conservation groups and groups of individuals who have expressed interest in the project in the past, and to major Arkansas, Louisiana and northeast Texas newspapers. A series of public involvement sessions will be held in the areas to be affected. In addition, a formal public hearing will be held. Public notice will be given of the time and place of the public involvement sessions and the public hearing. The draft Environmental Impact Statement (EIS) will be available for public and agency review and comment prior to the public hearing. An agency scoping meeting was held on December 7, 1993 at the Arkansas State Highway and Transportation Department offices in Little Rock, Arkansas.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities apply to this program.)

Issued on: January 3, 1994.

Wendall L. Meyer,

Environmental and Design Specialist, FHWA, Little Rock, Arkansas.

[FR Doc. 94-983 Filed 1-13-94; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Multiple Counties, Alabama

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that two Environmental Impact Statements will be prepared for a proposed highway that will traverse the northern section of the State of Alabama.

FOR FURTHER INFORMATION CONTACT: Mr. Joe D. Wilkerson, Division Administrator, Federal Highway Administration, 500 Eastern Boulevard, suite 200, Montgomery, Alabama 36117-2018, Telephone (205)223-7370.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the State of Alabama Department of Transportation, will prepare two Environmental Impact Statements (EIS's) for Project DPS-A002(001). The proposal is to construct a multi-lane, limited access roadway that will function as a major segment of a Memphis to Atlanta transportation corridor. The facility will provide a direct link between the two metropolitan areas.

The facility, approximately 273.58 kilometers (170 miles) in length, will be divided into two segments for location studies and assessment of environmental impacts. Two Environmental Impact Statements will be prepared, one for the western part of the route, approximately 120.7 kilometer (75 miles) in length, from the Alabama/Mississippi State line and extending to an undermined point near Interstate Highway 65 near the center of Alabama and the second Impact Statement written for the eastern part of the project, approximately 152.9 kilometers (95 miles) in length, beginning at an undetermined point near Interstate Highway 65 near Huntsville, Alabama, and extending to the Alabama/Georgia border. There will be coordination in the location and environmental studies to establish a common location at I-65.

Alternatives under consideration include: (1) Alternate route locations, (2) a no action alternative, and (3) postponing the action Alternative.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have an interest in this proposal. A series of public meetings will be held beginning in early 1994. In addition, public hearings will also be held. Public notice will be given of the time and place of the meetings and hearings. The Draft Environmental Impact Statements will be available for public and agency review and comment prior to the public hearings.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS's should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Joe D. Wilkerson,

Division Administrator, Montgomery, Alabama.

[FR Doc. 94-940 Filed 1-13-94; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Pitt County, NC

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project within the City of Greenville and Pitt County, North Carolina.

FOR FURTHER INFORMATION CONTACT: Roy C. Shelton, Operations Engineer, Federal Highway Administration, suite 410, 310 New Bern Avenue, Raleigh, North Carolina 27601, Telephone (919) 856-4350.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the North Carolina Department of Transportation (NCDOT), will prepare an environmental impact statement (EIS) on a proposed Greenville Southwest Bypass in the City of Greenville and Pitt County. The proposed action will be the construction of a multilane divided controlled access highway on new location from NC 11-903 south of Greenville around the southern and western portions of the city to US 264 west of Greenville. This proposed facility is a portion of a planned complete bypass facility which ultimately will provide for travel around Greenville and will relieve existing traffic congestion along NC 11-903 through Greenville. The proposed action is part of the 1990 Greenville Thoroughfare Plan.

Alternatives under consideration include: (1) The "no-build" alternative, (2) improve existing facilities, and (3) a controlled access highway on new location.

Letters describing the proposed action and soliciting comments are being sent to appropriate Federal, State and local agencies. Citizens Informational Workshops and meetings with local officials and neighborhood groups will be held in the study area. Public hearings will also be held. Information on the time and place of the workshops and hearings will be provided in the local news media. The draft EIS will be available for public and agency review and comment at the time of the hearing.

To ensure the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning the proposed action should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: January 7, 1994.

Roy C. Shelton,

Operations Engineer, Raleigh, NC.

[FR Doc. 94-941 Filed 1-13-94, 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of 49 CFR Part 236

Pursuant to 49 CFR part 235 and 49 U.S.C. App. 26, the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

Block Signal Application (BS-AP)-No. 3273

Applicant: Buffalo & Pittsburgh Railroad, Inc., Mr. R. T. Haley, Signal Supervisor C&S, 201 North Penn Street, Punxsutawney, Pennsylvania 15767.

The Buffalo & Pittsburgh Railroad, Inc., seeks approval of the proposed discontinuance and removal of the signal system, on the single main track, between Macklin, milepost 282.4 and Eidenau, milepost 303.5, near Butler, Pennsylvania, on the Butler Branch.

The reason given for the proposed changes is to retire facilities no longer required for present operation.

Rules Standards & Instructions Application (RS&I-AP)-No. 1089

Applicant: Consolidated Rail Corporation, Mr. J. F. Noffsinger, Chief Engineer—C&S, 2001 Market Street, P.O. Box 41410, Philadelphia, Pennsylvania 19101-1410.

Consolidated Rail Corporation (Conrail) seeks relief from the requirements of § 236.566 (49 CFR 236.566) of the Rules, Standard and Instructions to the extent that they be allowed to operate nonequipped locomotives in automatic cab signal territory, on the two main tracks between "CP Jacks," milepost 191.3 and "CP Gray," milepost 223.3, on the Pittsburgh Line, Harrisburg Division, for the following operations:

1. Wire trains, work trains, wreck trains, and ballast cleaners to and from work;
2. Engines and diesel cars moving to and from shops; and
3. Engines used in switching and transfer service, with or without cars, not exceeding 20 miles per hour.

The reason given for the proposed changes is that exemptions are already authorized for operation of nonequipped locomotives under the same circumstances in cab signal territory at other locations on Conrail, and that this relief request would be an extention of those already existing exemptions.

RS&I-AP-No. 1090

Applicants: Union Pacific Railroad Company, and Missouri Pacific Railroad Company, Mr. E. J. McCaddon, Director of Locomotive Maintenance Operations, Harriman Dispatching Center, 850 Jones Street, Omaha, Nebraska 68102-2920.

The Union Pacific Railroad Company and Missouri Pacific Railroad Company (UP&MP) jointly seek relief from the requirements of Section 236.590 (49 CFR 236.590) of the Rules, Standard and Instructions for all locomotives owned, leased, or operated under contract by the UP&MP, equipped with Automatic Train Control Systems (including automatic train control, automatic train stop, and coded cab signals), to the extent that the carrier be permitted to extend the current 2 year time limit (736 days) to 3 years, for change out or removal and cleaning of the following pneumatic valves associated with Automatic Train Control Systems:

1. "EBPS"—Engine Brake Pressure Switch 35/20 PSI.
2. "SBPS"—Service Brake Pressure Switch 35/20 PSI.
3. ATC—Magnet Valve.
4. CCS—Magnet Valve.

Applicant's justification for relief: To allow easier scheduling of air brake work since time limits would coincide with other locomotive valves, providing improved inventory control, reducing required inventory, and reducing locomotive down-time. The carrier also states the failure frequency is less than air brake valves currently changed and cleaned on a 3 year basis.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the protestant in the proceeding. The original and two copies of the protest shall be filed with the Associate Administrator for Safety, FRA, 400 Seventh Street, SW., Washington, DC 20590 within 45 calendar days of the date of issuance of this notice. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

FRA expects to be able to determine these matters without oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on January 7, 1994.

Phil Olekszyk,

Deputy Associate Administrator for Safety.

[FR Doc. 94-901 Filed 1-13-94; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF THE TREASURY

Office of the Secretary

Notice of Call for Redemption

Washington, January 11, 1994.

To Holders of 8½ Percent Treasury Bonds of 1994-99, and Others Concerned

1. Public notice is hereby given that all outstanding 8½ percent Treasury Bonds of 1994-99 (CUSIP No. 912810 BR 8) dated May 15, 1974, due May 15, 1999, are hereby called for redemption at par on May 15, 1994, on which date interest on such bonds will cease.

2. Full information regarding the presentation and surrender of such bonds held in coupon and registered form for redemption under this call will be found in Department of the Treasury Circular No. 300, Revised, dated March 4, 1973. Coupon bonds must have all unmatured coupons attached to the

security upon presentation for redemption at par. If any coupons for the interest payment dates of November 15, 1994, through May 15, 1999, are missing, the full face amount of the missing coupons will be deducted from the par value.

3. Such bonds held in book-entry form will be paid automatically on May 15, 1994, whether held on the books of the Federal Reserve Banks or in TREASURY DIRECT accounts.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 94-1081 Filed 1-12-94; 8:45 am]

BILLING CODE 4810-40-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85-5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, "Degas Landscapes" (see list [1]), imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the Metropolitan Museum of Art, New York, New York, from on or about January 19, 1994 to on or about April 4, 1994, is in the national interest.

Public Notice of this determination is ordered to be published in the **Federal Register.**

Dated: January 10, 1994.

Les Jin,

General Counsel.

[FR Doc. 94-947 Filed 1-13-94; 8:45 am]

BILLING CODE 8230-01-M

[1] A copy of this list may be obtained by contacting Mr. Paul W. Manning of the Office of the General Counsel of USIA. The telephone number is 202/619-6827, and the address is room 700, U.S. Information Agency, 301 Fourth Street, SW., Washington, DC 20547.

DEPARTMENT OF VETERANS AFFAIRS

Poverty Threshold

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is hereby giving notice of the weighted average poverty threshold in 1992 for one person (unrelated individual) as established by the Bureau of the Census.

DATES: The 1992 poverty threshold is for consideration effective October 8, 1993, the date on which we notified our regional offices of such amount.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233-3005.

SUPPLEMENTARY INFORMATION: VA published a final regulation amending 38 CFR 4.16(a) in the **Federal Register** of August 3, 1990, pages 31579-80. The amendment provided that marginal employment generally shall be deemed to exist when a veteran's earned annual income does not exceed the amount established by the Bureau of the Census as the poverty threshold for one person. VA noted that the weighted average poverty threshold in 1988 for one person (unrelated individual) as established by the Bureau of the Census was $6,024 and stated we would publish subsequent poverty threshold figures as notices in the **Federal Register.**

The Bureau of the Census recently published the weighted average poverty thresholds for 1992. The threshold for one person (unrelated individual) is $7,143.

Dated: January 4, 1994.

Jesse Brown,

Secretary of Veterans Affairs.

[FR Doc. 94-898 Filed 1-13-94; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 59, No. 10
Friday, January 14, 1994

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 10:03 a.m. on Tuesday, January 11, 1994, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's corporate activities.

In calling the meeting, the Board determined, on motion of Mr. Stephen R. Steinbrink, acting in the place and stead of Director Eugene A. Ludwig (Comptroller of the Currency), seconded by Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), concurred in by Acting Chairman Andrew C. Hove, Jr., that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550–17th Street, NW., Washington, DC.

Dated: January 11, 1994.

Federal Deposit Insurance Corporation.

Patti C. Fox,

Acting Deputy Executive Secretary.

[FR Doc. 94–1084 Filed 1–12–94; 8:54 am]

BILLING CODE 6714–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Wednesday, January 19, 1994.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: January 12, 1994.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 94–1108 Filed 1–12–94; 1:06 pm]

BILLING CODE 6210–01–P

Corrections

Federal Register
Vol. 59, No. 10
Friday, January 14, 1994

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP94-35-003]

Colorado Interstate Gas Co., Compliance Filing

Correction

In notice document 93-31874 appearing on page 69358 in the issue of Thursday, December 30, 1993, the docket number should read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM-920-4210-06; NMNM 2074]

Proposed Continuation of Withdrawal; New Mexico

Correction

In notice document 93-30079 appearing on page 64778 in the issue of Thursday, December 9, 1993, make the following corrections:

1. In the third column, in the second paragraph, in the first line, "trip" should read "strip".
2. In the same column, in land description T. 9 N., R. 6 E., "Sec. 92" should read "Sec. 19".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM-060-04-4760-01-(604); NM-89726]

Realty Action; Direct Sale of Public Lands in Lea County, NM

Correction

In notice document 93-30076 beginning on page 64777 in the issue of Thursday, December 9, 1993, in the second column, in land description T. 14 S., R. 38 E., in Sec. 5, after "NE¼" insert a comma.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 93-ASW-46]

Proposed Modification of Class E Airspace: Stillwater, OK

Correction

In proposed rule document 93-29300 beginning on page 63125 in the issue of Tuesday, November 30, 1993, make the following correction:

§ 71.1 [Corrected]

1. On page 63126, in the third column, in § 71.1, under ASW OK E, in the second line, "3'" should read "'36'".

BILLING CODE 1505-01-D

federal register

Friday
January 14, 1994

Part II

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Parts 3280 and 3282

Manufactured Home Construction and Safety Standards on Wind Standards; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Parts 3280 and 3282

[Docket No. R-93-1632; FR-3380-F-02]

RIN 2502-AF91

Manufactured Home Construction and Safety Standards on Wind Standards

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: HUD is amending the Federal Manufactured Home Construction and Safety Standards (FMHCSS) to improve the resistance of manufactured homes to wind forces in areas prone to hurricanes. Under this rule, manufactured homes will have to be designed to withstand wind speeds of up to 110 miles an hour in hurricane-prone areas, in accordance with design provisions of the American Society of Civil Engineers Standard ANSI/ASCE 7-88. Also, the Department is making certain other changes to the standards to ensure that structural assemblies, components, windows, connectors, and fasteners will be adequate for the area in which the home is to be placed. The revised standard also requires exterior roof and wall coverings to be fastened adequately to sheathing and framing members, to resist higher design wind pressures.

The purpose of this rule is to increase the safety of manufactured homes, thereby reducing deaths and injuries and extensive property damage losses in areas where wind-induced damage is a particular hazard and risk.

EFFECTIVE DATE: July 13, 1994, except that §§ 3280.403(b) and (e) and 3280.404(b) and (e) will become effective January 17, 1995. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 13, 1994, except that the incorporation by reference of publications listed in §§ 3280.403(b) and (e) and 3280.404(b) and (e) will become effective January 17, 1995.

FOR FURTHER INFORMATION CONTACT: G. Robert Fuller, Director, Manufactured Housing and Construction Standards Division, Department of Housing and Urban Development, 451 Seventh Street, SW., ATTN: Mailroom B-133, Washington, DC 20410-8000. Telephones: (voice) (202) 755-7430; (TDD) (202) 708-4594. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

I. Background

Developmental History

The purpose of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401-5426, at 5401) (the Act) is to reduce the number of personal injuries and deaths and the amount of insurance costs and property damage resulting from manufactured home accidents, and to improve the quality and durability of manufactured homes. Section 604 of the Act confers authority on the Secretary of HUD to issue, amend, or revoke any Federal manufactured home construction or safety standard.

Following Hurricane Andrew, the Department conducted field investigations of the damage experienced in the hurricane by manufactured housing units, as part of a full-scale review of the Federal manufactured home standards. The goal of these investigations and the review of materials and recommendations was to ensure that the Federal standards provide adequate protection to manufactured home occupants during high wind conditions. On April 14, 1993, the Department published a proposed rule (58 FR 19536) that reported the preliminary conclusions of the Department's efforts, and sought public comment on changes that the Department was considering for the Federal standards. The Department also contacted each of the members of the National Manufactured Home Advisory Council (Advisory Council), individually, in order to solicit their individual comments on the proposed wind standards rule, because the proposed timetable for final publication did not permit convening the Advisory Council. The individual responses of the Advisory Council members have been considered as public comments and included in the docket file for this rule.

On June 9, 1993, the Department announced (58 FR 32316) that the comment period would be extended to July 9, 1993. The Department has continued to receive and consider comments well after that date, while this final rule was being developed. Because the timeframe originally proposed for the implementation of standard changes was postponed as a result of public comments and the extension of the comment deadline, the Department consulted with the National Manufactured Home Commission and convened the Advisory Council for consultation and to seek recommendations from the Advisory Council as a whole (see the notice published at 58 FR 34586 (June 28, 1993)). The Advisory Council met in Washington, DC, on July 13 and 14, 1993, to discuss wind standards and other proposals for changes to the standards for manufactured housing.

The recommendations of the Advisory Council as a whole were included in a resolution. The resolution questioned the sufficiency of the evidence to support adoption of the proposed rule and recommended that: (1) The Department undertake negotiated rulemaking or other comparable process for this standard; (2) the costs of any rule be considered, both cumulatively and by zones; (3) the Department examine its legal and regulatory authority with respect to installation, if it finds that an installation standard would be an appropriate means of increasing wind safety; (4) the Department consider all nationally recognized model codes; (5) the Department make available documents relating to the development of new wind standards; (6) the Advisory Council be reconvened to review public comments and the Department's analysis; (7) the Department should promptly complete the process of updating the wind standards, considering the issues and questions raised by the Advisory Council and in public comments; and (8) the Department should prepare an adequate regulatory impact analysis upon which it can support the decisions to be made on implementation of new standards.

The Department has considered the conclusions and recommendations of the Advisory Council in developing this final rule and the final regulatory impact analysis. The regulatory impact analysis is responsive to several of the Advisory Council's concerns, while this preamble addresses other points raised by the Advisory Council.

With respect to the other points raised by the Advisory Council, many commenters also suggested that installation is a crucial factor in the safety of manufactured homes. The Department agrees that the installation of manufactured housing units may be an important factor in the safety of such housing and is initiating a review of the Department's authority and ability to influence tiedown requirements.

However, the Department does not believe there is any significant advantage in, or that the public interest would be served by, reconvening the Advisory Council for the purpose of reviewing the public comments or the

Department's compliance with its statutory responsibilities in the development of these standards. Nor does the Department believe there is any advantage to the public interest in undertaking negotiated rulemaking for these standards because they have been subject to an extensive notice and comment period and have been discussed with the Advisory Council, a body representative of the manufactured housing industry, government, and consumers.

Major Differences From Proposed Rule

As a result of the Department's review of public comments and consultation with the Advisory Council, at this time the Department has decided not to pursue substantial changes to the standards in areas of the country not generally subject to hurricanes (Wind Zone I). However, the Department recognizes that in many areas of the country the Federal standards applicable to the design and construction of manufactured housing are far below standards specified for site-built and modular housing by State and local codes. Thus, the Department shall initiate a new review of the standards for the rest of the country, and it expects to publish proposals for these areas next year.

The Department has also decided not to include in the final rule the following items that were in the proposed rule:

(1) Maximum dimension of 12" for roof overhangs;

(2) Lower load duration factor than provided in the 1991 National Design Specification for Wood Construction (NDS);

(3) Requirement for a 1.5 safety factor to calculate resistance of anchoring and foundation systems to higher design forces in Wind Zones II and III;

(4) Manufacturer's design and details for a permanent foundation system (certified by a registered professional engineer or architect) applicable to each manufactured home design; and

(5) Shortened period for implementation of the standards after publication.

Relationship to Energy Rule

On October 25, 1993, the Department published a final rule amending the Federal Manufactured Home Construction and Safety Standards (FMHCSS) to include preemptive standards significantly upgrading the existing energy conservation requirements (58 FR 54975) (Energy Rule). The effective date of that rule is October 25, 1994.

Several of the provisions to be affected by the Energy Rule are also affected by the rule published today. Because of the earlier effective date for those provisions in today's rule, the Department will publish technical amendments to the Energy Rule, before the effective date of that rule, that also will reflect the new requirements imposed under today's rule. In some minor instances, the changes adopted in today's rule already include requirements that otherwise would have been imposed upon the effective date of the Energy Rule. Those changes are identified further in the section-by-section analysis later in this preamble.

Problem To Be Addressed

Each year significant damage to manufactured housing is produced by straight winds, hurricanes, and tornadoes. Damage is primarily in the form of roof failure, loss of roof diaphragm material, connection failures, and tiedown/foundation failures. The most predictable areas for wind damage to manufactured housing are those subject most directly to hurricanes. Last year Hurricanes Andrew and Iniki provided dramatic examples of the destruction faced by housing in hurricane-prone areas.

The damage to manufactured homes by Hurricane Andrew was so extensive that many were rendered unrecognizable. Ninety-seven percent of all manufactured homes in Dade County were totally destroyed, while only eleven percent of single-family homes were destroyed. The American Red Cross reported that of the 1,176 licensed and registered manufactured homes in Homestead, Florida, 1,167 were completely destroyed. The American Red Cross and FEMA have also reported a total of 11,213 manufactured homes destroyed in Florida and Louisiana in Hurricane Andrew, and an additional 3,016 manufactured homes experienced major damage. Almost 36% of all housing units destroyed during Hurricane Andrew were manufactured homes.

The loss of these units had implications extending beyond the loss of the homes and possessions of their owners. These homes, shredded by the winds, also became dangerous flying missiles, inflicting more property damage on neighboring structures.

In its October 1992 report on Hurricane Andrew, the Federal Emergency Management Agency (FEMA) stated that, "in all areas, mobile homes (manufactured housing) were most susceptible to damage or destruction. Many mobile homes imploded from the wind loads of Hurricane Andrew. In coastal areas, where mobile homes were properly 'cradled' and elevated, the cradled foundations remained intact, but the mobile homes mounted to these foundations were often heavily damaged or destroyed."

Concerns for potential losses during high winds in coastal and other areas were identified previously in a May 1991 report by the Federal Emergency Management Agency (FEMA), which predicted that the United States can expect more hurricanes of greater intensity during the 1990s and early 2000s than it has experienced in recent years. Furthermore, estimates suggest that by the year 2010 the population density on Florida's coasts will have increased about 130 percent from the 1988 level. Moreover, as the national population ages, an increasing percentage of coastal inhabitants will probably be older individuals, a group more likely to occupy manufactured houses. The American Association of Retired Persons (AARP) reports that 40 percent of the purchasers of new manufactured homes are at least 50 years old. The elderly can be more difficult to evacuate and may be more prone to be injured during periods of extreme high winds.

The technology for achieving economical wind resistant designs in housing is available. It involves calculations of risk for extreme wind-prone coastal areas and the establishment of construction standards based upon these risk calculations. Through use and implementation of this approach, risks of injury and death can be minimized and economic loss limited to acceptable levels in coastal areas subject to high winds.

In determining a course of action to address these issues, the Department had to balance two competing concerns: (1) The need to raise manufactured housing standards, to protect individuals, their homes, and their neighbors from future high winds; and (2) the need to preserve the affordability of a key source of low-cost housing. This rule is the result of the Department's decision to improve protection of homeowners in hurricane-prone areas as soon as possible, but to delay making changes to the standards in lower wind-risk areas, in order to give adequate consideration to cost factors. Although the changes are expected to increase costs to consumers in the high-wind areas, the Department has concluded that the increases are justified, because the improved standards will significantly reduce future losses to occupants and the public by strengthening the features that make manufactured homes vulnerable to damage and destruction in high

winds. Perhaps more importantly, the improved standards may help avoid the inestimable costs of devastation to people's lives and emotional health and to the communities, in the likelihood that another powerful hurricane hits a community of manufactured homes in the hurricane-prone regions of the country.

Field Investigations—Hurricane Andrew

Among the major deficiencies contributing to manufactured housing damage in Hurricane Andrew were inadequate connections between exterior roof or wall coverings and supporting sheathing or framing and between walls, roofs and floors. In particular, losses of roof coverings were widespread, and were considered by some to be the first mode of failure for manufactured homes damaged in Hurricane Andrew. Other roof-related damage was due to loss of sheathing, failure of connections, or a combination of these problems. Numerous failures of uplift straps also occurred, when the staples pulled out through the metal straps, permitting the straps to tear away from the members to which they had been fastened. In some cases, entire sections of roofs were blown away.

Another common area of failure was loss of exterior wall siding. Metal or plastic siding used in manufactured housing was readily damaged or penetrated by flying debris during the high winds in Hurricane Andrew. Loss of roof or wall cladding allows the building to be penetrated by the weather and has far-reaching consequences beyond the area of envelope integrity.

As a result of these losses, and damage to windows and doors, there was significant water damage and deterioration to many manufactured homes. In addition, failure of coverings or attachments to the manufactured home structure also caused missile-type damage to other homes.

Other losses were precipitated by prior deterioration around windows and doors that had allowed moisture to enter, thereby weakening the resistance of surrounding wood framing and floor decking. Apparently this deterioration was a result of inadequate design or enforcement practices, or a combination of both. In some manufactured homes the loss of opening protection resulted in increased internal pressures within the buildings, which contributed to the failure of interior components including ceilings. In other cases, entire sections of sliding glass doors on leeward walls were literally sucked out of their frames because of inadequate resistance of the combined assembly to the wind forces imposed during Hurricane Andrew.

Edges and corners of roofs and endwalls of manufactured homes appeared to have been particularly vulnerable to the high wind forces, according to the damage typically reported in these areas. Structural failures of endwalls also occurred, but the presence of nearby interior shearwalls prevented further losses (though not all designs are provided with interior shearwalls in the vicinity of the endwall). However, in many other cases, the entire superstructure was completely removed from the floor system.

Numerous anchor system failures were reported in the areas subjected to the highest wind speeds. Many of the systems failed due to improper installation or the type of anchor used. In addition, anchor capacity appeared to have been reduced further because of the saturated condition of the soil.

Summary of NIST Report

As part of its review of the adequacy of the Federal Manufactured Housing Construction and Safety Standards (FMHCSS), the Department contracted for a study by Dr. Richard D. Marshall of the National Institute of Standards and Technology (NIST) [Report NISTIR 5189, May 1993]. According to Dr. Marshall and several other investigative reports, damage to manufactured homes in Hurricane Andrew ranged from loss of roofing to total destruction. In general, HUD-labeled units suffered less damage than did pre-HUD units. However, conventional residential construction adjacent to manufactured home parks performed better, in some instances significantly better, than did manufactured homes. Based on wind speed assessments and damage surveys, it appears that HUD-labeled manufactured homes began to experience damage to roof and wall coverings at fastest-mile wind speeds of up to 95 mph (43 m/s), and significant structural damage at wind speeds of from 100 to 120 mph (45 to 54 m/s).

Commonly observed failures included loss of roof membranes and blow-off of roof sheathing, failure of uplift straps at truss-to-wall connections where staple crowns pulled through the strap, loss of cladding on endwalls and near corners where large negative (suction) pressures developed, loss of appurtenances with resultant missile damage and damage to the primary house unit at connection points, complete separation of the superstructure from the floor and chassis frame, and loss of the complete unit because of the failure of tiedown straps or the withdrawal of soil anchors. The NIST report also pointed out that the capacity of the anchors appeared to have exceeded the marginal resistance of the superstructure, and that if the superstructure separation failures had not occurred, the number of anchor systems failures could have been much more widespread.

In almost every case in Florida, some form of anchoring had been installed. Outside the area of strongest winds, there were relatively few anchor failures. Within the radius of strongest winds, anchor failures that were observed involved 2 ft. (610 mm) helical ground anchors (some embedded in about 3 cu.ft. (0.8 cu.m) of concrete) or rock anchors into coral. No failures of 4 ft. (1.2 m) helical anchors were noted. However, it is not clear that any anchors of that length were actually installed in the area subjected to the highest winds.

Dr. Marshall of NIST compared wind load provisions of the current FMHCSS with the American Society of Civil Engineers (ASCE) Standard ANSI/ASCE 7–88, the South Florida Building Code, the Standard Building Code, and wind design provisions proposed by the Manufactured Housing Institute. Based on these comparisons of design loads for manufactured housing units of typical dimension and geometry, considering the rationale for using importance factors and unreduced pressure coefficients, and in view of the fact that it is a true consensus standard, Dr. Marshall concluded that ANSI/ASCE 7–88 should be the basis for updating the wind load requirements for manufactured housing. In addition, since the NIST study only addressed design loads, in the interest of safety and economy, it was also recommended that prescriptive requirements of the proposed standard be consistent with the specified design loads and that testing and analysis to assure this consistency be conducted.

ASCE 7–88: Consensus Procedures for Development and Adoption

The ASCE, founded in 1852, is the oldest civil engineering organization in the United States and has a membership of more than 110,000. The ANSI/ASCE Standard 7–88, Minimum Design Loads for Buildings and Other Structures (November 1990) (ASCE 7–88, in this preamble), was developed by ASCE based on studies conducted at academic and research institutions in the United States and other parts of the world.

ASCE 7–88 is the only truly consensus minimum design load standard currently available in the United States. The ASCE rules, approved by the American National Standards Institute (ANSI), require all standards committees to have a membership balanced between

producers, consumers, building officials, and general interest groups. Each of these groups represents between 20% to 40% of the committee membership. At the time ASCE 7–88 was adopted, 89 members were on the standards committee.

The approval or revision of an ASCE standard is an elaborate process, which involves extensive balloting and resolution of all negative votes. When a standard is to be adopted, the standards committee is broken down by expertise into task committees. Those task committees draft the standard and present it to the full standards committee for balloting. All objections within the standards committee are satisfied by one of three ways: (1) the objector agrees to withdraw the objection; (2) by a vote of 75%, the full committee accepts the objection and changes the standard; or (3) by a vote of 75%, the full committee rejects the objection. The full committee then votes on the standard.

In order for the standard to pass the full standards committee, at least 65% of the committee membership must vote and 75% of those votes must be in the affirmative. Moreover, the affirmative votes cannot be less than 55% of the approved voting membership. After the standard passes the standards committee, it is issued to the public for further comment. As in the standards committee, all objections are individually considered and processed in the same manner (i.e., withdrawn or accepted or rejected by a vote of 75% of the standards committee). After a certain cutoff date and after all objections are addressed, the standard is published as an ASCE consensus standard.

ASCE 7–88: Wind Load Provisions in Model Codes

Building codes in each State or local jurisdiction control the design and construction of buildings and structures in that jurisdiction. Most communities in the United States adopt, in large part, one of the three model building codes: the National Building Code of the Building Officials and Code Administrators International (BOCA); the Standard Building Code (SBC) of the Southern Building Code Congress International, Inc. (SBCCI); or the Uniform Building Code (UBC) of International Conference of Building Officials (ICBO). Wind load provisions in these model building codes are based on the ASCE 7–88 standard, but with some modifications.

The ASCE 7–88 standard considers all of the factors that influence the magnitude of wind loads on a building. In addition to wind speed, those factors include: (1) Terrain surrounding the building, (2) shape of the building, and (3) desired safety of the building frame and components. The model building codes use most of these factors from ASCE 7–88, but modify some of the factors based on experience; because of tradition, other factors are not considered.

Some provisions of model building codes are adopted from industry manuals. The use, adoption, and modification of wind-load factors by the model building codes result from an attempt to simplify the wind-load provisions and react to the concerns of affected industries and special interest groups. In general, these modifications by model code agencies result in lower design requirements for wind forces than would be required under ASCE 7–88.

Even with these modifications, final wind loads for most buildings are fairly consistent in all model building codes. All three of the major model building codes incorporate the basic wind speed map of ASCE 7–88, and reference the ASCE standard in whole or in part, but either modify the standard or require additional prescriptive design and construction provisions. In addition, all three provide the use of ASCE 7–88 as an alternative to be applied at the discretion of the designer.

However, the model building codes do not cover the design or construction of manufactured housing. The only control local governments have over manufactured housing and mobile (manufactured) home parks is through certain zoning regulations, or anchoring, set-up, or installation requirements. As noted by one commenter (150) and discussed in the next section of this preamble, incorporation of the ASCE 7–88 standard will be critical to ensuring continued acceptance of manufactured housing by local jurisdictions in high wind areas.

Building Codes in Southern Florida

Generally, the local jurisdictions in Florida have adopted modifications of the SBC or South Florida Building Code (SFBC). As one of its primary recommendations in the aftermath of Hurricane Andrew, the 18-member Dade County, Florida, Grand Jury stated that the 35-year-old South Florida Building Code must be rewritten to duplicate the tougher, national wind standard of ASCE 7–88. The Grand Jury recognized ASCE 7–88 as a standard that more adequately reflects the design strength necessary for windows and doors. In acknowledgment of the Grand Jury's recommendations, the Dade County Building Code Committee adopted (effective January 1, 1994) the Wind Loads section of ASCE 7–88, using Exposures C and D, only. The Grand Jury further recommended that Dade County officials issue a moratorium on the permanent replacement of manufactured homes until officials could be assured that the replacement homes meet the ASCE 7–88 standards. Further, noting that lower standards are applied to manufactured housing than to conventional housing, the 1992 Fall Term Grand Jury asserted that "the low standard amounted to discrimination against those persons unable to afford the costs of conventional housing."

In its Final Report, filed August 4, 1993, the Dade County Grand Jury referenced the initial Grand Jury findings regarding the engineering advantages of the ASCE 7–88 standard and commended its adoption into the SFBC. The Grand Jury reported that:

> [T]his additional and essential modification of the SFBC should provoke a wide-ranging improvement of most of our building designs, methods and products. It should also result in the building of structures that will provide greater safety and security during a hurricane.

In order to protect those living in and near manufactured homes, the Grand Jury has reiterated the recommendation that a moratorium be instituted on the installation in the County of any new mobile homes that do not meet the wind-loading standards of ASCE 7–88.

In addition, the SBCCI, after assessing the damage caused by Hurricane Andrew, concluded that standards applicable to manufactured housing need to be reviewed to bring them up to the level of other construction types, unless society is willing to consider manufactured homes to be expendable. The SBCCI said that even if manufactured homes are considered expendable, the issue of the hazard they present to neighboring buildings and structures needs to be addressed. Accordingly, they further concluded that steps need to be taken to strengthen the structural frame, enforce tiedown provisions, and assure that the installation of homes is done by those who are knowledgeable in the requirements of the code. Unless these issues are addressed, the SBCCI believes there will continue to be great costs associated with hurricane damage.

Improved Anchoring and Foundation Systems

Enforcement of anchoring and tie-down systems for manufactured housing construction has generally been considered a State or local government and their building officials'

responsibility. Section 3282.303 of the Manufactured Home Procedural and Enforcement Regulations (24 CFR part 3282) urges, but does not require, State Administrative Agencies to monitor installation of manufactured homes. Thus, standards for foundations and anchorings and enforcement of those standards are not uniform among the States, and in some States are nonexistent. For example, the State of Florida has statewide laws related to installation, but enforcement of those laws is left to local building officials, while Louisiana is one of 23 States that does not regulate installation of manufactured homes at all.

The National Conference of Building Codes and Standards (NCSBCS), under contract with the Department, sent a team to inspect manufactured homes damaged or destroyed by Hurricane Andrew. Their report, dated September 25, 1992 (Rev. October 1, 1992), evaluated anchoring systems used in Florida and Louisiana. The team found that virtually all manufactured homes they saw in Florida had been anchored, but anchors had failed in most destroyed homes.

Some of the systems that failed were anchors embedded only two feet into the soil, which were pulled out of the ground by the force of the storm. Other systems that failed included short anchors embedded in concrete or driven into the coral. In Louisiana, most manufactured homes the team saw had no anchoring systems at all, or only had two or three anchors on each side; less than one-half the number generally specified by manufacturers' instructions for hurricane zones. Also, where anchors were installed, most had been installed incorrectly; often embedded only partially in the ground with 12" or more protruding above finished grade.

While the majority of anchoring system failures appeared to result from improper installation, the NCSBCS Team observed several cases where the holding capacity of anchors appeared to have been reduced because of water saturated soil. In order to determine the adequacy of anchoring systems installed in soil that might be exposed to heavy rainfall and hurricane force winds, further investigating and testing of anchors will be conducted by the Department.

Numerous failures reported after Hurricanes Andrew and Hugo and other previous wind storms support the Department's concerns over anchoring systems for manufactured housing that are inadequate to resist probable high wind forces. In addition, as the NIST Report indicated: "[i]f superstructure failures had not occurred [in Hurricane Andrew], the number of anchor system failures might well have been greater * * *."

Some field and laboratory testing of commercially available ground anchor and steel strapping systems has been conducted under a HUD contract with Wiss, Janney, & Elstner, Inc. (See WJE Report No. 901798, July 26, 1991, HUD USER—HUD–0005823). The initial test results indicate that anchors have a significantly lower load resistance capacity than even the levels required by the current standard. Resistance or capacity would be even lower if anchors are not installed in accordance with anchor manufacturer's and home manufacturer's installation instructions or under saturated soil conditions.

The Department has also been conducting laboratory tests to evaluate the resistance of manufactured home support and anchoring systems to lateral wind and seismic forces. After the results of the laboratory data have been evaluated and compared to the field data, the Department may propose changes to lower allowable anchor system resistance values.

In the interim, the Department cautions home and anchor manufacturers, installers, retailers, insurance companies, lenders, and State and local government agencies that anchoring should be rated for specific soil, loading, and installation conditions for which the anchor is acceptable. Failure to do so may result in anchoring and tiedown systems which have inadequate ultimate capacity to resist probable design wind forces.

II. Analysis of Public Comments

Characterization of Commenters

The Department received 1,116 comments in response to the proposed rule and the notice extending the comment period. Although approximately 235 of these comments are included in file of the Rules Docket Clerk as being received under the extended deadline, many of these were delayed in receipt in the Rules Docket Clerk office because they were sent first to other offices within the Department.

The great majority of the comments were duplicative or identical form letters (of the 1,116 total comments, only 75 to 100 included distinctive comments). The commenters generally can be characterized as follows:

— Businesses (including retailers, manufacturers, suppliers, finance companies, park owners, etc.)—704
—Industry groups (including State and national associations)—24
—Members of Congress (including original correspondence and transmittals of constituent letters)—245
—Other governmental agencies and representatives (Federal, State, and local agencies or representatives)—77
—Members of the National Manufactured Home Advisory Council (individually)—15
—Individuals (including consumers, engineers and other experts, salespersons, etc., in individual capacities)—80
—Private standards groups—6
—Consumer groups—2
—Tenants groups—1
—Insurance industry—3
—National Commission on Manufactured Housing—1
—DAPIA (Design Approval Primary Inspection Agency)—2
—Correspondence forwarded from White House—2
—Law firms—3
—Other national associations—1

Many of the comments received by the Department and addressed in the following discussion were common to numerous commenters. Other less universal comments addressed in the discussion may be referenced by number in parentheses following a statement. These numbers correspond to the number given the comment in the file maintained by the Rules Docket Clerk. Comments filed as received in response to the original comment period are referenced as numbers 1–882 (#817 was inadvertently skipped in the numbering sequence), while those in response to the extended comment period are referenced as numbers $1_{(2)}-235_{(2)}$.

Comments, Generally

A number of commenters acknowledged the need to update the Department's standards for manufactured housing. One commenter (77) welcomed the better publicity and reputation the industry would enjoy as a result of updated standards. However, many of these commenters also stated opposition to the specific standards proposed by the Department.

About two dozen commenters, including consumer and insurance industry groups, standards organizations, government agencies, and engineers, generally supported the basic standard proposed (e.g., 17, 55, 76, 137, 145, 150, 197, 633, $12_{(2)}$, $204_{(2)}$, $207_{(2)}$), although several of these commenters also expressed concern about specific cost items. Supporting comments emphasized the importance of affordable, safe housing, rather than merely affordable housing (17), and characterized ASCE 7–88 as the only

consensus wind standard in the Country (76, and others).

Procedural Comments

Comment: The 30-day comment period allowed in the proposed rule did not permit sufficient consideration of the rule and development of public comments. In addition, the justification for the shortened effective date that the proposed rule had indicated would apply to the final rule was not justified by the need to implement regulatory changes before the 1993 hurricane season.

Response: Because of the numerous requests for longer response periods from both the public and members of Congress, and because it was apparent that a rule could not be in place in time for the 1993 hurricane season, the Department has allowed additional time for public comments and implementation of the final rule. The proposed rule was published on April 14, 1993, and the comment period was extended to July 9, 1993.

Because of the Department's desire to consider the full extent of public response on this rule, the Department has continued to receive comments regularly while the final rule and regulatory impact analysis were being prepared and has continued to log and review those comments. Therefore, in effect, the comment period for this rule has been approximately 5 months.

To alleviate the concerns relating to the industry's need for ample time to redesign homes and retool manufacturing facilities, the Department has decided to extend the effective date originally proposed for this rule. Accordingly, the rule provides for an effective date of, at least, 180 days from today's date of publication. Thus, the concerns of the commenters in these regards have been addressed by the Department.

Comment: The National Manufactured Housing Advisory Council should be convened, as required by law, to consider the standards proposed by the Department.

Response: Despite the infeasibility of convening the Advisory Council within the timeframe originally proposed for the implementation of improved standards, the Department made an extraordinary effort to consult with the individual members of the Advisory Council. The responses of a number of the individual members of the Advisory Council have been considered and included in the docket file for this rulemaking.

Later, because of the Department's extension of the comment period and recognition that a final rule could not be in place in time for the 1993 hurricane season, the Department immediately convened the Advisory Council so that it could discuss the proposal as a panel. The resulting recommendations of the Advisory Council, as a panel, also have been considered carefully in determining both the scope and the specific requirements of this final rule. Additional discussion of the proceedings of the Advisory Council can be found elsewhere in this preamble.

Comment: Several commenters questioned the impact of the rule on families, in the context of Executive Order 12606, which requires consideration of the impact of a regulation on family formation, maintenance, and general well-being.

Response: In the proposed rule, the Department indicated that the rule was not subject to review under the Executive Order. The commenters questioned this position based on information that some potential consumers would be unable to purchase manufactured homes if the prices of those homes were raised to cover the costs of the new standards. To the extent that production cost increases resulting from this rule will be passed on to consumers, one effect of the rule is expected to be the loss of marginal consumers from the market. Some of these marginal consumers will have to find less expensive, rental housing; some will opt for comparably priced site-built housing. However, the significance of this result is not a loss of housing, but a redistribution of the kinds of housing available. Although as a result some families may lose an ownership option, the general well-being of families, and society, is served better by ensuring adequate quality standards for such housing.

Although the Department does not believe this final rule implicates family concerns within the spirit of the Executive Order, the Department has analyzed the rule as required under the Order. Therefore, in the paragraph on Executive Order 12606 under the "Other Matters" section of this preamble, the Department certifies that the requirements of the Order have been met in the issuance of this rule.

Comment: The proposed rule indicated that manufacturers should anticipate the contents of the final rule and should prepare to comply with the more stringent standards soon after publication of the final rule. This schedule for implementation of the new standards fails to recognize the need for lead time to design, test, and seek approval of changes necessitated by the standard changes. In addition, while personnel resources are concentrated on the redesign requirement, production personnel may have to be laid off. This problem is compounded by the possibility that another redesign will be necessary as a result of the new Federal energy standards.

Response: To a large extent, the Department already has been responsive to the concerns expressed in this comment by conceding that the rule will not become effective for 180 days. The Department is sensitive to the procedural requirements that a manufacturer faces when undertaking design changes. However, there is no doubt that by the time this rule becomes effective, all aspects of the industry should have had sufficient advance notice of the necessary product improvements to prepare for implementation of the new standards.

Innovative solutions and safer products generally depend on some commercial incentive. The Department believes, based on the knowledge of its technical staff, the reports they have reviewed, and some of the comments received, that those parties involved in the production, sales, and siting of manufactured housing will be able to comply with these standards reasonably quickly, when continued sales depend on such compliance.

Cost Considerations

Comment: The cost impact of the standard changes should be analyzed, as required by Executive Order 12291 and 42 U.S.C. 5403(f), and a regulatory impact analysis should be prepared.

Response: As stated in the "Other Matters" section of the preamble of the proposed rule (57 FR 19539), the Department agreed that it would prepare and submit a regulatory impact analysis before publication of the final rule, in accordance with established Office of Management and Budget (OMB) guidance. Although many of the benefits, and some costs, of increased standards are difficult to quantify for purposes of such an economic analysis (e.g., loss of life, uninsured costs, insurance deductibles, and injuries), the Department has complied with the requirements of Executive Order 12866 (September 30, 1993) and OMB. As noted under "Significant Regulatory Action" in the "Other Matters" section of this preamble, a final regulatory analysis based on the provisions in this final rule is available to the public.

However, while economic concerns have always been an important component of the Department's decisionmaking process and, in this case, resulted in modification of the rule, the Department stresses that its

statutory mandate to reduce the number of personal injuries and deaths and the amount of insurance costs and property damage resulting from manufactured home accidents, and to improve the quality and durability of manufactured homes, requires that the Department look beyond affordability issues. In promoting homeownership opportunities for lower-income persons, the Department strongly believes that such housing must also be safe. The concern with safety extends beyond the occupants of the housing, to all those who may be affected by the failure of such housing to meet minimum performance standards under reasonably foreseeable conditions. For example, in a Federal Emergency Management Agency (FEMA) report on "Building Performance: Hurricane Andrew in Florida" (FIA–22, 2/93), cited by commenter 76,

> It was observed that the breakup of corrugated metal siding and roofed buildings such as manufactured homes and pre-engineered metal frame buildings contributed significantly to the generation of airborne debris. This was evident from debris damage to nearby downwind structures.

As stated by another commenter ($205_{(2)}$): "The prospect of reducing the loss of life and property and reducing the cost of disaster relief efforts from such losses as Hurricane Andrew would certainly be to the benefit of the entire housing industry and the individual and corporate citizen taxpayers of the United States." In addition, the upgrades required under this rule also would increase the ability of the homes to withstand damage during transportation and installation of the units, and the improved windows would be more energy efficient (see comment 150).

The Department recognizes the viability of manufactured housing as a source of affordable housing for many people and will continue to work with the industry to ensure a quality product at a reasonable cost. However, the Department will also continue to exercise all of its statutory responsibilities relating to housing and its occupants in a manner that serves the optimal societal interests. This final rule is evidence that the Department agrees with those commenters that said the savings in storm damage repair, loss of personal property, and potential personal injury or loss of life, in addition to other expected benefits, exceeds the cost differential for these new standards. The Department has also reviewed cost impact figures provided by numerous commenters during the development of the final regulatory impact analysis.

Comment: The increased cost of manufactured housing that will be the result of the more stringent standards may price many consumers out of the market for unsubsidized housing. A home manufactured to the new standards will require a higher downpayment, and potential consumers will find it more difficult to qualify for financing. The level of regulation proposed would limit consumer choice and would deny consumers the right to match housing to their budgets (1).

Response: The Department is concerned about the effect of these standards on the ability of consumers to afford and purchase manufactured housing. However, because the standards are, for the most part, performance standards and do not prescribe methods of construction, the manufactured housing industry can, and the Department expects will, approach this problem by developing innovative designs, components, and construction techniques that meet the standards but maintain the affordability of manufactured homes. The Department has also removed some of the proposed prescriptive requirements. These changes from the proposed rule should help maintain the affordability of manufactured housing while still assuring safety.

As stated by one commenter ($215_{(2)}$), sacrificing a minimum reasonable wind standard for manufactured housing so that it can be more affordable makes as much sense as allowing a car to be sold without brakes for the same reason. A similar opinion was expressed by a consumer, who commented ($117_{(2)}$):

> If tougher standards increase the cost of a mobile home by a fair percentage I believe people will be willing to pay a little more for better protection. Most of these homes are not second homes but the principal residence of retirees.

Earlier in the preamble the Department acknowledges the legitimate concern with affordability, but also notes the importance of safe housing that protects other societal interests.

Conversely, as noted by commenter 145 (FEMA), "[t]he disruption of lives and families resulting from the damage to manufactured housing often happens to those least able to fully recover." Therefore, the financial impact of insufficient standards also may fall most heavily on those least able to absorb that impact. The Department agrees with commenter $215_{(2)}$ that the poor should not have to accept a lower safety factor against catastrophic failure of housing than the rest of society.

Finally, a commenter representing a number of insurance carriers (17) noted that builder/developer estimates of cost increases for building code improvements for site-built structures have far exceeded documented incremental cost increases in the past. The commenter observed that cost estimates with respect to manufactured housing and the higher standards proposed by the Department may contain similar exaggerations. This possibility is discussed by the Department in the regulatory impact analysis prepared in connection with this final rule.

Comment: In looking at storm damage estimates for purposes of a cost-benefit analysis, the Department should distinguish damage to manufactured homes that complied with existing HUD standards from damage to pre-HUD homes.

Response: As previously discussed, both manufactured homes built before the imposition of HUD standards and those built after the standards became effective experienced significant damage during Hurricane Andrew. Therefore, the numerical breakdown between pre- and post-HUD standards is not a determinative factor in the Department's process with respect to the final content of this rule.

However, in its comments on this rule, the AARP (commenter #150) noted that "[w]hile more than half of the manufactured homes destroyed were built prior to implementation of the HUD standards, many of these older homes were constructed in accordance with American National Standards Institute (ANSI) Standard A119.1, which had the same wind load resistance requirements as the current HUD standards."

Comment: As a practical matter, manufacturers will build their homes to the most stringent standards that would apply to their sales areas. Therefore, those manufacturers that would build homes for more than one zone will build all their homes to accommodate the highest wind load requirements, and the cost of compliance with the new standards will actually be higher than the estimates that are based on numbers of units per Zone (12).

Response: The Department does not discourage voluntary compliance with standards that are higher than those required. However, the Department believes that the decision to comply voluntarily with higher standards will be controlled by the cost of such compliance and the manufacturer's market demands. Accordingly, such compliance is questionable and cannot

be considered in the regulatory impact analysis.

Comment: The implementation of new standards will adversely affect the marketability of existing homes not built to those standards (87), leading to increased defaults and credit losses (139).

Response: The standards implemented by this rule will not affect manufactured homes already occupied by consumers. Thus, the resale market for these existing units generally should not be affected, except to the extent that prospective purchasers have the financial resources, realize the construction limitations of the existing units, and choose to purchase units meeting the new standard or other housing options. Because prospective purchasers of used manufactured housing are likely to be in lower income brackets, however, the Department expects little or no impact on the resale market for manufactured homes already occupied by consumers.

Comment: The additional cost attributable to increased costs for lumber is of particular concern (639).

Response: As noted above, the Department is concerned about all additional costs and the affordability of homes constructed to the new standards. Any specific concern with lumber costs has been alleviated because of recent changes in market conditions, which have shown that high prices being charged for lumber earlier this year were an aberration. Lumber costs have significantly reduced since original cost estimates were prepared. In addition, the final rule will permit the use of the 1991 NDS without exception, which lowers earlier manufactured housing industry projections of the lumber changes and estimated costs for complying with the new standards.

Scope of Requirements

Comment: The prescriptive standards in the proposed rule would eliminate the ability of manufacturers to be innovative in developing safer and more attractive homes.

Response: A number of the prescriptive standards in the proposed rule have been removed in the final rule. For those that remain, manufacturers can utilize 24 CFR 3282.14, to take advantage of the Department's policy encouraging innovation through alternative construction.

Comment: Because the proposed rule was largely justified as a response to damages incurred in hurricane-prone areas, the standards and time frames contained in the proposed rule should not be applied to other zones subject to lower wind speeds.

Response: At this time the Department has deleted the proposed changes to Zone I from the final rule. Therefore, homes designated to be sited in Zone I must comply with the previous wind standard for those areas. However, many commenters and the Advisory Council indicated that the Department should strive to bring the Federal standards to a level of comparability with conventional housing standards. The Department will review existing wind standards in the remaining areas of the country for possible future action.

Choice of Standard

Comment: The Department has not demonstrated that ASCE 7–88 is the appropriate standard to be adopted for the higher wind loading requirements. For example, the Standard Building Code may be a more appropriate standard for the purposes of this rule.

Response: A number of engineers have written in support of the ASCE 7–88 standard, noting that the standard was developed based on scientific studies performed in wind tunnels, which were subsequently verified by tests on full-scale structures. By adopting the Southern Florida Building Code (SFBC), which incorporates the Standard Building Code, the people of south Florida thought they were protected by one of the toughest building codes, with respect to wind. However, the wind load requirements of the SFBC now have been surpassed by other codes that are based on recent research. For example, the SFBC does not reflect peak gusts or use pressure coefficients as high as are now considered suitable. As a result, the SFBC design wind speed of 120 mph would only correspond to a design wind speed of less than 100 mph for many elements of the construction. As previously noted in this preamble, Dade County has adopted (effective January 1, 1994) the wind loads section of ASCE 7–88, using Exposures C and D, only.

Comment: No model code has adopted the ASCE 7–88 standard. The Department does not justify its attempt to impose more stringent standards for manufactured housing than are applied to site-built homes. It is an abuse of Federal authority to impose standards that go well beyond any State building code currently in existence (87).

Response: The relationship between the model codes and ASCE 7–88 is discussed earlier in the preamble in the section on Development and Adoption of ASCE 7–88. In addition, the Department notes that the ASCE 7–88 standard already is incorporated into its Minimum Property Standards (24 CFR part 200, subpart S), which apply to certain site-built housing within the Department's jurisdiction.

The current wind load requirements for manufactured housing for high wind zones correspond to a wind speed of 80 mph; other types of housing are subject to much higher design wind speed requirements in the same high wind areas. Therefore, as noted by the AARP in its comments (150), adoption of ASCE 7–88 actually will ensure substantial equivalence of wind design requirements between manufactured and site-built housing.

Furthermore, Dade, Broward, and Palm Beach Counties in Florida have adopted ASCE 7–88 (with the 110 mph wind load) for site-built homes, and the Department believes other coastal jurisdictions will follow. Model codes also have adopted or are moving toward the adoption of the ASCE 7–88 standard. In fact, by not including the higher standards for the remainder of the country (Zone I), a majority of manufactured homes produced in this country will comply to a standard well below the building codes currently in existence for site-built housing.

Comment: The Department should recognize "deemed-to-comply" standards.

Response: The Department considered the deemed-to-comply standards, but determined that a performance standard would allow manufacturers flexibility to be innovative in their approach to compliance with the standards. Such innovation will reduce the cost associated with strict adherence to the deemed-to-comply standards.

Comment: The rule expands the ASCE 7–88 definition of "components and cladding" to include exterior coverings and fastenings, and the limited availability of these materials may make compliance difficult (221).

Response: The Department has made alternative provisions in the standard for adequate resistance of exterior coverings to specified design wind pressure requirements.

Enforcement

Comment: The proposed rule did not address testing issues. The Department does not specify whether the proposed structural design changes have been subjected to destruction testing. (144) Although there is no agreement on a testing protocol, truss suppliers will need time to retest their many truss designs. (8, 16, and incorporated by reference in others) The need to test many types of siding, siding gauges (thicknesses), and accessories, fasteners,

and fastener patterns also may lead to tooling changes, which will require more time. (9)

Response: Testing will continue to be evaluated under the DAPIA review process, which is not revised by this rule. However, the Department has extended, to 180 days (or, for some provisions, one year) from today's publication of the rule, the implementation schedule for the new requirements, in order to give producers sufficient time to comply with the standards.

Comment: The existence of multiple wind zones and corresponding requirements within a single State creates difficulties with respect to enforcement, as well as with production. It is not clear who bears the responsibility for monitoring the placement of homes within a wind zone for which they are intended (87, 91, 92, 610).

Response: The Department appreciates the difficulties of enforcing the standards when multiple zones exist in a single State. Accordingly, the Department has specifically listed those local governments in the higher wind zones in each State. Depending on the facts surrounding the sale of a manufactured home, both the manufacturer and the dealer will be responsible for assuring that the home will be in compliance with the standards by siting the home in the proper zone. The State Administrative Agencies (SAAs) will be informed of the changes resulting from this rule and will assist the Department in discovering homes that are sited in noncompliance with these standards.

Anchoring and Tie-Downs

Comment: The change in lease communities could be revolutionary, as homes become more permanent in nature (122) and homes are taxed more as real, rather than personal, property. Generally, lessors are required to restore the site to its original condition when they move. This requirement, and the relocation of utility connections, would be made more difficult with more permanent foundations. In addition, the FHA Title II allowance for installation would not be sufficient for the additional costs of permanent foundations (146, and others).

Response: The Department has evaluated these comments and has removed the design requirement for a permanent foundation. However, the Department remains concerned that some form of strengthened tiedown system may be necessary to protect homes adequately in high wind areas. Thus, the Department will be reviewing the issue of permanent foundations and other strengthened anchoring systems in conjunction with regulatory action on wind resistant design and construction requirements for the remainder of the country.

Comment: The impact of the new Wind Standards can be adversely effected if there is inadequate enforcement and monitoring of the placement of homes to assure that only homes that have been designed for the wind load requirements of the Zone are permitted to be sited. There is a need for better local inspection; the home is only as good as its anchoring system (149). There is compelling evidence that much of the damage from Hurricane Andrew was attributable to the lax enforcement of State and local building codes, including anchoring requirements, rather than to inadequate standards (80, 122). Similarly, the main problem with manufactured homes is the proper installation of anchoring equipment, which the Department cannot regulate (100).

Response: Although the use of tiedowns was widespread in the areas affected by Hurricane Andrew, indicating some attempt to comply with codes, the tiedowns generally performed very poorly. None of the tiedowns observed was certified in accordance with code requirements. The Department is reviewing the authority to regulate installation of manufactured homes and is exploring ways to encourage States and localities to adopt and enforce more stringent anchoring requirements. The Department also is reviewing appropriate methods, including a disclosure requirement, to inform consumers about the installation of the home in a manner that achieves the highest wind protection performance for the home's design.

Meanwhile, the Department will be contacting the Governors of all States, and in particular States where the wind risk is the greatest, to advise the Governors of the changes in the wind standards and the need for each State to establish installation standards and a system of enforcement and monitoring.

Comment: Typical ground anchors performed adequately in Hurricane Andrew ($14_{(2)}$-$17_{(2)}$, $73_{(2)}$, $88_{(2)}$, and others). If given enough time, ground anchor manufacturers can develop an anchoring system that is comparable to a permanent foundation system (29).

Response: With very few exceptions, manufactured homes in the path of Hurricane Andrew were destroyed by the resulting wind forces. The lack of adequate attachment of single or double-wide units to ground anchors was a major factor in loss of units. The chassis of some units could be found some distance away from their original site. However, in some cases the anchors did hold the floor of the unit down while the "box" of the structure was torn away by the high winds. For this reason, there is justification for increasing the strength of the structure by this final rule.

The effective date of these new requirements will now be at least 180 days from today. The Department agrees that innovative anchoring systems comparable to permanent foundations systems can be developed; however, anchor manufacturers are cautioned regarding the resistance capacity of auger-type anchors presently used for installing manufactured homes, when those anchors are subject to high winds and ensuing saturated soil conditions. The Department's tests show substantially less resistance than required by 24 CFR 3280.306(f), even when tested under dry soil conditions.

Comment: Substantially increased siting requirements would be a problem especially for retirees in land-lease communities and for minority owners who reside on "heir property" and cannot secure clear title to their site (672).

Response: Alternative anchoring systems that are expected to provide the required resistance to high wind forces are already available in the market. The Department believes that if siting requirements are increased by State and local governments, the manufactured housing industry will likely develop ways to accommodate siting in land-lease communities.

Technical Comments

Comment: The Department has not justified its proposal to require a lower load duration factor for designing wood members and fastenings to resist wind forces than is specified in the 1991 edition of the National Design Specification for Wood Construction (NDS) published by the American Forest and Paper Association (AFPA).

Response: The Department agrees that the higher factor of 1.6 in the NDS has been justified by research completed by AFPA for wood members subjected to short duration loads of 10 minutes or less. This is generally recognized as the maximum period for exposure of structures to wind forces. In addition, the 1991 NDS has already been adopted without exception by certain model code agencies. However, cyclic testing to evaluate fasteners and connectors has not yet been completed. Preliminary results suggest that a higher load duration factor may be appropriate. Therefore, the Department will accept

the higher load duration factor of 1.6 on an interim basis and will recognize the 1991 NDS without exception in this final rule. The Department intends to monitor this research and may propose a different load duration factor for fasteners and connectors in the future, subject to the research and test results.

Comment: There is no basis for the 12" limitation and prescriptive requirements for eave and cornice projections; their implementation would inhibit design innovations.

Response: While longer eave and overhang projections will subject trusses, fasteners, and connectors to significant increases in design loads, and thereby increase their likelihood of failure under extreme wind conditions, the Department agrees that the provision should be removed because it does restrict innovation, and truss and home manufacturers are capable of designing roof systems and connections to resist the higher wind forces. However, manufacturers that use larger projections than 12 inches are cautioned to review their designs carefully to assure that all components and fastenings are adequate to resist the design pressures specified in ASCE 7–88 or the table in § 3280.304.

Comment: The prescriptive requirements for sidewall-to-roof and floor connections using steel strapping or brackets should be replaced with performance criteria that permit the use of alternative methods of connection, such as structural sheathing that overlaps the roof and floor.

Response: In general, the Department agrees that the use of performance-based standards is preferred. However, on-site investigations of the damage from Hurricane Andrew revealed that current designs using 30 gage straps failed. Based on the above information, the Department has retained the prescriptive requirement for strapping in high wind areas, but will permit to be used a combination of strapping and structural sheathing that overlaps the roof or floor, instead of only steel straps or brackets, provided the sheathing and its fastenings are demonstrated by calculations or tests to have equivalent strength and resistance to the design wind uplift forces.

Comment: The use of the 1.5 factor of safety for design of anchoring systems is not consistent with ASCE 7–88.

Response: The Department concurs that there is no provision in the ASCE 7–88 standard for increasing the wind pressures for the design of anchoring systems to resist overturning and sliding forces. Therefore, the anchoring design provisions for Wind Zones II and III, which are based on the ASCE 7–88 requirements, will not require the application of the 1.5 factor of safety to be applied to the design wind drag and uplift pressures. However, the 1.5 factor of safety will continue to be required for calculating the required resistance of anchoring systems for Wind Zone I, since the design lateral and uplift wind forces remain based on the current standard, which is lower than all model building codes.

Comment: The Department should clarify whether new wind uplift design loads in the Table (in § 3280.305) are gross or net uplift loads.

Response: The uplift wind loads in the table are the full or "gross" loads. Gravity or dead loads may be deducted from these loads when calculations are prepared using the design pressures in the table.

Comment: Existing truss testing procedures in § 3280.402(c)(2) should be clarified as to: (1) The acceptability of existing inverted truss testing procedures for evaluating new wind uplift design loads; (2) whether vertical live and gravity roof load testing must still be conducted with trusses in the upright position when uplift forces are higher than downward loads; and (3) whether eave loads are to be applied simultaneously with roof uplift loads.

Response: (1) The inverted test method may continue to be used on an interim basis while the Department evaluates results of an industry study to compare results of the existing test method, which applies load to the bottom chord of the truss, to results obtained from applying the load to the top chord of the truss. (2) Testing must continue to be conducted in the upright position, because the loads are applied to different members (chords) of the truss. (3) Uplift loads are to be applied to truss eave projections when uplift loads are applied to the truss bottom chords during each loading phase required by § 3280.402(c)(2).

Comment: A new provision should be added requiring a professional engineer to prepare and certify wind load designs and calculations.

Response: The Department will consider this suggestion for future rulemaking on wind load requirements.

Comment: Special standards should be required for asphalt shingle performance in high wind areas, because of the large number of failures that occurred in Hurricane Andrew and ensuing structural and water damage caused by these failures.

Response: The asphalt shingle industry research is not yet completed in this area. As an interim step, this final rule requires each shingle to be secured with two additional fasteners and underlayment to be cemented to the roof decking.

Comment: Testing requirements should be specified for windows and doors to avoid missile damage in high winds. Safety standards can be enhanced without affecting affordability, by requiring operating shutters and proper anchoring ($88_{(2)}$).

Response: The Department encourages manufacturers to provide shutters or protective devices for homes in Wind Zones II and III. Under this rule manufacturers will be required, at a minimum, to provide instructions for an appropriate method of shutter or cover installation to protect the home, and to include shutter information on the data plate. The instructions must provide a method for protecting the windows and doors that is capable of withstanding design wind pressures without taking the home out of conformance with the standards. The application of shutters does not do away with the need for testing the doors or windows they protect.

Comment: A requirement should be added for the use of perforated metal straps at the marriage line of the roof, between sections of doublewides, to transfer wind forces from the windward to the leeward side of the roof.

Response: As part of its continuing evaluation of wind design requirements, the Department will assess the merits of this proposal.

Comment: The Department needs to establish standards to regulate the addition of appurtenances to manufactured homes, such as porches, carports, and canopies, which experienced a large number of failures in Hurricane Andrew. The danger to occupants is further increased because the rule does not address the effect of dangerous appurtenances (52, 65, 122).

Response: Under 24 CFR 3282.8(j) the standards currently do not govern add-ons, as long as the add-on doesn't affect the ability of the home to comply with the standards. However, as noted in that section, the Secretary has authority to promulgate standards for some add-ons. Accordingly, the Department is examining its authority in this area and may establish requirements in the future. In the interim, HUD encourages all States to establish standards covering the construction and attachment of these kinds of appurtenances to manufactured homes.

Comment: Exposure D in ASCE 7–88 should be used for coastal shoreline areas.

Response: Under this rule manufacturers are required to include on the data plate a statement that units designed to meet the minimum

standards in this rule should not be located within 1500 feet of the coastline in Zones II and III. By this statement, the consumer is alerted that only units designed and anchored according to the higher design standards specified for coastal areas in ASCE 7–88 should be placed along the coastline.

Comment: "Wind safety" is a misnomer; the science of weather forecasting allows ample notice of dangerous storms to permit evacuation (296–314). Homeowner safety is better served by evacuation in high winds than from protection afforded by the manufactured home structure. If a manufactured home is purported to be designed and constructed to withstand higher wind speeds, occupants may be less likely to evacuate the homes at the approach of a dangerous storm.

Response: The Department agrees that if it is safe to do so, homeowners should attempt to reach a shelter capable of resisting high winds. However, without the imposition of these enhanced Wind Safety Standards, the numbers of deaths and injuries attributable to the inadequate performance of manufactured homes in high winds will continue unabated. In addition to reducing deaths and injuries, the Department's statutory responsibilities require the implementation of higher wind standards to reduce the insurance cost and amount of property damage resulting from manufactured home accidents and improvement of the quality and durability of manufactured homes. The Department believes that these higher wind standards will fulfill those responsibilities.

Comment: The NIST study cited by the Department does not fault the performance of trusses; increasing the uplift requirements would not improve the quality of assembly. The problems associated with manufactured housing are related more to fasteners and tiedowns ($13_{(2)}$).

Response: The field studies referenced in the NIST Report identified numerous roof system failures that were generally due to failure of the end connections between the trusses and the sidewalls. However, even if the trusses had been properly connected to the manufactured home structure, the Department believes that trusses not designed to resist the uplift pressures referenced in this rule still may have failed. Therefore, in this final rule the Department has retained the proposed increased design requirements for roof trusses.

Other Specific Comments

Comment: The Department is encouraged to coordinate this rule with a review of seismic and flood loads, especially with respect to foundation and attachment designs (25).

Response: The requirements in the proposed rule for a permanent foundation design have been eliminated in this final rule. However, as the Department continues to review the issue of adequate anchoring/foundation systems for manufactured homes, it will also review these other considerations.

Comment: There are not enough DAPIA personnel in the HUD system to review and approve design changes within the time provided for the effectiveness of this rule (83, 124, 136, 179).

Response: The Department has agreed to delay the effectiveness of the new requirements for 180 days, which should allow sufficient time for the DAPIA process, as well.

Comment: The Department should consider requiring the DAPIA approval stamp on all pages of a manufacturer's installation instructions (48).

Response: The final rule continues to require that the manufacturer provide installation instructions certified by a registered professional engineer indicating at least one acceptable system of anchoring (24 CFR 3280.306(b)). However, the Department will consider the suggestion to require a DAPIA approval stamp on each page of the manufacturers' installation instructions when developing future revisions to the Manufactured Home Procedural and Enforcement Regulations (24 CFR part 3282).

Comment: Some explanation is needed about the effect of the new standards on "B" letters, interpretative bulletins, and compliance determinations (122).

Response: This new standard supersedes any portions of "B" letters, interpretative bulletins, and compliance determinations that are in conflict with this standard.

Comment: If the higher standards are adopted, manufacturers will prefer to build modular homes that meet the necessary State standards.

Response: Manufacturers are free to channel their activities in any way that best responds to market forces. In the development of the regulatory impact analysis, the Department has accounted for the cost of potential lost business. To the extent that manufacturers could redirect their production to alternative housing, the costs of the higher standards would be lessened. However, as noted above, the Department believes that the trend in State standards also will be to stricter wind standards. Therefore, while manufactured homes may experience a price increase because of these standards, they will be affordable relative to site-built homes meeting the higher State-imposed standards.

Comment: The Department should prepare a brochure on hurricane awareness and windstorm protection.

Response: As noted in the discussion on Improved Anchoring and Foundation Systems earlier in the preamble, the Department is reviewing what would be an appropriate consumer information disclosure requirement on installation. As part of that review, the Department may consider requirements on the disclosure of general information relating to high winds and hurricanes, and may coordinate with FEMA on the development of a brochure on hurricane awareness and protection for occupants of manufactured homes.

(**NOTE:** Other specific comments that have become moot as a result of the decision not to proceed with changes in Wind Zone I and requirements relating to a permanent foundation system are not addressed in this preamble.)

III. Description of Changes to the Standards

Because of the risk of loss of life to building occupants and the extraordinary loss of property due to Hurricane Andrew, the Department has determined that it is necessary to amend the Federal Manufactured Home Construction and Safety Standards (FMHCSS) to raise the level of wind resistance standards, especially in areas subject to high winds. Specifically, the Department is amending the FMHCSS to include a Basic Wind Zone Map that is based on the map contained in the incorporated standard ASCE 7–88, "Minimum Design Loads for Buildings and Other Structures."

The revised map contains a more concentrated area for the 100 mph wind zone than was specified in the current standard or the proposed rule. The boundary between Wind Zones I and II follows the 90 mph isotach on the ASCE 7–88 basic wind speed map, while the boundary between Wind Zones II and III remains the 100 mph isotach indicated in the proposed rule. The design wind speeds for high wind areas are designated as 100 mph for Wind Zone II and 110 mph for Wind Zone III. This rule does not change the current design wind speed for Wind Zone I.

Based on the revised map, this final rule enumerates the States, Territories, and local governments in which the more stringent standards will be applicable. The enumerated areas are those that the Department has determined to be at least partially within the higher wind zones

demarcated on the revised map. The Department also will monitor local building code requirements and will consider adoption through rulemaking of requirements for manufactured homes that are comparable to any more stringent requirements established for site-built homes by a State or local building authority.

The current wind standard for manufactured housing is considered inadequate because it addresses only positive (external) design wind pressures for walls, components, windows, and cladding, without specifying that designs must take into account the effect of negative pressure (suction) on these building elements, as well as internal pressures on walls and roof/ceiling systems. The formulae used in ASCE 7–88 also include other factors, which account for higher uplift forces on roof eaves, ridges, overhangs, and corners. These and other issues are now addressed in high wind areas by requiring the manufactured home structure, components, and cladding to be designed to resist design wind forces for Exposure C, as specified in ASCE 7–88.

Requirements for structural assemblies, components, connectors, fasteners, and a number of other areas will be strengthened so that parts and portions of the home will be able to resist the same wind forces as required for site-built and modular housing. In addition, the increased wind loads required by this rule are applicable whether structural systems, components, or other aspects of the design are substantiated by engineering analysis or by suitable load tests (see subpart E of part 3280). The revised standards also require that the ground anchoring and foundation support systems continue to be designed by a registered engineer or architect in a manner adequate to withstand the higher wind forces specified.

III. Section-by-Section Analysis

The Secretary has determined that the following changes should be made to the standards:

(1) *Section 3280.4*—The American Society of Civil Engineers (ASCE) is added to the list of organizations issuing standards that are incorporated by reference. The street addresses are corrected for two other organizations listed.

(2) *Section 3280.5*—Technical and conforming corrections are made to standardize paragraph designations to **Federal Register** format and clarify the information to be included on data plates. The new requirements also incorporate changes to the data plate adopted in the Energy Rule (58 FR 54975, 55003) for effect in October 1994, in order to avoid having inconsistent requirements become effective within a short time.

The data plate is also being expanded to indicate that manufactured homes should not be located within 1500' of the coastline in Wind Zones II and III unless the home and its anchoring or foundation system are designed for the increased requirements of Exposure D in ASCE 7–88. The data plate will now also indicate whether the home has been equipped with storm shutters and, if shutters are not provided, will strongly recommend that the home be made ready for these devices in accordance with the method described in the installation instructions.

(3) *Sections 3280.302(a)(8), 3280.303(d), 3280.305(c)*—The definition and references to "hurricane resistive design" in these sections are deleted, in favor of the Wind Zone II and III designations in the revised Basic Wind Zone Map. These changes will result in the identification of design wind forces and wind speeds for which the home has been designed, rather than the designation of homes as "hurricane resistive."

(4) *Section 3280.304*—The incorporated standards are amended to require that the minimum design loads be based on ASCE 7–88, which replaces the obsolete ANSI A58.1–1982 standard currently referenced in this section.

In addition, the National Design Specification for Wood Members (NDS), incorporated by reference, is updated to the most current specification issued by the American Forest and Paper Association (AFPA). Because manufacturers will need to redesign the structure's resistance to wind forces, the redesign should be accomplished with the most current design values for wood. Accordingly, the 1991 NDS is incorporated in its entirety into the standards.

(5) *Section 3280.305(c)*—The standards are amended to require that for manufactured homes in high wind areas, the home and each wind resisting part, including components and cladding, be completely designed to resist the design wind pressures specified for a 50-year recurrence level by ASCE 7–88 or the pressures specified in a table of equivalent design wind load provisions. The Department has designated three wind zones: Zone I (current wind design requirements for Zone I); Zone II (design wind speed of 100 mph); and Zone III (design wind speed of 110 mph).

The Table of Design Pressures in the proposed rule is clarified and expanded. Editorial revisions to clarify the application of the uplift pressure requirements for exterior roof coverings, eaves and gables. In addition, footnotes are included to indicate:

- Distributional pressure effects between windward and leeward walls;
- The application of the Table is limited to roof slopes between 10 and 30 degrees and that horizontal drag pressures need not be considered for roof slopes under 20 degrees;
- The design uplift pressures are the same regardless of whether they are applied normal to the roof surface or to the horizontal projection of the roof; and
- Exterior roof and wall coverings (excluding glazing), sheathing, and fastenings need not be evaluated for the design pressures specified by the Table, when fastened to a 3/8" structural rated sheathing and the sheathing is oriented and secured to framing members in accordance with the fastening schedule specified in the Table.

The Basic Wind Zone Map is revised by delineating the boundary between Wind Zones I and II as the 90 mph isotach, and the boundary between Wind Zones II and III as the 100 mph isotach, on the ASCE 7–88 basic wind speed map. This change will result in certain areas of existing Wind Zone II being located in the modified Wind Zone I. The boundary between Wind Zones I and III in Alaska is now designated as the 90 mph isotach on the ASCE 7–88 map.

(6) *Section 3280.305(d)*—Interpretative Bulletin D–5–76, under which the Department has been operating since the late 1970s, is paraphrased as a new paragraph (2). It clarifies that the deflection limit for a cantilevered roof is 2 times the length divided by 180. Eaves and cornices shall be designed for a net uplift pressure of 2.5 times the design uplift wind pressure cited in § 3280.305(c)(1)(i) for Wind Zone I, and for the design pressures cited in § 3280.305(c)(1)(ii) for Wind Zones II and III. This change has already been issued in the Energy Rule (58 FR 54975, 55006), but is modified in this rule to reflect the standards established for the new Wind Zones.

(7) *Section 3280.305(e)*—The standards for fastening of roof framing to wall framing and wall to floor framing are changed to require the use of 26 gage minimum steel strapping, or those elements shall be connected by a combination of strapping and structural rated wall sheathing that overlaps the roof and floor. Investigations after Hurricane Andrew revealed that current designs allowed 30 gage straps with staples for connections of roofs to walls, and walls to floors; such straps were

inadequate to resist even moderate wind forces.

(7) *Section 3280.306(a)*—The wind design loads used for calculating resistance of support and anchoring systems to overturning and lateral movements are revised to include the simultaneous application of the horizontal drag and uplift forces determined in § 3280.305(c).

(8) *Section 3280.306(g)(2)*—The standards are amended to require that the manufacturer's instructions for anchoring equipment be certified in accordance with the testing procedures found in ASTM D3953–91, Standard Specification for Strapping, Flat Steel and Seals. The certification must be made by a registered engineer, architect, or independent third party testing agency. This is an updated standard for steel strapping that supersedes the standard originally referenced in the Federal standard.

(9) *Sections 3280.403 and 3280.404*—These sections are amended to require all primary windows, including egress windows and sliding glass doors, to resist the design exterior and interior wind pressures specified in § 3280.305(c)(1) for components and cladding. These requirements are effective one year from today's date of publication of this rule, as provided in the "DATES" section of this preamble. In addition, manufacturers are required to provide instructions for the installation of shutters or protective covers, to protect the windows and doors.

(10) *Section 3282.362*—Minor conforming changes regarding the data plate are made in paragraph (c)(3)(i). These changes are explained under § 3280.5.

V. Other Matters

Significant Regulatory Action

The Director of the Office of Management and Budget has indicated that this rule could constitute a "significant regulatory action" as that term is defined in section 3(f) of the Executive Order on Regulatory Planning and Review issued by the President on September 30, 1993. Because an estimation of the new requirements as proposed indicated that they might have an annual effect on the economy of $100 million or more, a regulatory impact analysis has been prepared for this final rule. This analysis concludes that the requirements that will be imposed by this final rule will have an effect on the economy of less than $100 million, and will have benefits that outweigh the costs of the additional requirements. This analysis is available for public inspection during regular business hours in room 10276, Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that this rule will not have a significant economic impact on a substantial number of small entities. However, the regulatory impact analysis referenced in the preceding paragraph also provides relevant analysis and discussion of possible economic impact on businesses, including small businesses, that must comply with the provisions of this rule. The rule will establish additional safety standards for manufactured housing, and therefore would affect the design and construction requirements in specified areas of the country. The nature of the rule and its purpose do not present an opportunity for the Department to vary the rule's requirements so as to reduce burdens on small entities.

Environmental Impact

At the time of publication of the proposed rule, a finding of no significant impact with respect to the environment was made in accordance with HUD regulations in 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The proposed rule is adopted by this final rule without any change that would be significant for purposes of additional environmental impact. Accordingly, the initial finding of no significant impact remains applicable, and is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the office of the Rules Docket Clerk at the above address.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this rule have federalism implications, and are subject to review under the Order. Specifically, the rule provides for mandatory specifications for the construction of manufactured homes that exceed the standards currently permitted in certain areas of the country. States and local governments would no longer have the option of imposing separate requirements that exceed current standards, but are less stringent than these new standards. However, because the Federal standards already preempt local discretion in the construction of manufactured homes, this marginal degree of preemption is not believed to be significant for purposes of identifying federalism concerns.

Therefore, for these reasons and because of the health and safety aspects of this rule, the General Counsel has determined that the federalism implications are not sufficient to warrant the preparation of a federalism assessment under the Order.

Executive Order 12606, the Family

In the proposed rule, the Department indicated that the rule was not subject to review under Executive Order 12606, The Family. As addressed earlier in this preamble, some of the commenters were concerned about this position. Although the Department does not believe this final rule implicates family concerns within the spirit of the Executive Order, the Department has analyzed the rule as required under the Order.

The General Counsel, as the Designated Official under the Executive Order, has evaluated the potential of this rule to have a significant impact on family formation, maintenance, and general well-being. Although as a result of the more stringent construction requirements implemented by this rule, some families may lose an ownership option for housing, the general well-being of families, and society, is served better by ensuring minimal quality standards for such housing. The Secretary of Housing and Urban Development has certified that, to the extent permitted by law, the rule has undergone a Family Impact Assessment under the Executive Order.

Regulatory Agenda

This rule was listed as Item 1551 in the Department's Semiannual Agenda of Regulations published on October 25, 1993 (58 FR 56402, 56433) in accordance with Executive Order 12866 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program number is 14.171.

List of Subjects

24 CFR Part 3280

Fire prevention, Housing standards, Incorporation by reference, Manufactured homes, Reporting and recordkeeping requirements.

24 CFR Part 3282

Administrative practice and procedure, Consumer protection, Incorporation by reference, Intergovernmental relations, Investigations, Manufactured homes,

Reporting and recordkeeping requirements.

For the reasons stated in the preamble, parts 3280 and 3282 of title 24 of the Code of Federal Regulations are amended as follows.

PART 3280—MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS

1. The authority citation for part 3280 is revised to read as follows:

Authority: 42 U.S.C. 5403 and 5424; 42 U.S.C. 3535(d).

2. Section 3280.4(b) is amended by adding an additional organization in the listing of organizations issuing referenced standards immediately following the listing for the Air Conditioning and Refrigeration Institute (ARI), and revising the addresses for two previously listed organizations, to read as follows:

§ 3280.4 Incorporation by reference.

* * * * *

(b) * * *

AFPA [previously (N)FPA]—American Forest and Paper Association, 1250 Connecticut Avenue, NW., Washington, DC 20036 [previously named (N)FPA-National Forest Products Association].

* * * * *

ASCE—American Society of Civil Engineers, 345 East 47th Street, New York, NY 10017–2398

* * * * *

SJI—Steel Joist Institute, 1205 48th Avenue North, Suite A, Myrtle Beach, SC 29577

* * * * *

3. Section 3280.5 is revised to read as follows:

§ 3280.5 Data plate.

Each manufactured home shall bear a data plate affixed in a permanent manner near the main electrical panel or other readily accessible and visible location. Each data plate shall be made of material what will receive typed information as well as preprinted information, and which can be cleaned of ordinary smudges or household dirt without removing information contained on the data plate; or the data plate shall be covered in a permanent manner with materials that will make it possible to clean the data plate of ordinary dirt and smudges without obscuring the information. Each data plate shall contain not less than the following information:

(a) The name and address of the manufacturing plant in which the manufactured home was manufactured.

(b) The serial number and model designation of the unit, and the date the unit was manufactured.

(c) The statement:

This manufactured home is designed to comply with the Federal Manufactured Home Construction and Safety Standards in force at the time of manufacture.

(d) A list of the certification label(s) number(s) that are affixed to each transportable manufactured section under § 3280.8.

(e) A list of major factory-installed equipment, including the manufacturer's name and the model designation of each appliance.

(f) Reference to the roof load zone and wind load zone for which the home is designed and duplicates of the maps as set forth in § 3280.305(c). This information may be combined with the heating/cooling certificate and insulation zone map required by §§ 3280.510 and 3280.511. The Wind Zone Map on the Data Plate shall also contain the statement:

This home has not been designed for the higher wind pressures and anchoring provisions required for ocean/coastal areas and should not be located within 1500′ of the coastline in Wind Zones II and III, unless the home and its anchoring and foundation system have been designed for the increased requirements specified for Exposure D in ANSI/ASCE 7–88.

(g) The statement:

This home has—has not—(appropriate blank to be checked by manufacturer) been equipped with storm shutters or other protective coverings for windows and exterior door openings. For homes designed to be located in Wind Zones II and III, which have not been provided with shutters or equivalent covering devices, it is strongly recommended that the home be made ready to be equipped with these devices in accordance with the method recommended in the manufacturers printed instructions.

(h) The statement: "Design Approval by", followed by the name of the agency that approved the design.

§ 3280.302 [Amended]

4. Section 3280.302 is amended by removing and reserving paragraph (a)(8).

§ 3280.303 [Amended]

5. Section 3280.303 is amended by removing and reserving paragraph (d).

6. Section 3280.304 is amended by revising the last item listed under the heading "Steel:"; by revising the entry "National Design Specifications for Wood Construction" listed under the heading "Wood and Wood Products:"; and revising the entry under the heading "Unclassified:" in paragraph (b)(1), to read as follows:

§ 3280.304 Materials.

* * * * *

(b)(1) * * *

Steel:

* * * * *

Standard Specification for Strapping, Flat Steel and Seals—ASTM D3953–91.

Wood and Wood Products:

* * * * *

National Design Specifications for Wood Construction, 1991 Edition, With Supplement, Design Values for Wood Construction, AFPA.

* * * * *

Unclassified: American Society of Civil Engineers Minimum Design Loads for Buildings and Other Structures—ANSI/ASCE 7–88.

* * * * *

7. Section 3280.305 is amended by adding a new paragraph (b)(4) and by revising paragraphs (a), (b)(3), (c)(1) and (2); adding a heading for (c)(3) introductory text; and revising (c)(3)(iii), (c)(4), (d), and (e), to read as follows:

§ 3280.305 Structural design requirements.

(a) *General.* Each manufactured home shall be designed and constructed as a completely integrated structure capable of sustaining the design load requirements of this standard, and shall be capable of transmitting these loads to stabilizing devices without exceeding the allowable stresses or deflections. Roof framing shall be securely fastened to wall framing, walls to floor structure, and floor structure to chassis to secure and maintain continuity between the floor and chassis, so as to resist wind overturning, uplift, and sliding as imposed by design loads in this part. Uncompressed finished flooring greater than 1/8 inch in thickness shall not extend beneath load-bearing walls that are fastened to the floor structure.

(b) *Design loads*— * * *

(3) When engineering calculations are performed, allowable unit stresses may be increased as provided in the documents referenced in § 3280.304 except as otherwise indicated in §§ 3280.304(b)(1) and 3280.306(a).

(4) Whenever the roof slope does not exceed 20 degrees, the design horizontal wind loads required by § 3280.305(c)(1) may be determined without including the vertical roof projection of the manufactured home. However, regardless of the roof slope of the manufactured home, the vertical roof projection shall be included when determining the wind loading for split level or clerestory-type roof systems.

(c) *Wind, snow, and roof loads*—(1) *Wind loads—design requirements.* (i) *Standard wind Loads (Zone I).* When a

manufactured home is not designed to resist the wind loads for high wind areas (Zone II or Zone III) specified in paragraph (c)(1)(ii) of this section, the manufactured home and each of its wind resisting parts and portions shall be designed for horizontal wind loads of not less than 15 psf and net uplift load of not less than 9 psf.

(ii) *Wind loads for high wind areas (Zone II and Zone III).* When designed for high wind areas (Zone II and Zone III), the manufactured home, each of its wind resisting parts (including, but not limited to, shear walls, diaphragms, ridge beams, and their fastening and anchoring systems), and its components and cladding materials (including, but not limited to, roof trusses, wall studs, exterior sheathing, roofing and siding materials, exterior glazing, and their connections and fasteners) shall be designed by a Professional Engineer or Architect to resist:

(A) The design wind loads for Exposure C specified in ANSI/ASCE 7-88, "Minimum Design Loads for Buildings and Other Structures," for a fifty-year recurrence interval, and a design wind speed of 100 mph, as specified for Wind Zone II, or 110 mph, as specified for Wind Zone III (Basic Wind Zone Map); or

(B) The wind pressures specified in the following Table:

TABLE OF DESIGN WIND PRESSURES

Element	Wind zone II design wind speed 100 MPH	Wind zone III design wind speed 110 MPH
Anchorage for lateral and vertical stability (See § 3280.306(a)):		
Net Horizontal Drag[1, 2]:	[3] ±39 PSF	[3] ±47 PSF
Uplift[4]:	[5] −27 PSF	−32 PSF
Main wind force resisting system:		
Shearwalls, Diaphragms and their Fastening and Anchorage Systems[1, 2]	±39 PSF	±47 PSF
Ridge beams and other Main Roof Support Beams (Beams supporting expanding room sections, etc.)	−30 PSF	−36 PSF
Components and cladding:		
Roof trusses[4] in all areas; trusses shall be doubled within 3'–0" from each end of the roof	[5] −39 PSF	[5] −47 PSF
Exterior roof coverings, sheathing and fastenings[4,6,7] in all areas except the following	[5] −39 PSF	[5] −47 PSF
Within 3'–0" from each gable end (overhang at end wall) of the roof or endwall if no overhang is provided	[5] −73 PSF	[5] −89 PSF
Within 3'–0" from the ridge and eave (overhang at sidewall) or sidewall if no eave is provided	[5] −51 PSF	[5] −62 PSF
Eaves (Overhangs at Sidewalls)	[5] −51 PSF	[5] −62 PSF
Gables (Overhangs at Endwalls)	[5] −73 PSF	[5] −89 PSF
Wall studs in sidewalls and endwalls, exterior windows and sliding glass doors (glazing and framing), exterior coverings, sheathing and fastenings[8]:	±48 PSF	±58 PSF
Within 3'–0" from each corner of the sidewall and endwall	.....	.....
All other areas	±38 PSF	±46 PSF

NOTES:

[1] The net horizontal drag of ±39 PSF to be used in calculating Anchorage for Lateral and Vertical Stability and for the design of Main Wind Force Resisting Systems is based on a distribution of wind pressures of +0.8 or +24 PSF to the windward wall and −0.5 or −15 PSF to the leeward wall.

[2] Horizontal drag pressures need not be applied to roof projections when the roof slope does not exceed 20 degrees.

[3] + sign would mean pressures are acting towards or on the structure; − sign means pressures are acting away from the structure; ± sign means forces can act in either direction, towards or away from the structure.

[4] 4. Design values in this "Table" are only applicable to roof slopes between 10 degrees (nominal 2/12 slope) and 30 degrees.

[5] The design uplift pressures are the same whether they are applied normal to the surface of the roof or to the horizontal projection of the roof.

[6] Shingle roof coverings that are secured with 6 fasteners per shingle through an underlayment which is cemented to a 3/8" structural rated roof sheathing need not be evaluated for these design wind pressures.

[7] 7. Structural rated roof sheathing that is at least 3/8" in thickness, installed with the long dimension perpendicular to roof framing supports, and secured with fasteners at 4" on center within 3'–0" of each gable end or endwall if no overhang is provided and 6" on center in all other areas, need not be evaluated for these design wind pressures.

[8] Exterior coverings that are secured at 6" o.c. to a 3/8" structural rated sheathing that is fastened to wall framing members at 6" on center need not be evaluated for these design wind pressures.

(2) *Wind loads—zone designations.* The Wind Zone and specific wind design load requirements are determined by the fastest basic wind speed (mph) within each Zone and the intended location, based on the Basic Wind Zone Map, as follows:

(i) *Wind Zone I.* Wind Zone I consists of those areas on the Basic Wind Zone Map that are not identified in paragraphs (c)(2)(ii) or (iii) of this section as being within Wind Zone II or III, respectively.

(ii) *Wind Zone II*.....100 mph. The following areas are deemed to be within Wind Zone II of the Basic Wind Zone Map:

Local governments: The following local governments listed by State (counties, unless specified otherwise):

Alabama: Baldwin and Mobile.

Florida: All counties except those identified in paragraph (c)(1)(i)(C) of this section as within Wind Zone III.

Georgia: Bryan, Camden, Chatham, Glynn, Liberty, McIntosh.

Louisiana: Parishes of Acadia, Allen, Ascension, Assumption, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, LaFayette, La Fourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrabonne, Vermillion, Washington, West Baton Rouge, and West Feliciana.

Maine: Hancock and Washington.

Massachusetts: Barnstable, Bristol, Dukes, Nantucket, and Plymouth.

Mississippi: George, Hancock, Harrison, Jackson, Pearl River, and Stone.

North Carolina: Beaufort, Brunswick, Camden, Carteret, Chowan, Columbus, Craven, Currituck, Dare, Hyde, Jones, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell, and Washington.

South Carolina: Beaufort, Berkeley, Charleston, Colleton, Dorchester,

Georgetown, Horry, Jasper, and Williamsburg.

Texas: Aransas, Brazoria, Calhoun, Cameron, Chambers, Galveston, Jefferson, Kenedy, Kleberg, Matagorda, Nueces, Orange, Refugio, San Patricio, and Willacy.

Virginia: Cities of Chesapeake, Norfolk, Portsmouth, Princess Anne, and Virginia Beach.

(iii) *Wind Zone III*.....110 mph. The following areas are considered to be within Wind Zone III of the Basic Wind Zone Map:

(A) *States and Territories:* The entire State of Hawaii, the coastal regions of Alaska (as determined by the 90 mph isotach on the ANSI/ASCE 7–88 map), and all of the U.S. Territories of American Samoa, Guam, Northern Mariana Islands, Puerto Rico, Trust Territory of the Pacific Islands, and the United States Virgin Islands.

(B) *Local governments:* The following local governments listed by State (counties, unless specified otherwise):

Florida: Broward, Charlotte, Collier, Dade, Franklin, Gulf, Hendry, Lee, Martin, Manatee, Monroe, Palm Beach, Pinellas, and Sarasota.

Louisiana: Parishes of Jefferson, La Fourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. Mary, and Terrabonne.

North Carolina: Carteret, Dare, and Hyde.

(iv) *Consideration of local requirements.* For areas where local building code requirements exceed the design wind speed requirements of these standards, the Department will consider the adoption through rulemaking of the more stringent requirements of the State or local building authority.

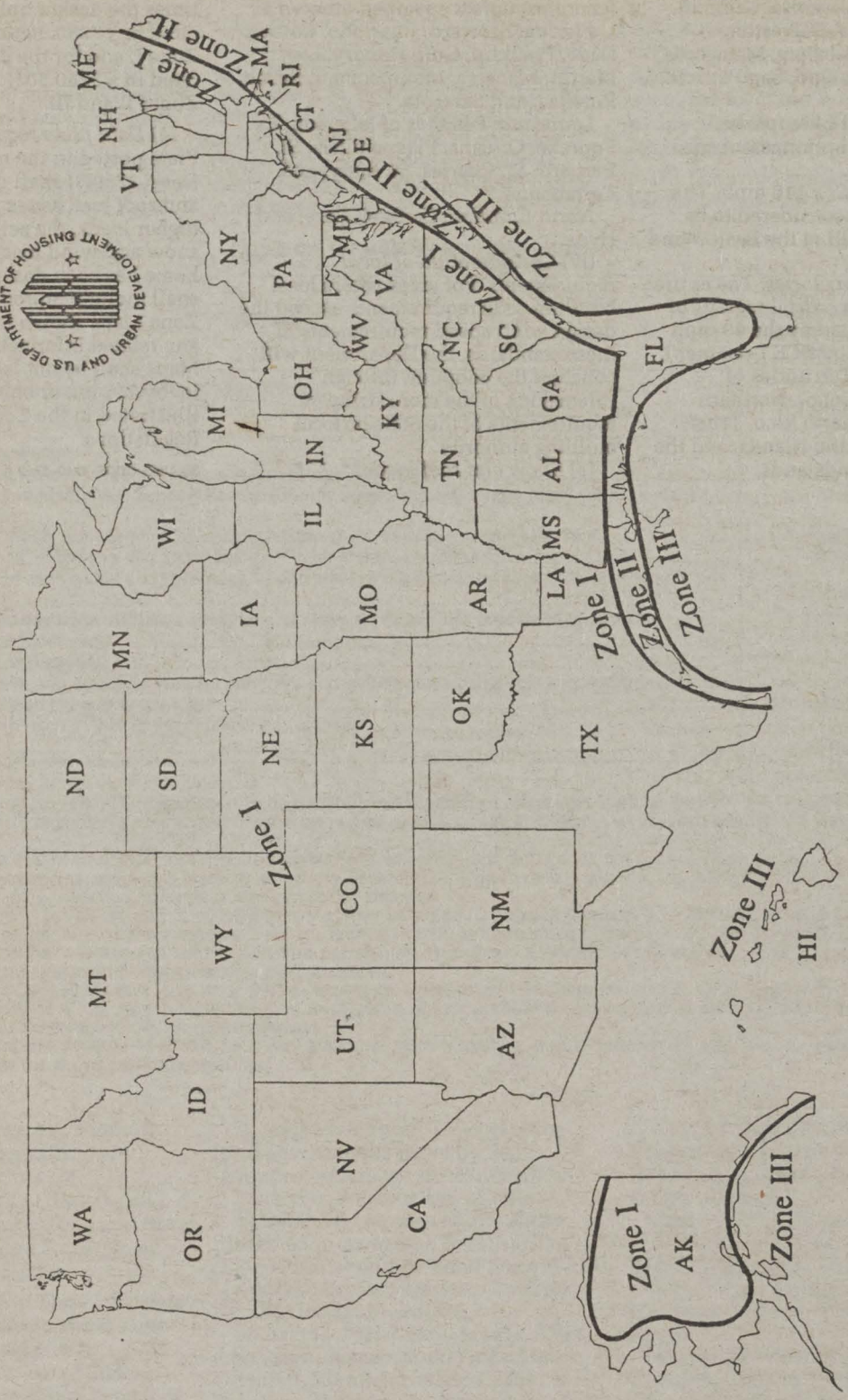
(3) *Snow and roof loads.* * * *

(iii) Eaves and cornices shall be designed for a net uplift pressure of 2.5 times the design uplift wind pressure cited in § 3280.305(c)(1)(i) for Wind Zone I, and for the design pressures cited in § 3280.305(c)(1)(ii) for Wind Zones II and III.

(4) *Data plate requirements.* The Data Plate posted in the manufactured home (see § 3280.5) shall designate the wind and roof load zones or, if designed for higher loads, the actual design external snow and wind loads for which the home has been designed. The Data Plate shall include reproductions of the Load Zone Maps shown in this section, with any related information. The Load Zone Maps shall be not less than either 3½ in. by 2¼ in., or one-half the size illustrated in the Code of Federal Regulations.

BILLING CODE 4210–27–P

Basic Wind Zone Map for Manufactured Housing



NOTE: See Section 3280.305(c)(2) for areas included in each Wind Zone.

BILLING CODE 4210–27–C

(d) *Design load deflection.* (1) When a structural assembly is subjected to total design live loads, the deflection for structural framing members shall not exceed the following (where L equals the clear span between supports or two times the length of a cantilever):

Floor—L/240
Roof and ceiling—L/180
Headers, beams, and girders (vertical load)—L/180
Walls and partitions—L/180

(2) The allowable eave or cornice deflection for uplift is to be measured at the design uplift load of 9 psf for Wind Zone I, and at the design uplift pressure cited in paragraph (c)(1)(ii) of this section for Wind Zones II and III. The allowable deflection shall be (2 x Lc)/180, where Lc is the measured horizontal eave projection from the wall.

(e) *Fastening of structural systems.* (1) Roof framing shall be securely fastened to wall framing, walls to floor structure, and floor structure to chassis to secure and maintain continuity between the floor and chassis, so as to resist wind overturning, uplift, and sliding as specified in this part.

(2) For Wind Zones II and III, roof trusses shall be secured to exterior wall framing members (studs), and exterior wall framing members (studs) shall be secured to floor framing members, with 26 gage minimum steel strapping or brackets or by a combination of 26 gage minimum steel strapping or brackets and structural rated wall sheathing that overlaps the roof and floor. Steel strapping or brackets shall be installed at a maximum spacing of 24" on center in Wind Zone II and at a maximum of 16" on center in Wind Zone III. The number and type of fasteners used to secure the steel straps or brackets or structural sheathing shall be capable of transferring all uplift forces between elements being joined.

* * * * *

8. Section 3280.306 is amended by revising paragraphs (a) introductory text and (b); adding a heading for paragraph (c) introductory text; revising paragraphs (c) (1) through (3) and (d) through (g) to read as follows:

§ 3280.306 Windstorm protection—support and anchoring systems.

(a) *Provisions for support and anchoring systems.* Each manufactured home shall have provisions for support/anchoring or foundation systems that, when properly designed and installed, will resist overturning and lateral movement (sliding) of the manufactured home as imposed by the respective design loads. For Wind Zone I, the design wind loads to be used for calculating resistance to overturning and lateral movement shall be the simultaneous application of the wind loads indicated in § 3280.305(c)(1)(i), increased by a factor of 1.5. The 1.5 factor of safety for Wind Zone I is also to be applied simultaneously to both the vertical building projection, as horizontal wind load, and across the surface of the full roof structure, as uplift loading. For Wind Zones II and III, the resistance shall be determined by the simultaneous application of the horizontal drag and uplift wind loads, in accordance with § 3280.305(c)(1)(ii). The basic allowable stresses of materials required to resist overturning and lateral movement shall not be increased in the design and proportioning of these members. No additional shape or location factors need to be applied in the design of the tiedown system. The dead load of the structure may be used to resist these wind loading effects in all Wind Zones.

(1) * * *

(b) *Contents of instructions.* (1) The manufacturer shall provide printed instructions with each manufactured home specifying the location and required capacity of stabilizing devices on which the design is based. The manufacturer shall provide drawings and specifications certified by a registered professional engineer or architect indicating at least one acceptable system of anchoring, including the details of required straps or cables, their end connections, and all other devices needed to transfer the wind loads from the manufactured home to an anchoring or foundation system.

(2) For anchoring systems, the instructions shall indicate:

(i) The minimum anchor capacity required;

(ii) That anchors should be certified by a professional engineer, architect, or a nationally recognized testing laboratory as to their resistance, based on the maximum angle of diagonal tie and/or vertical tie loading (see paragraph (c)(3) of this section) and angle of anchor installation, and type of soil in which the anchor is to be installed;

(iii) That ground anchors should be embedded below the frost line and be at least 12 inches above the water table; and

(iv) That ground anchors should be installed to their full depth, and stabilizer plates should be installed to provide added resistance to overturning or sliding forces.

(v) That anchoring equipment should be certified by a registered professional engineer or architect to resist these specified forces in accordance with testing procedures in ASTM Standard Specification D3953–91, Standard Specification for Strapping, Flat Steel and Seals.

(c) *Design criteria.* * * *

(1) The minimum number of ties provided per side of each home shall resist design wind loads required in § 3280.305(c)(1).

(2) Ties shall be as evenly spaced as practicable along the length of the manufactured home, with not more than two (2) feet open-end spacing on each end.

(3) Vertical ties or straps shall be positioned at studs. Where a vertical tie and a diagonal tie are located at the same place, both ties may be connected to a single anchor, provided that the anchor used is capable of carrying both loadings, simultaneously.

(4) * * * * *

(d) *Requirements for ties.* Manufactured homes in Wind Zone I require only diagonal ties. These ties shall be placed along the main frame and below the outer side walls. All manufactured homes designed to be located in Wind Zones II and III shall have a vertical tie installed at each diagonal tie location.

(e) *Protection requirements.* Protection shall be provided at sharp corners where the anchoring system requires the use of external straps or cables. Protection shall also be provided to minimize damage to siding by the cable or strap.

(f) *Anchoring equipment—load resistance.* Anchoring equipment shall be capable of resisting an allowable working load equal to or exceeding 3,150 pounds and shall be capable of withstanding a 50 percent overload (4,725 pounds total) without failure of either the anchoring equipment or the attachment point on the manufactured home.

(g) *Anchoring equipment—weatherization.* Anchoring equipment exposed to weathering shall have a resistance to weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 ounces per square foot of surface coated, and in accordance with the following:

(1) Slit or cut edges of zinc-coated steel strapping do not need to be zinc coated.

(2) Type 1, Finish B, Grade 1 steel strapping, 1–1/4 inches wide and 0.035 inches in thickness, certified by a registered professional engineer or architect as conforming with ASTM Standard Specification D3953–91,

Standard Specification for Strapping, Flat Steel, and Seals.

* * * * *

9. Section 3280.403 is amended by revising paragraphs (b) and (e) introductory text and by adding new paragraph (f), to read as follows:

§ 3280.403 Standard for windows and sliding glass doors used in manufactured homes.

* * * * *

(b) *Standard.* By January 17, 1995, all primary windows and sliding glass doors shall comply with AAMA Standard 1701.2–1985, Primary Window and Sliding Glass Door Voluntary Standard for Utilization in Manufactured Housing, except that the exterior and interior pressure tests for components and cladding shall be conducted at the design wind loads required by § 3280.305(c)(1).

* * * * *

(e) *Certification.* Except as otherwise indicated in paragraph (b) of this section, by January 17, 1995, all primary windows and sliding glass doors to be installed in manufactured homes shall be certified as complying with AAMA Standard 1701.2–1985 and design wind pressures specified in § 3280.305.

* * * * *

(f) *Protection of primary window and sliding glass door openings in high wind areas.* For homes designed to be located in Wind Zones II and III, manufacturers shall design exterior walls surrounding the primary window and sliding glass door openings to allow for the installation of shutters or other protective covers, such as plywood, to cover these openings. Although not required, the Department encourages manufacturers to provide the shutters or protective covers and to install receiving devices, sleeves, or anchors for fasteners to be used to secure the shutters or protective covers to the exterior walls. If the manufacturer does not provide shutters or other protective covers to cover these openings, the manufacturer must provide to the homeowner instructions for at least one method of protecting primary window and sliding glass door openings. This method must be capable of resisting the design wind pressures specified in § 3280.305 without taking the home out of conformance with the standards in this part. These instructions must be included in the printed instructions that accompany each manufactured home. The instructions shall also indicate whether receiving devices, sleeves, or anchors, for fasteners to be used to secure the shutters or protective covers to the exterior walls, have been installed or provided by the manufacturer.

10. Section 3280.404 is amended by revising paragraphs (b) and (e) and by adding a new paragraph (f), to read as follows:

§ 3280.404 Standard for egress windows and devices for use in manufactured homes.

* * * * *

(b) *Performance.* By January 17, 1995, egress windows including auxiliary frame and seals, if any, shall meet all requirements of AAMA Standard 1701.2–1985, Primary Window and Sliding Glass Door Voluntary Standard for Utilization in Manufactured Housing and AAMA Standard 1704–1985, Voluntary Standard Egress Window Systems for Utilization in Manufactured Housing, except as otherwise indicated in § 3280.403(b).

* * * * *

(e) *Certification of egress windows and devices.* Except as otherwise indicated by paragraph (b) of this section, by January 17, 1995, egress windows and devices shall be listed in accordance with the procedures and requirements of AAMA Standard 1704–1985 and design wind pressures specified in § 3280.305.

(f) *Protection of egress window openings in high wind areas.* For homes designed to be located in Wind Zones II and III, manufacturers shall design exterior walls surrounding the egress window openings to allow for the installation of shutters or other protective covers, such as plywood, to cover these openings. Although not required, the Department encourages manufacturers to provide the shutters or protective covers and to install receiving devices, sleeves, or anchors for fasteners to be used to secure the shutters or protective covers to the exterior walls. If the manufacturer does not provide shutters or other protective covers to cover these openings, the manufacturer must provide to the homeowner instructions for at least one method of protecting egress window openings. This method must be capable of resisting the design wind pressures specified in § 3280.305 without taking the home out of conformance with the standards in this part. These instructions must be included in the printed instructions that accompany each manufactured home. The instructions shall also indicate whether receiving devices, sleeves, or anchors, for fasteners to be used to secure the shutters or protective covers to the exterior walls, have been installed or provided by the manufacturer.

11. Section 3280.405 is amended by adding paragraph (f), to read as follows:

§ 3280.405 Standard for swinging exterior passage doors for use in manufactured homes.

* * * * *

(f) *Protection of exterior doors in high wind areas.* For homes designed to be located in Wind Zones II and III, manufacturers shall design exterior walls surrounding the exterior door openings to allow for the installation of shutters or other protective covers, such as plywood, to cover these openings. Although not required, the Department encourages manufacturers to provide the shutters or protective covers and to install receiving devices, sleeves, or anchors for fasteners to be used to secure the shutters or protective covers to the exterior walls. If the manufacturer does not provide shutters or other protective covers to cover these openings, the manufacturer must provide to the homeowner instructions for at least one method of protecting exterior door openings. This method must be capable of resisting the design wind pressures specified in § 3280.305 without taking the home out of conformance with the standards in this part. These instructions must be included in the printed instructions that accompany each manufactured home. The instructions shall also indicate whether receiving devices, sleeves, or anchors, for fasteners to be used to secure the shutters or protective covers to the exterior walls, have been installed or provided by the manufacturer.

PART 3282—MANUFACTURED HOME PROCEDURAL AND ENFORCEMENT REGULATIONS

12. The authority citation for part 3282 is revised to read as follows:

Authority: 42 U.S.C. 5424; 42 U.S.C. 3535(d).

13. Section 3282.362 is amended by revising paragraphs (c)(3)(i) (E) and (F) and adding a new paragraph (G), to read as follows:

§ 3282.362 Production Inspection Primary Inspection Agencies (IPIAs).

* * * * *

(c) * * *

(3) * * *

(i) * * *

(E) Reference to the roof load zone and wind load zone for which the home is designed and duplicates of the maps as set forth in § 3280.305. This information may be combined with the heating/cooling certificate and insulation zone map required by §§ 3280.510 and 3280.511. The Wind Zone Map on the Data Plate shall also contain the statement:

This home has not been designed for the higher wind pressures and anchoring provisions required for ocean/coastal areas and should not be located within 1500' of the coastline in Wind Zones II and III, unless the home and its anchoring and foundation system have been designed for the increased requirements specified for Exposure D in ANSI/ASCE 7–88.

(F) The statement:

This home has ____ has not ____ (appropriate blank to be checked by manufacturer) been equipped with storm shutters or other protective coverings for windows and exterior door openings. For homes designed to be located in Wind Zones II and III, which have not been provided with shutters or equivalent covering devices, it is strongly recommended that the home be made ready to be equipped with these devices in accordance with the method recommended in the manufacturers printed instructions.

(G) The statement: "Design Approval by", followed by the name of the agency that approved the design.

* * * * *

Dated: January 4, 1994.

Nicolas P. Retsinas,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 94–825 Filed 1–13–94; 8:45 am]

BILLING CODE 4210–27–P

federal register

Friday
January 14, 1994

Part III

Department of the Interior

Bureau of Indian Affairs

Indian Gaming; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal-State Compact.

SUMMARY: Pursuant to 25 U.S.C. 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100–497), the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III (casino) gaming on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through her delegated authority, has approved the Quechan Indian Tribe and the State of Arizona Gaming Compact of 1993, which was executed on October 22, 1993.

DATES: This action is effective upon date of publication.

FOR FURTHER INFORMATION CONTACT: Hilda Manuel, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: January 7, 1994.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 94–976 Filed 1–13–94; 8:45 am]

BILLING CODE 4310–02–P

federal register

Friday
January 14, 1994

Part IV

Department of Education

34 CFR Parts 75 and 76

Direct Grant Programs and State-Administered Programs; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Parts 75 and 76

RIN 1880–AA50

Direct Grant Programs and State-Administered Programs

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the Department's regulations on direct grant programs and State-administered programs to clarify the requirements and procedures for establishing and applying indirect cost rates under programs administered by the Department.

DATES: Comments must be received on or before February 28, 1994.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Sherlyn Taylor, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue SW., room 3636, ROB–3, Washington, DC 20202–4700.

FOR FURTHER INFORMATION CONTACT: Glenn Riley, U.S. Department of Education, 400 Maryland Avenue SW., room 3636, ROB–3, Washington, DC 20202–4700. Telephone: (202) 708–7640. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: To improve the administration of discretionary grants and to clarify for grantees the procedures and requirements of the Department, the Secretary is proposing to revise sections in the Education Department General Administrative Regulations (EDGAR) on indirect cost rates.

A number of problems in this area of grants administration will be addressed by the proposed changes. For example, the use of a restricted indirect cost rate for programs with supplement-not-supplant language in their authorizing statutes is required by current regulations. However, State education agencies have incurred significant financial liabilities by using incorrect restricted indirect cost rates. The proposed changes clarify how these rates are calculated and so will reduce the likelihood of those errors recurring. In addition, the term "occupancy and space maintenance costs" as used in the computation of restricted indirect cost rates has not been clearly defined, resulting in grant recipients being reimbursed improperly for space costs. The inclusion of a definition in these proposed regulations will address this problem.

The absence of a training grant definition has led to disagreements between the Department and grant recipients over whether the training rate of eight percent, which is a lower rate than most recipients' negotiated rate, should be applied to certain grants. The proposed definition will alleviate this problem and improve the Department's ability to effectively administer these grants. Similarly, ambiguities in existing regulations on the use of indirect costs for matching or cost-sharing and on the reimbursement of indirect costs to groups of eligible parties has contributed to administrative problems between the Department and its grant recipients. The proposed changes will clarify for all parties how these special situations are to be handled.

The existing regulations in these sections are being revised and reorganized and new sections are being added. Specifically, the following sections are proposed for revision or addition:

Section 75.129—This section is revised to include a reference to a new requirement in § 75.564 on the determination of indirect costs for a grant to a group of eligible parties.

Section 75.560—This section is revised to include the requirements that a grantee claiming indirect costs must have a current indirect cost rate agreement, that the Secretary may establish a temporary indirect cost rate under certain circumstances, and that the Secretary may establish a restricted indirect cost rate for a grantee to satisfy the regulatory requirements of certain programs administered by the Department.

Section 75.561—This section is revised to clarify the approval period for indirect cost rates established by the Secretary.

Section 75.562—This section is revised and expanded to include a definition of a training grant, a statement that the Secretary decides which grants are training grants, a clarification of the base to which the training rate is applied, and a restatement of the existing requirement that indirect costs in excess of the eight percent limitation may not be charged directly or be used to satisfy matching or cost-sharing requirements. It also explains that a grantee must have documentation available to show that its negotiated indirect cost rate is at least eight percent.

Section 75.563—This section is revised to refer grantees subject to a restricted indirect cost rate to the new sections in part 76 on restricted rates.

Sections 75.564 through 75.568 are removed in order to transfer these sections on restricted indirect cost rates to part 76. Since most grants under restricted rate programs are made to agencies of State or local governments, or their subgrantees, the Secretary is proposing this change to clarify the applicability of these regulations.

Section 75.564—This is a new section that includes several requirements applicable to the reimbursement of indirect costs, including clarification on the use of indirect costs to satisfy matching or cost-sharing requirements and the reimbursement of indirect costs under a grant to a group of eligible parties. The exclusion of certain categories of grants from reimbursement for indirect costs is proposed, since these types of grants have very little overhead or administrative costs associated with them. This exclusion is consistent with the current policy of the Department of Health and Human Services.

Section 76.560—This section is revised to include the requirements that a grantee claiming indirect costs must have a current indirect cost rate agreement, that the Secretary may establish a temporary indirect cost rate under certain circumstances, and that the Secretary may establish a restricted indirect cost rate for a grantee to satisfy the statutory requirements of certain programs administered by the Department.

Section 76.563 is revised to indicate the new sections in part 76 that apply to grantees subject to a restricted indirect cost rate.

Section 76.564—This new section incorporates the provisions of the current § 75.564 and also includes the requirement that indirect costs not recovered as a result of the restrictions may not be charged directly or charged to other Federal awards.

Section 76.565—This new section incorporates the provisions of the current § 75.565. The term "general management costs" is substituted for "administrative charges" to avoid confusion with the latter term as it is used in other regulations. The section explains that the term general management costs includes some occupancy and space maintenance costs. It also clarifies what is meant by the terms "chief executive officer," which is used in place of "chief administrative officer," and "component" as these terms are used in this section.

Section 76.566—This new section incorporates the provisions of the

current § 75.566 and clarifies which fringe benefits may be used in determining fixed costs in a restricted rate calculation.

Section 76.567—This new section incorporates the provisions of the current § 75.567 and explains that the term "other expenditures" also includes some occupancy and space maintenance costs and costs related to chief executive officers and their offices.

Section 76.568—This is a new section that defines what is meant by occupancy and space maintenance costs in the computation of restricted indirect cost rates. The section also describes the limited circumstances in which those costs can be charged directly.

Section 76.569—This is a new section that revises the formula currently in § 75.568 for computing indirect costs under a restricted rate program to clarify the base to which the rate is applied.

Executive Order 12866

These proposed regulations have been reviewed in accordance with Executive Order 12866. Under the terms of the order the Secretary has assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the proposed regulations are those resulting from statutory requirements and those determined by the Secretary to be necessary for administering this program effectively and efficiently. Burdens specifically associated with information collection requirements, if any, are identified and explained elsewhere in this preamble under the *Paperwork Reduction Act of 1980.*

In assessing the potential costs and benefits—both quantitative and qualitative—of these proposed regulations, the Secretary has determined that the benefits of the proposed regulations justify the costs.

The Secretary has also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

To assist the Department in complying with the specific requirements of Executive Order 12866, the Secretary invites comment on whether there may be further opportunities to reduce any potential costs or increase potential benefits resulting from these proposed regulations without impeding the effective and efficient administration of the program.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities. For the most part these revisions are proposed to provide additional information to grantees and to clarify existing departmental procedures or requirements. The proposed revisions will not result in major changes in departmental policy that might have significant economic impact on small entities.

Paperwork Reduction Act of 1980

These proposed regulations have been examined under the Paperwork Reduction Act of 1980 and have been found to contain no information collection requirements.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in room 3636, Regional Office Building No. 3, Seventh and D Streets SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects

34 CFR Part 75

Education Department, Grant programs—education, Grant administration, Incorporation by reference.

34 CFR Part 76

Education Department, Grant programs—education, Grant administration, Intergovernmental relations, State-administered programs.

(Catalog of Federal Domestic Assistance Number does not apply)

Dated: January 10, 1994.

Richard W. Riley,

Secretary of Education.

The Secretary proposes to amend parts 75 and 76 of title 34 of the Code of Federal Regulations as follows:

PART 75—DIRECT GRANT PROGRAMS

1. The authority citation for part 75 continues to read as follows:

Authority: 20 U.S.C. 1221e–3(a)(1) and 3474, unless otherwise noted.

2. Section 75.129 is amended by revising paragraphs (a) (1) and (2) and adding paragraph (a)(3), to read as follows:

§ 75.129 Legal responsibilities of each member of the group.

(a) * * *

(1) The use of all grant funds;

(2) Ensuring that the project is carried out by the group in accordance with Federal requirements; and

(3) Ensuring that indirect cost funds are determined as required under § 75.564(f).

* * * * *

3. Section 75.560 is amended by revising paragraph (b), adding new paragraphs (c) and (d), and revising the authority, citation at the end of the section, to read as follows:

§ 75.560 General indirect cost rates; exceptions.

* * * * *

(b) A grantee must have a current indirect cost rate agreement to charge indirect costs to a grant. To obtain an indirect cost rate, a grantee must submit an indirect cost proposal to the cognizant Federal agency and negotiate an indirect cost rate agreement.

(c) The Secretary may establish a temporary indirect cost rate for a grantee that does not have an indirect cost rate agreement with its cognizant Federal agency.

(d) The Secretary accepts an indirect cost rate negotiated by a grantee's cognizant Federal agency, but may establish a restricted indirect cost rate for a grantee to satisfy the statutory requirements of certain programs administered by the Department.

(Authority: 20 U.S.C. 1221e–3(a)(1) and 3474)

4. Section 75.561 is amended by revising paragraph (c), to read as follows:

§ 75.561 Approval of indirect cost rates.

* * * * *

(c) The Secretary generally approves indirect cost rate agreements annually. Indirect cost rate agreements may be approved for periods longer than a year if the Secretary determines that rates will be sufficiently stable to justify a longer rate period.

(Authority: 20 U.S.C. 1221e–3(a)(1) and 3474)

5. Section 75.562 is revised to read as follows:

§ 75.562 Indirect cost rates for educational training projects.

(a) Educational training grants provide funding for training or other educational services. Examples of the work supported by training grants are

summer institutes, training programs for selected participants, the introduction of new or expanded courses, and similar instructional undertakings, including special research training programs, that are separately budgeted and accounted for by the sponsoring institution. These grants do not usually support activities involving research, development, and dissemination of new educational materials and methods. Training grants largely implement previously developed materials and methods and require no significant adaptation of techniques or instructional services to fit different circumstances.

(b) The Secretary determines which grants are educational training grants.

(c) Indirect cost reimbursement on a training grant is limited to the amount computed by applying the grantee's negotiated indirect cost rate or a rate of eight percent, whichever is less, to a modified total direct cost base determined by the Secretary.

(1) The eight percent limit also applies to cost-type contracts under grants, if these contracts are for training as defined in this section.

(2) The eight percent limit does not apply to agencies of State or local governments, including federally recognized Indian tribal governments, as defined in 34 CFR 80.3.

(3) Indirect costs in excess of the eight percent limit may not be charged directly, used to satisfy matching or cost-sharing requirements, or be charged to another Federal award.

(d) A grantee using the training rate of eight percent is required to have documentation available for audit that shows that its negotiated indirect cost rate is at least eight percent.

(Authority: 20 U.S.C. 1221e–3(a)(1) and 3474)

6. Section 75.563 is revised to read as follows:

§ 75.563 Restricted indirect cost rate—programs covered.

If a grantee decides to charge indirect costs to a program that has a statutory requirement prohibiting the use of Federal funds to supplant non-Federal funds, the grantee shall use a restricted indirect cost rate computed under 34 CFR 76.564–76.569.

(Authority: 20 U.S.C. 1221e–3(a)(1) and 3474)

7. Sections 75.564 through 75.568 are removed.

8. A new § 75.564 is added to read as follows:

§ 75.564 Reimbursement of indirect costs.

(a) Reimbursement of indirect costs is subject to the availability of funds and statutory or administrative restrictions. The extent to which indirect costs are reimbursed is a matter for determination between the Secretary and the grantee.

(b) The application of the rates and the determination of the direct cost base by a grantee must be in accordance with the indirect cost rate agreement approved by the grantee's cognizant Federal agency.

(c) Indirect cost reimbursement is not allowable under grants for—

(1) Fellowships and similar awards if Federal financing is exclusively in the form of fixed amounts such as scholarships, stipend allowances, or the tuition and fees of an institution;

(2) Construction grants;

(3) Grants to individuals;

(4) Grants to organizations located outside the territorial limits of the United States;

(5) Grants to Federal organizations; and

(6) Grants in support of conferences.

(d) Indirect cost reimbursement on grants received under programs with statutory restrictions or other limitations on indirect costs must be made in accordance with the restrictions in 34 CFR 76.564–76.569.

(e) Under programs with matching or cost-sharing requirements, indirect costs that are unallowable as charges to Federal funds may not be used to satisfy matching or cost-sharing requirements.

(f) Indirect costs for a group of eligible parties (see §§ 75.127–75.129) are limited to the amount derived by applying the rate of the applicant, or a restricted rate when applicable, to the grant in keeping with the terms of the applicant's indirect cost rate agreement.

(Authority: 20 U.S.C. 1221e–3(a)(1) and 3474)

PART 76—STATE-ADMINISTERED PROGRAMS

9. The authority citation for part 76 continues to read as follows:

Authority: 20 U.S.C. 1221e–3(a)(1), 2831(a), 2974(b), and 3474, unless otherwise noted.

10. Section 76.560 is amended by revising paragraph (b), adding new paragraphs (c) and (d), and revising the authority citation at the end of the section, to read as follows:

§ 76.560 General indirect cost rates; exceptions.

* * * * *

(b) A grantee must have a current indirect cost rate agreement to charge indirect costs to a grant. To obtain an indirect cost rate, a grantee must submit an indirect cost proposal to the cognizant Federal agency and negotiate an indirect cost rate agreement.

(c) The Secretary may establish a temporary indirect cost rate for a grantee that does not have an indirect cost rate agreement with its cognizant Federal agency.

(d) The Secretary accepts an indirect cost rate negotiated by a grantee's cognizant Federal agency, but may establish a restricted indirect cost rate for a grantee to satisfy the statutory requirements of certain programs administered by the Department.

(Authority: 20 U.S.C. 1221e–3(a)(1), 2831(a), 2974(b), and 3474)

11. Section 76.563 is revised to read as follows:

§ 76.563 Restricted indirect cost rate—programs covered.

Sections 76.564–76.569 apply to agencies of State and local governments, and their subgrantees, that are grantees under programs with a statutory requirement prohibiting the use of Federal funds to supplant non-Federal funds.

(Authority: 20 U.S.C. 1221e(a)(1), 2831(a), 2974(b), and 3474)

12. A new § 76.564 is added to read as follows:

§ 76.564 Restricted indirect cost rate—formula.

(a) An indirect cost rate for a grant covered by § 76.563 or 34 CFR 75.563 is determined by the following formula:

Restricted indirect cost rate=(General management costs + Fixed costs) (Other expenditures)

(b) General management costs, fixed costs, and other expenditures must be determined under §§ 76.565–76.567.

(c) Under the programs covered by § 76.563, a subgrantee of an agency of a State or a local government (as those terms are defined in 34 CFR 80.3) or a grantee subject to 34 CFR 75.563 that is not a State or local government agency may use—

(1) An indirect cost rate computed under paragraph (a) of this section; or

(2) An indirect cost rate of eight percent unless the Secretary determines that the subgrantee or grantee would have a lower rate under paragraph (a) of this section.

(d) Indirect costs that are unrecovered as a result of these restrictions may not be charged directly or be charged to another Federal award.

(Authority: 20 U.S.C. 1221e–3(a)(1), 2831(a), 2974(b), and 3474)

13. A new § 76.565 is added to read as follows:

§ 76.565 General management costs—restricted rate.

(a) As used in § 76.564, *general management costs* means the costs of activities that are for the direction and control of the grantee's affairs that are organization-wide. The term organization-wide does not include divisional administration or other activities that are limited to one activity, one component of the grantee, one subject, one phase of operations, or other single responsibility.

(b) General management costs include the costs of performing a service function, such as accounting, payroll preparation, or personnel management, that is normally at the grantee's level even if the function is physically located elsewhere for convenience or better management. The term also includes certain occupancy and space maintenance costs as determined under § 76.568.

(c) The term does not include expenditures for—

(1) The governing body of the grantee;

(2) Compensation of the chief executive officer of the grantee;

(3) Compensation of the chief executive officer of any component of the grantee; and

(4) Operation of the immediate offices of these officers.

(d) For purposes of this section—

(1) The chief executive officer of the grantee is the individual who is the head of the executive office of the grantee and exercises overall responsibility for the operation and management of the organization. The chief executive officer's immediate office includes any deputy chief executive officer or similar office along with immediate support staff of these individuals. The term does not include the governing body of the grantee, such as a board or a similar elected or appointed governing body; and

(2) Components of the grantee are those organizational units supervised directly or indirectly by the chief executive officer. These organizational units generally exist one management level below the executive office of the grantee. The term does not include the office of the chief executive officer or a deputy chief executive officer or similar position.

(Authority: 20 U.S.C. 1221e–3(a)(1), 2831(a), 2974(b), and 3474)

14. A new § 76.566 is added to read as follows:

§ 76.566 Fixed costs—restricted rate.

As used in § 76.564, *fixed costs* means contributions of the grantee to fringe benefits and similar costs, but only those associated with salaries and wages that are charged as indirect costs, including—

(a) Retirement, including State, county, or local retirement funds, Social Security, and pension payments;

(b) Unemployment compensation payments; and

(c) Property, employee, health, and liability insurance.

(Authority: 20 U.S.C. 1221e–3(a)(1), 2831(a), 2974(b), and 3474)

15. A new § 76.567 is added to read as follows:

§ 76.567 Other expenditures—restricted rate.

(a) As used in § 76.564, *other expenditures* means the grantee's total expenditures for its federally- and non-federally-funded activities in the most recent year for which data are available. The term also includes direct occupancy and space maintenance costs as determined under § 76.568 and costs related to the chief executive officers of the grantee and components of the grantee and their offices (see § 76.565(c) and (d)).

(b) The term does not include—

(1) General management costs determined under § 76.565;

(2) Fixed costs determined under § 76.566;

(3) Capital outlay;

(4) Debt service;

(5) Fines and penalties;

(6) Contingencies; and

(7) Election expenses. However, the term does include election expenses that result from elections required by a program statute.

(Authority: 20 U.S.C. 1221e–3(a)(1), 2831(a), 2974(b), and 3474)

16. A new § 76.568 is added to read as follows:

§ 76.568 Occupancy and space maintenance costs—restricted rate.

(a) As used in the calculation of a restricted indirect cost rate, *occupancy and space maintenance costs* means such costs as—

(1) Building costs whether owned or rented;

(2) Janitorial services and supplies;

(3) Building, grounds, and parking lot maintenance;

(4) Guard services;

(5) Light, heat, and power;

(6) Depreciation and amortization; and

(7) All other related space costs.

(b) Occupancy and space maintenance costs associated with organization-wide service functions (accounting, payroll, personnel) may be included as general management costs if a space allocation or use study supports the allocation.

(c) Occupancy and space maintenance costs associated with functions that are not organization-wide must be included with other expenditures in the indirect cost formula. These costs may be charged directly to affected programs only to the extent that statutory supplanting prohibitions are not violated. This reimbursement must be approved in advance by the Secretary.

(Authority: 20 U.S.C. 1221e–3(a)(1), 2831(a), 2974(b), and 3474)

17. A new § 76.569 is added to read as follows:

§ 76.569 Using the restricted indirect cost rate.

(a) Under the programs referenced in § 76.563, the maximum amount of indirect costs under a grant is determined by the following formula:

Indirect costs=(Restricted indirect cost rate)×(Total direct costs of the grant minus capital outlays, subgrants, and other distorting or unallowable items as specified in the grantee's indirect cost rate agreement)

(b) If a grantee uses a restricted indirect cost rate, the general management and fixed costs covered by that rate must be excluded by the grantee from the direct costs it charges to the grant.

(Authority: 20 U.S.C. 1221e–3(a)(1), 2831(a), 2974(b), and 3474)

[FR Doc. 94–905 Filed 1–13–94; 8:45 am]

BILLING CODE 4000–01–P

federal register

Friday
January 14, 1994

Part V

Department of Education

34 CFR Part 682

Federal Family Education Loan Program; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Part 682

RIN 1840–AB83

Federal Family Education Loan Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the regulations governing the Federal Family Education Loan (FFEL) Program. The FFEL Program consists of the Federal Stafford, Federal Supplemental Loans for Students (SLS), Federal PLUS, and the Federal Consolidation Loan programs. These amendments are needed to implement changes made to the Higher Education Act of 1965, as amended (HEA), by the Higher Education Amendments of 1992. The proposed regulations would amend the FFEL Program loan cancellation provisions and enhance the ability of lenders and guaranty agencies to service and collect FFEL Program loans.

DATES: Comments must be received on or before February 14, 1994.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Pamela A. Moran, Acting Chief, Loans Branch, Division of Policy Development, Policy, Training, and Analysis Service, U.S. Department of Education, 400 Maryland Avenue, SW. (room 4310, ROB–3), Washington, DC 20202–5449.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT: George Harris, Senior Program Specialist, Loans Branch, Division of Policy Development, Policy, Training, and Analysis Service, U.S. Department of Education, 400 Maryland Avenue, SW. (room 4310, ROB–3), Washington, DC 20202–5449. Telephone: (202) 708–8242. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

The Secretary is proposing to revise 34 CFR part 682 to implement changes made to the HEA by the Higher Education Amendments of 1992 (Pub. L. 102–325), enacted July 23, 1992, as well as certain changes added by Public Law 103–208, enacted December 20, 1993. These regulations seek to improve the efficiency of federal student aid programs, and, by so doing, to improve their capacity to enhance opportunities for postsecondary education.

Summary of Comments From Regional Meetings

In compliance with section 492(a) of the HEA, the Secretary convened regional meetings during September 1992 to obtain public involvement in the development of proposed regulations. The purpose of the meetings was to "provide for a comprehensive discussion and exchange of information concerning the implementation" of certain parts of Public Law 102–325. In addition, attendees at the regional meetings were asked to nominate individuals to act as negotiators in the negotiated rulemaking process required by section 492(b) of the HEA.

The regional meetings were conducted for two days each in San Francisco, California; New York, New York; Atlanta, Georgia; and Kansas City, Missouri. Each participant at the regional meetings was assigned to one of six groups which were asked to discuss particular issue areas identified by the Department. Each group at the regional meetings prepared a report of its discussion and recommendations and those reports were presented to the Department for consideration during the preparation of the proposed regulations.

The issues addressed in this Notice of Proposed Rulemaking were discussed by one of the groups at each regional meeting. The specific recommendations made at those meetings are addressed below. The Secretary considered these comments in preparing draft proposed regulations.

1. Loan Discharge for Borrowers Attending Schools That Close

Public Law 102–325 added section 437(c) to the HEA to provide that loans will be canceled for student borrowers who are unable to complete their program of study because the school closed. The specific issues described below were discussed in connection with this section.

a. Criteria

The statute requires that, to qualify for a cancellation, the borrower must be "unable to complete his or her program" because the school closed. Participants at the San Francisco meeting recommended that the cancellation be available to student borrowers who are in attendance at the school at the time the school closes, or are on a leave of absence or left the school within 60 days prior to the school's closure because of deteriorating conditions at the school. The participants at the New York meeting agreed that students who are registered at the time the school closed should have their loans canceled but recommended that the benefit also be provided to borrowers who left within 90 days prior to the school's closure. Participants at the Kansas City meeting endorsed the 60-day time frame but also recommended that the regulations focus on the date of any announcement that the school is closing if that is earlier than the actual date that the school closed. Participants at the Atlanta meeting recommended that loan cancellation be provided to students who are in attendance or on a leave of absence at the time the school closed.

b. Prior Payments

Participants at all of the meetings agreed that any payments made by the borrower prior to discharge of the loan should be refunded.

c. Teach-Outs

Participants at the meetings discussed whether a loan made to a student who is offered a teach-out of the program in which the student was enrolled should be canceled. The participants at the Atlanta meeting concluded that a loan should not be discharged if the student completed a teach-out during the academic year for which the loan was made, but that the loan should be discharged if the borrower did not take or did not complete a teach-out during that time. Participants at the New York and Kansas City meetings concluded that a borrower should have the option of whether to accept a teach-out and should have the loan discharged if the student does not choose or does not complete a teach-out program. Attendees at the San Francisco meeting stated that they believed that teach-outs do not work well in practice and that loans should be canceled if a borrower does not choose to complete the program through a teach-out.

d. Extent of Cancellation

Attendees at each of the meetings also discussed whether loans should be canceled only for the academic term for which the borrower received the loan or whether all loans received for the program should be canceled. Attendees at the Atlanta meeting agreed that only the loan made for the period in which the school closed should be canceled. Participants at the meetings in New York and San Francisco (and a substantial minority in Atlanta) recommended that the regulations

distinguish between students enrolled in certificate programs and students enrolled in degree programs. The attendees at those meetings believed that certificate students were unlikely to be able to transfer the credits earned at the closed school and should have all loans canceled, but that students attending degree-granting schools are likely to be able to transfer their credits and should only receive cancellation of the loan for the period in which the school closed.

e. Process and Documentation Requirements

Attendees at the San Francisco meeting recommended that the Secretary be responsible for notifying the guaranty agencies when a school closes and that the agencies would be responsible for notifying the lenders of the loans eligible for cancellation. The attendees at that meeting also recommended that collection activity be suspended on the affected loans and that public service announcements be used to notify possibly affected students but that the students not be required to complete any applications or paperwork to prove their entitlement. The attendees at the Atlanta meeting also recommended that the Secretary or a State agency be responsible for determining that a school has closed and that the agencies would notify the affected lenders. The attendees at that meeting also recommended that the borrower not be required to provide documentation and recommended that credit bureau reporting be suspended during the investigation of possibly affected loans. Attendees at the New York meeting recommended that the date of a school's closure be determined by the applicable State licensing authority and also recommended that the student not be required to provide documentation of eligibility for cancellation of the loan.

2. Discharge of Loans for Borrowers Whose Eligibility was Falsely Certified by the School

Section 437(c) to the HEA also provided that loans will be canceled for borrowers whose eligibility to borrow was falsely certified by the school. The specific issues described below were discussed in connection with this section.

a. Definition of "False Certification"

Participants at the San Francisco meeting recommended that the Department's regulations provide that the following situations should be considered "false certification:" a school certifies an application for a borrower who is not eligible because he or she does not have the ability to benefit from the training offered; there is fraud by the school in completing or certifying the loan application or the school cashes checks without the borrower's endorsement; or the school submits an incorrect budget, wrong expected family contribution, or other information vital to the determination of the borrower's eligibility. The participants at the Atlanta meeting recommended that the definition of "false certification" include forged checks, falsification of the student's program eligibility or eligibility for a particular loan amount, and falsification of the borrower's signature. Participants at the New York meeting recommended that the Department define "false certification" as including the situation in which the school falsely certifies that it is an eligible institution.

b. Need for Showing of Intent

Participants at the San Francisco meeting recommended that the regulations provide that "false certification" must relate to the school's intent to deceive and not include a clerical error. The participants at the New York meeting, who also discussed this issue, did not reach a consensus regarding the requirement for a showing of intent by the school.

c. Procedures

Only the attendees at the Atlanta meeting discussed the procedures that should be utilized in implementing the provision for discharge of loans in cases of false certification. Participants at the Atlanta meeting recommended that the regulations provide that the determination of a false certification can be made by the Department, the guaranty agency, or the courts. They also recommended that if the guaranty agency makes the decision, the regulations should allow the school to appeal that decision to the Secretary. Participants at that meeting also recommended that a lender be required to notify the guaranty agency within 30 days of receiving a complaint that a loan was falsely certified and that collection activity be suspended while the agency investigates the claim. The agency would be required to complete its investigation within 6 months.

3. Repayment of Bankruptcy Claims

Public Law 102–325 changed the procedure for payment of bankruptcy claims by the Department and requires the Secretary to repay the loan if collection of the loan is stayed under Title 11 of the Bankruptcy Code. Participants at all of the regional meetings recommended that the Department define "stay" in accordance with the current definition in the Bankruptcy Code. However, in response to the Department's question regarding the appropriate procedure for handling loans that are not ultimately discharged in bankruptcy, there were differences of opinion. The attendees at the San Francisco meeting recommended that if a loan was not likely to be discharged by the bankruptcy court, the guaranty agency should obtain the loan from the lender and hold it until the bankruptcy court action is completed and then return it to the lender. Attendees at the New York meeting recommended that lenders be permitted to file bankruptcy claims for payment directly to the Secretary and if the Secretary wanted the guaranty agency to service the account, the agency should be permitted to receive at least a portion of any repayment. They also recommended that the lender be given the option to repurchase any loan that is not discharged in bankruptcy. Participants at the Atlanta meeting recommended that lenders be required to repurchase any loans not discharged on which a claim was paid. Because this amendment has now been superseded by section 2(c)(63) of Public Law 103–208, which incorporated the provisions found in current FFEL Program regulations, these comments are now moot.

4. Garnishment

The last statutory provision reflected in these proposed regulations is section 488A of the HEA, which establishes a national wage garnishment law. That section was added by Public Law 102–164, the Emergency Unemployment Compensation Act of 1991, and was not discussed during the regional meetings or the negotiated rulemaking sessions.

Negotiated Rulemaking

After completion of the regional meetings, the Department prepared draft proposed regulations to implement the provisions of Public Law 102–325 relating to the FFEL Program. In accordance with the requirements of section 492(b) of the HEA, those regulations were submitted to a negotiated rulemaking process. During the weeks of January 4–8 and February 1–5, 1993, the Department met with negotiators selected from among individuals nominated by attendees at the regional meetings.

The discussion below of the proposed regulations reflects those areas where the negotiators reached a consensus and the proposed regulations reflect that agreement. The discussion below also

indicates where consensus was not reached during the negotiations. However, the negotiators did not choose to discuss every part of the proposed regulations. Accordingly, the discussion below of those issues not discussed during the negotiations reflects only the views of the Secretary.

Proposed Regulatory Changes

Section 682.202 Permissible Charges by Lenders to Borrowers

The proposed regulations would implement the requirements of section 427A of the HEA. The changes in this section include the creation of variable interest rates for new Stafford loan borrowers and the return of excess interest to certain Stafford loan borrowers.

The Secretary estimates that lenders collectively will need an additional 250,000 hours to comply with the requirement that excess interest be returned to certain Stafford loan borrowers. This requirement is taken directly from the HEA.

Section 682.208 Due Diligence in Servicing a Loan

The proposed regulations would implement the requirements of section 428(b)(2)(F) of the HEA. Under the regulations, in cases where the holder of the loan remains the same, but there is a servicing change that results in a change in the identity of the party to whom the borrower must send payments or direct communications, the Secretary would apply the same borrower notification requirements that are required by current regulations at 34 CFR 682.208(e) when a loan is sold or transferred.

The Secretary does not view this requirement as one that imposes any additional burden because lenders and servicers already notify borrowers, as a normal business practice, whenever there is a servicing change that results in a change in the identity of the party to whom the borrower must send payments or direct communications. This requirement is taken directly from the HEA.

Section 682.402 Death, Disability, Closed School, False Certification, and Bankruptcy Payments

The proposed regulations would implement the requirements of section 437 of the HEA. The regulations reflect the new statutory provision for cancellation of a parent's PLUS loan if the student for whom the parent borrowed died. This was not a subject of controversy at the regional meetings or during the negotiations.

The proposed regulations implement the requirements of the HEA with regard to the discharge of a borrower's liability on an FFEL Program loan if the student was unable to complete an educational program because of the closure of the school. In developing criteria to be used to determine a borrower's eligibility for a closed school loan discharge, the Secretary believes that a student who completed his or her educational program by transferring academic credits or hours earned at the closed school to another school, or who completed the program through a teach-out of the educational program at a different school, should not qualify for a loan cancellation. The Secretary believes that the closed school discharge was intended to benefit students who could not complete their education because their school closed, and does not believe that a student who was able to complete the educational program for which the loan paid should be able to avoid repaying that loan. The Secretary is particularly interested in receiving public comment as to the appropriate treatment of a borrower's loan obligations if the educational program for which the loan was obtained was a multi-year program and the student was able to complete one or more years of that program.

The Secretary also believes, contrary to the majority sentiment expressed at the regional meetings and by the negotiators, that a borrower should submit to the holder a sworn statement that demonstrates that the borrower is eligible for a closed school discharge to assist the Secretary or the Secretary's designees in pursuing claims against the closed school, and to secure the borrowers written commitment to the representations on which he or she seeks relief. The Secretary believes that an affidavit or sworn statement is essential in protecting the interests of the federal taxpayer, and therefore proposes that one be obtained from the student as a condition of loan discharge. By virtue of Federal law (28 U.S.C. 1746), this affidavit or statement need not be notarized, but the borrower must state in the document that the borrower makes the statement under penalty of perjury.

The Secretary agrees with the sentiment expressed at the regional meetings and by the negotiators that conditions at the school immediately preceding its closing may cause a deterioration in the educational program that would cause a student to withdraw. A student who withdraws under these circumstances should be deemed to have been unable to complete his or her educational program because of the school's closure. For purposes of considering the borrower eligible for loan discharge, and to balance the interests of the borrower and the federal taxpayers (who ultimately must pay the cost of each cancelled loan), the Secretary proposes to limit this withdrawal period to not more than 90 days prior to the date the school closed.

False Certification by a School of a Student's Eligibility To Borrow

Participants in the regional meetings and the negotiators offered a wide variety of different actions by the school or the borrower that they believed should be considered a false certification of eligibility to borrow; these included virtually every express or implied representation in any way related to the FFEL Program made by the student to the school, or by the school to the lender, guarantor, accrediting agency, state authority, or the Secretary. The Secretary has not adopted these views in the proposed regulations, because the language of the statute itself and its legislative history shows that the intended scope of the authority to discharge loan obligations is considerably narrower than these commenters suggest. The statute authorizes discharge only if the school made a false "certification of the student's eligibility," a term used only in the FFEL Program regulations, where it refers, only to those representations made by the school on the loan application itself regarding the status of the loan applicant (or the student for whom a parent wishes to obtain a PLUS loan) as an eligible student, 34 CFR 682.603; 682.201; and 668.7, and not to other written representations that relate to the borrower's request for a loan, the school's participation in the FFEL Program, or the quality of the schools program, facilities, or placement services. The legislative history further explains that this provision was intended to provide relief where the student was "left without the skills needed to obtain employment" because of the false certification of eligibility. H. R. Rep. No. 447, 102d Cong. 2d Sess. 52 (1991). The scope of the relief proposed by the Secretary here is guided by these two principles: that the false certification be that made by the school on the loan application regarding the borrower's eligibility, and that the falsity of the certification be directly related to the failure to provide necessary skills for employment.

Some negotiators urged that grounds for cancellation should include such falsifications as forgery of the borrower's signature on the loan application or on the loan disbursement check. However,

these representations are not part of the process of the "certification of the student's eligibility to borrow." Moreover, as a practical matter, a borrower victimized by a forged loan application can be injured only if the borrower's endorsement is then forged on the loan disbursement check, or the check is negotiated without the borrower's endorsement at all. In either case, the borrower is generally not liable because such a loan is generally not legally enforceable. Therefore, not only does forgery not constitute a falsification in the loan "certification" process, but the borrower who is the victim of a forgery and did not receive the proceeds of the loan already has a complete defense to repayment of the loan, and needs no cancellation relief under this new section.

Other negotiation participants suggested that erroneous school representations on a loan application regarding such matters as the borrower's (or student's) income, resources, family contribution, or recommended loan amount should be sufficient to constitute grounds for cancellation under this section. This kind of error could result in the borrower receiving a loan in a larger amount than he or she qualifies to receive. However, that student may nevertheless receive quality training at the school, and this kind of error or misrepresentation does not directly or invariably cause the borrower to be "left without the skills needed to obtain employment." In addition, errors or misstatements of the borrower's financial need frequently result in the borrower receiving a loan either that only marginally exceeds the amount for which he or she actually qualified, or that qualified only for reinsurance but not for interest subsidies. Section 437(c) directs the discharge of the "borrower's liability on the loan"—language that does not suggest that a partial discharge was contemplated or intended; discharging the borrower from financial obligation for the entire loan in such circumstances where the misstatement of financial need affects only part of the loan, or only the borrower's right to interest subsidies on all or part of that loan, is a remedy completely out of proportion to any injury suffered by the borrower as a result of the erroneous certification of his or her financial need. For these reasons, the Secretary concludes that erroneous representations of the borrower's financial need are not the kind of false certifications for which section 437 was intended to provide relief.

In general, participants at the regional meetings and the negotiations recognized that grounds for cancellation of a loan obligation under section 437 of the HEA should include a case where a student was unable to obtain employment after attending the school, and the school had falsely certified that the student had the ability to benefit from the school's training. This kind of falsification is both part of the loan certification process and results in a student being left without needed skills. Therefore, the proposed regulations focus on the school's false representation that the student had the ability to benefit as the grounds for cancellation under this new provision.

The statute and regulations have addressed the ability-to-benefit requirement for many years, and the proposed regulations reflect both the legal elements of that requirement and some enforcement perspectives developed in implementing it. For example, the school has always been required to test the ability to benefit only of those applicants who did not have a high school diploma, and the school therefore does not certify anything regarding the ability to benefit of high school graduates. Since 1987, students who had a general education diploma, or obtained one after enrolling, and students who lacked both a GED and a high school diploma but completed an institutionally prescribed remedial education program, have been deemed by Congress to have the ability to benefit, and the rule would incorporate that congressional judgement.

The regulations therefore would generally permit relief in the case of a student whom the school was required to test for ability to benefit, but either failed to test at all, or tested in disregard of the requirements for proper use of the test adopted. Schools have a continuing legal obligation to administer tests, subject to criteria developed by the school's accreditor, in compliance with test protocols. These criteria and protocols may include requirements related both to the accuracy of the test results as to the individual tested and to the continuing development and validation of the test mechanism. Non-compliance with testing requirements may warrant administrative sanctions against the school, but a false certification claim under this provision requires the Department to determine a different question.

A false certification claim depends not on whether the school met all its obligations with regard to testing, but on whether a test already given lacks credibility as a measure of the student's ability to benefit so that the Department should, in the absence of other evidence, regard the student as lacking that ability. The Secretary expects that practical, specific standards will be needed to help identify those deviations from testing requirements that support an inference that the student lacked ability to benefit. For example, use of photocopied versions of tests by the school or test administrator may violate the requirements of the test publisher, but may have no direct effect on the accuracy of the assessment of the student's ability to benefit. Use of an indefensibly low cutoff score by the school on an ability-to-benefit test does not discredit an assessment of the ability of those students who score above a legitimate cutoff score, such as those now published by the Secretary. Similarly, minor deviations from required time limits may have little effect on the validity of the test results. The Secretary intends to address these practical considerations in the final regulations, and invites public comment on the content of those standards or guidelines.

In applying these standards, moreover, the Secretary has consistently recognized that a student may actually have the ability to benefit from the school's training even though the school does not test that student's ability or does so improperly. The proposed regulations therefore recognize that a student who actually obtains employment in the occupation for which the school's program was designed to prepare him or her had the actual ability to benefit from that training without regard to whether the school falsified its test of ability to benefit.

A student not properly tested for ability to benefit who nevertheless completes the program of instruction can reasonably be considered to have found the training consistent with his or her aptitude, and the proposed regulations would provide for cancellation only if the a student had unsuccessfully tried to find employment in the occupation for which the program was designed to prepare him or her. Conversely, a student not properly tested who withdraws from the course can be reasonably regarded as having found the training not consistent with his or her aptitude, and the proposed regulations grant relief to this kind of student (or a parent PLUS borrower who borrowed on behalf of the student) unless the student actually obtained employment in that occupation.

Consistent with the approach that the student's ability to benefit should be evaluated realistically, the proposed regulations would recognize that those individuals admitted on the basis of

their ability to benefit who met one or more of the several statutory requirements would nevertheless be regarded as not having had that ability if they had a physical, mental, or personal impediment to employment in, or performance of the physical duties of, the occupation for which the program was designed. Individuals with certain kinds of criminal records or a history of mental illness may be barred from some positions for which the school proposed to train them, and these students could not benefit from the training even if they successfully completed a test sanctioned by both the industry and school's accrediting agency. Other students may lack the physical ability to perform a job for which their grades on an industry and accreditor-approved test might otherwise show an ability to perform. Both kinds of students would qualify (or qualify the parent PLUS borrower) for relief under these regulations.

A number of other kinds of falsification were considered as potential grounds for discharge of the loan under this provision, including a school's acceptance of a student into an ineligible program, but they were not adopted in these proposed regulations. As explained earlier, the statute uses fairly precise language to describe the grounds for discharge under this provision, and that language, by authorizing discharge where there has been a false certification "by the eligible institution," does not authorize relief where the falsity relates to the eligibility of the institution itself. Thus, although misrepresentations regarding the school's financial or administrative capability, including the school's placement services or the quality of the school's facilities, faculty, or equipment, may well have induced the individual to enroll at the school, those representations are not part of the process of "certification" of the student's eligibility to borrow, tend to constitute claims that the institution was in fact not an "eligible institution," and are not the kind of representations for which this statute authorizes relief. These proposed regulations therefore do not treat falsifications by the institution about itself as grounds for discharge.

For the vocational schools that are the primary focus of this statutory provision, representations about the eligibility of the institution include representations about the eligibility of its programs, and, under the statute and regulations, the institution is virtually defined in terms of the programs it offers. 20 U.S.C. 1088 (1992); 34 CFR 600.7, 668.7(a)(2)(v). Therefore, because the statute confines relief precisely to instances of false certifications regarding the eligibility of the student, not on representations that would tend to show that the institution itself was not eligible, the Secretary does not believe that the statute authorizes relief where the alleged misrepresentation goes to the eligibility of the program in which the student was enrolled. For these reasons, relief under the proposed regulations would not permit a borrower to secure cancellation by challenging the eligibility of the program or the school itself, but would require a demonstration by the student that the school failed to test (or tested improperly) his or her ability to benefit and that he or she did not secure employment in the occupation for which the school stated its program was designed to prepare the student.

Bankruptcy Claims

Section 437(a) of the HEA as amended by the Higher Education Amendments of 1992 allowed a lender to submit and receive payment on a bankruptcy claim on the date on which the borrower filed for relief in bankruptcy, an action that "stays collection" of the loan, rather than when the loan was discharged, as under prior law. The proposed regulations submitted to the negotiation process would have revised current regulations as needed to implement this change. Other features of current bankruptcy claim processing were to remain unchanged. Section 2(c)(63) of Public Law 103–208 reinstated standards for payment of bankruptcy claims consistent with those now found in FFEL Program regulations at 34 CFR 682.402(d)(5); pursuant to section 5 of Public Law 103–208, this most recent change took effect as if enacted as part of the 1992 amendments. Any regulations needed to implement this change, moreover, are not subject to negotiated rulemaking requirements of section 492. To implement the new law, the Secretary is here withdrawing those proposals found in 34 CFR 682.402(f)(5) and (g)(2) (iv) and (v) as presented to the negotiators prior to the enactment of Public Law 103–208, and will leave in effect the provisions of current 34 CFR 682.402(d)(5), redesignated here as § 682.402(g)(5), and current § 682.402(e)(2)(ii), redesignated here as § 682.402(g)(2)(iv).

By allowing a filing of a claim on the date "collection of the loan is stayed"—the date of the filing of the petition by the borrower, or, in a Chapter 13 case, by the endorser or the borrower—rather than the date a borrower receives a discharge, the statute might be read to permit claims to be submitted if an endorser files, rather than, as under prior law, only in borrower bankruptcies. Nothing in the amendments suggested that such a result was intended, and the proposed regulations would permit the submission of a bankruptcy claim only in the case of a borrower bankruptcy.

The proposed regulations would continue to require lenders to file proofs of claim in the bankruptcy proceeding, unless the guaranty agency directs otherwise or the holder is officially notified by the court that no assets are available for distribution. If the guaranty agency later receives notice that assets have become available, the guarantor must file a proof of claim at that point.

Participants in the negotiated rulemaking proceedings noted that a growing number of discharges were being received by borrowers who file sequential bankruptcy petitions, particularly those who first file for relief in Chapter 13. During the pendency of the prior bankruptcy case, loans in repayment less than seven years are non-dischargeable without proof of undue hardship, yet cannot be enforced by the holder according to their original terms; little or nothing may be paid on those loans during the proceeding. Rather than attempting to show that repayment would constitute an undue hardship, or negotiating an income-sensitive repayment arrangement with the holder, borrowers who complete their Chapter 13 proceeding may then file a second bankruptcy petition, making sure that the second is filed more than seven years after the loan entered repayment.

The Bankruptcy Code excludes the period of "any applicable suspension of the repayment period" from the seven-year period during which loans are dischargeable only for undue hardship. 11 U.S.C. 523(a)(8)(A). If the term "suspension of the repayment period" is read, as these borrowers contend, to include only forbearance or deferments granted by the holder of the loan, the reality of the forbearance imposed by virtue of the automatic stay in the prior bankruptcy—which barred enforcement of the loan according to its terms during the pendency of the bankruptcy—would be ignored, and borrowers who have neither made the required seven-year attempt to repay nor demonstrated undue hardship would obtain a discharge in the second bankruptcy. The Secretary does not consider this interpretation of the statute to be consistent with its purpose, and the only court that has addressed this precise issue has concluded that the period during which enforcement of a loan is stayed in a prior bankruptcy is an "applicable suspension of the repayment period" for purposes of

computing the seven-year period for a subsequent bankruptcy. *In re Saburah*, 136 B.R. 246, 254 (Bankr. C.D. Cal. 1992).

In light of the above discussion, the Secretary proposes to interpret the term "applicable suspension of the repayment period" to include periods during which the automatic stay in a bankruptcy proceeding is in effect. The Secretary further recognizes that a borrower who in fact meets his or her obligation under the original repayment agreement during the bankruptcy has acted in a manner consistent with the intent of the statute, and this proposed interpretation would not regard the period of the first bankruptcy as a period of suspension of repayment for the borrower.

The death and bankruptcy requirements in proposed § 682.402 are taken directly from the HEA. There is no change to the current disability cancellation.

Closed School Cancellations

The closed school cancellation provision is taken, in large part, directly from the mandates of the HEA, although the proposed regulations reflect some areas of necessary interpretation. The discussion that follows is grouped into three major areas where the Secretary and the negotiators had discretion to interpret the statutory closed school cancellation provision:

1. Student Withdrawal Prior to the Closing of the School

There was unanimous agreement among the negotiators and the Secretary that it would be inequitable to strictly limit a closed school cancellation to only those students who were in attendance at the school on the date that the school officially closed. As discussed earlier, conditions at the school immediately preceding its closing may have caused a deterioration in the educational program that would have prompted a student to withdraw. Such a student should not lose entitlement to a loan cancellation because of his or her prescience or inability to tolerate the school's deterioration. To balance the interests of students and the federal taxpayers (who ultimately must pay the cost of each cancelled loan), the Secretary proposes to limit this withdrawal period to not more than 90 days prior to the date the school closed.

2. Student Use of Teach-out or Transfer of Academic Credits

As discussed earlier, the Secretary does not believe that a student who completed the educational program for which the loan was intended, even though the completion occurred through a teach-out at another school or by the student's transfer of academic credits earned at the closed school, should be able to avoid repaying that loan. The student is not required to transfer those credits or make use of a teach-out opportunity, but if the student chooses to do so, then the Secretary believes that, because the student was able to complete the educational program, it would be unfair to require the Federal taxpayer to pay the student's loan.

3. Student Statement Requirement

The Secretary believes that a statement made by the student under penalty of perjury demonstrating eligibility for a closed school discharge should be obtained from the student to assist the Secretary or the Secretary's designees in pursuing claims against the closed school. Without this statement, the Secretary's ability to protect the interests of the Federal taxpayer would be frustrated.

Section 682.410 Fiscal, Administrative, and Enforcement Requirements

The administrative wage garnishment requirements are taken directly from the HEA.

The proposed regulations provide an alternative to the prescribed collection requirements in § 682.410(b) if a guaranty agency uses collection agencies and administrative wage garnishment. Through these regulations, the Secretary expects to maximize default collections by the Department of Education, guaranty agencies, and the Internal Revenue Service.

The proposed regulations implement the national wage garnishment provision in section 488A of the HEA, under which guaranty agencies or the Secretary may garnish up to 10 percent of the wages of a borrower who has defaulted on an FFEL Program loan or who is not making required payments under a repayment agreement. Under the proposed regulations, at least 30 days before garnishment proceedings are initiated the borrower must be given written notice informing him or her of the nature and amount of the loan obligation to be collected, the intention of the guaranty agency to initiate proceedings to collect the debt through deductions from pay, and an explanation of the borrower's rights regarding the proposed action.

The proposed regulations provide the borrower with an opportunity to inspect and copy records related to the debt, establish a new repayment agreement, and receive a hearing concerning the existence or amount of the debt and the terms of a repayment schedule. In addition, no withholding of a debtor's wages may occur in the case of an individual who has been involuntarily separated from employment until that individual has been reemployed continuously for at least 12 months. These proposed regulations would replace current regulatory provisions that authorize wage garnishment by guaranty agencies in certain circumstances.

Section 488A of the HEA protects borrowers by prohibiting employers from taking disciplinary action against an individual based on the fact that the individual's wages are subject to garnishment. The statute permits a borrower to sue an employer who takes such an action, and authorizes the court to award attorneys' fees, punitive damages, back pay, reinstatement, or other remedies the court believes reasonably necessary.

Section 488A(a) of the HEA preempts state laws that might prohibit garnishment to collect student loan debts. The Secretary particularly requests comments on whether there are other state laws that might frustrate the purpose of section 488A and should be preempted. The Secretary asks commenters to provide specific information on those laws.

Section 682.411 Due Diligence by Lenders in the Collection of Guaranty Agency Loans

The proposed regulations implement the requirements of the HEA by requiring lenders to warn borrowers and endorsers about the possibility that their wages may be garnished by the guaranty agency if they default on their repayment obligations.

There are minimal burdens, if any, that will be associated with including a warning about possible wage garnishment in the delinquency letters that are already required to be sent to borrowers.

Executive Order 12866

These proposed regulations have been reviewed in accordance with Executive Order 12866. Under the terms of the order the Secretary has assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the proposed regulations are those resulting from statutory requirements and those determined by the Secretary to be necessary for administering this program effectively and efficiently, as discussed in those sections of the preamble that relate to specific sections of the regulations. Burdens specifically

associated with information collection requirements, if any, are identified and explained elsewhere in this preamble under the heading

Paperwork Reduction Act of 1980

In assessing the potential costs and benefits—both quantitative and qualitative—of these proposed regulations, the Secretary has determined that the benefits of the proposed regulations justify the costs, and do not interfere with State, local, and tribal governments in the exercise of their governmental functions.

To assist the Department in complying with the specific requirements of Executive Order 12866, the Secretary invites comment on whether there may be further opportunities to reduce any potential costs or increase potential benefits resulting from these proposed regulations without impeding the effective and efficient administration of the program.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities.

Certain reporting, recordkeeping, and compliance requirements are imposed on guaranty agencies, lenders, and schools by the regulations. These requirements, however, would not have a significant impact because they would not impose excessive regulatory burdens or require unnecessary Federal supervision.

Paperwork Reduction Act of 1980

Sections 682.208, 682.402, and 682.410 contain information collection requirements. As required by the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these sections to the Office of Management and Budget (OMB) for its review. (44 U.S.C. 3504(h))

These regulations affect the following types of entities that participate in the FFEL Program: Guaranty agencies, lenders, and schools. The Department needs and uses this information to properly carry out its responsibility to administer certain aspects of the HEA.

Annual public reporting burden for this collection of information is not expected to significantly increase. The collection and reporting of the information in §§ 682.208 and 682.410 reflect normal business practice, whereas the closed school cancellation provision of § 682.402 essentially substitutes a closed school claim for a default claim that normally would have occurred if the student did not repay a loan made for attendance at a school that closed.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, room 3002, New Executive Office Building, Washington, DC 20503; Attention: Daniel J. Chenok.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in ROB-3, room 4310, 7th and D Streets, SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except Federal holidays.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 682

Administrative practice and procedure, Colleges and universities, Education, Loan programs-education, Reporting and recordkeeping requirements, Student aid, Vocational education.

(Catalog of Federal Domestic Assistance Numbers: 84.032 Federal Family Education Loan Program)

Dated: January 11, 1994.

Richard W. Riley,

Secretary of Education.

The Secretary proposes to amend title 34 of the Code of Federal Regulations by revising part 682 as follows:

PART 682—FEDERAL FAMILY EDUCATION LOAN PROGRAM

1. The authority citation for part 682 continues to read as follows:

Authority: 20 U.S.C. 1071 to 1087–2, unless otherwise noted.

2. Section 682.202 has been amended by revising paragraphs (a) introductory text, and (a)(1) through (a)(4); adding a new paragraph (a)(6); and revising paragraphs (c) and (d) to read as follows:

§ 682.202 Permissible charges by lenders to borrowers.

* * * * *

(a) *Interest.* The applicable interest rates for FFEL Program loans are given in paragraphs (a)(1) through (a)(4) of this section.

(1) *Stafford Loan Program.* (i) If the borrower, on the date the promissory note evidencing the loan is signed, has an outstanding balance of principal or interest on a previous Stafford loan, the interest rate is the applicable interest rate on that previous Stafford loan.

(ii) If the borrower, on the date the promissory note evidencing the loan is signed, has no outstanding balance on any FFEL Program loan, and the first disbursement is made—

(A) Prior to October 1, 1992, for a loan covering a period of instruction beginning on or after July 1, 1988, the interest rate is 8 percent until 48 months elapse after the repayment period begins, and 10 percent thereafter; or

(B) On or after October 1, 1992, the interest rate is a variable rate, applicable to each July 1–June 30 period, that equals the lesser of—

(*1*) The bond equivalent rate of the 91-day Treasury bills auctioned at the final auction prior to the June 1 immediately preceding the July 1–June 30 period, plus 3.10 percent; or

(*2*) 9 percent.

(iii) For a Stafford loan for which the first disbursement is made before October 1, 1992—

(A) If the borrower, on the date the promissory note evidencing the loan is signed, has no outstanding balance on a Stafford loan but has an outstanding balance of principal or interest on a PLUS or SLS loan made for a period of enrollment beginning before July 1, 1988, or on a Consolidation loan that repaid a loan made for a period of enrollment beginning before July 1, 1988, the interest rate is 8 percent; or

(B) If the borrower, on the date the promissory note evidencing the loan is signed, has an outstanding balance of principal or interest on a PLUS or SLS loan made for a period of enrollment beginning on or after July 1, 1988, or on a Consolidation loan that repaid a loan made for a period of enrollment beginning on or after July 1, 1988, the interest rate is 8 percent until 48 months elapse after the repayment period begins, and 10 percent thereafter.

(iv) For a Stafford loan for which the first disbursement is made on or after October 1, 1992, if the borrower, on the date the promissory note evidencing the loan is signed, has no outstanding balance on a Stafford loan but has an outstanding balance of principal or interest on a PLUS, SLS, or Consolidation loan, the interest rate is 8 percent.

(2) *PLUS Program.* (i) For a combined repayment schedule under § 682.209(d), the interest rate is the weighted average

of the rates of all loans included under that schedule.

(ii) For a loan disbursed on or after July 1, 1987 but prior to October 1, 1992, and for any loan made under § 682.209 (e) or (f), the interest rate is a variable rate, applicable to each July 1–June 30 period, that equals the lesser of—

(A) The bond equivalent rate of the 52-week Treasury bills auctioned at the final auction prior to the June 1 immediately preceding the July 1–June 30 period, plus 3.25 percent; or

(B) 12 percent.

(iii) For a loan disbursed on or after October 1, 1992, the interest rate is a variable rate, applicable to each July 1–June 30 period, that equals the lesser of—

(A) The bond equivalent rate of the 52-week Treasury bills auctioned at the final auction prior to the June 1 immediately preceding the July 1–June 30 period, plus 3.10 percent; or

(B) 10 percent.

(3) *SLS Program.* (i) For a combined repayment schedule under § 682.209(d), the interest rate is the weighted average of the rates of all loans included under that schedule.

(ii) For a loan disbursed on or after July 1, 1987 but prior to October 1, 1992, and for any loan made under § 682.209 (e) or (f), the interest rate is a variable rate, applicable to each July 1–June 30 period, that equals the lesser of—

(A) The bond equivalent rate of the 52-week Treasury bills auctioned at the final auction prior to the June 1 immediately preceding the July 1–June 30 period, plus 3.25 percent; or

(B) 12 percent.

(iii) For a loan disbursed on or after October 1, 1992, the interest rate is a variable rate, applicable to each July 1–June 30 period, that equals the lesser of—

(A) The bond equivalent rate of the 52-week Treasury bills auctioned at the final auction prior to the June 1 immediately preceding the July 1–June 30 period, plus 3.10 percent; or

(B) 11 percent.

(4) *Consolidation Program.* A Consolidation Program loan bears interest at the rate that is the greater of—

(i) The weighted average of interest rates on the loans consolidated, rounded to the nearest whole percent; or

(ii) 9 percent.

* * * * *

(6) *Refund of excess interest paid on Stafford loans.*

(i) For a loan with an applicable interest rate of 10 percent made prior to July 23, 1992, and for a loan with an applicable interest rate of 10 percent made from July 23, 1992 through September 30, 1992 to a borrower with no outstanding FFEL Program loans—

(A) If at the end of any calendar quarter, the sum of the average of the bond equivalent rates of the 91-day Treasury bills auctioned for that quarter, plus 3.25 percent, is less than 10 percent, the lender shall calculate an adjustment and credit the adjustment to reduce the outstanding principal balance of the loan as specified under paragraph (a)(6)(i)(B) of this section if the borrower's account is not more than 30 days delinquent on December 31. The amount of an adjustment for a calendar quarter is equal to—

(*1*) 10 percent minus the sum of the average of the bond equivalent rates of the 91-day Treasury bills auctioned for the applicable quarter plus 3.25 percent;

(*2*) Multiplied by the outstanding principal balance of the loan (not including unearned interest added to principal);

(*3*) Divided by 4.

(B) No later than 30 calendar days after the end of the calendar year, the holder of the loan shall apply any amounts computed under this paragraph to reduce the outstanding principal balance as of the date the holder adjusts the borrower's account, provided that the borrower's account was not more than 30 days delinquent on that December 31.

(ii) For a fixed interest rate loan made on or after July 23, 1992 to a borrower with an outstanding FFEL Program loan—

(A) If at the end of any calendar quarter, the sum of the average of the bond equivalent rates of the 91-day Treasury bills auctioned for that quarter, plus 3.10 percent, is less than the applicable interest rate, the lender shall calculate an adjustment and credit the adjustment to reduce the outstanding principal balance of the loan as specified under paragraph (a)(6)(ii)(C) of this section if the borrower's account is not more than 30 days delinquent on December 31. The amount of an adjustment for a calendar quarter is equal to—

(*1*) The applicable interest rate minus the sum of the average of the bond equivalent rates of the 91-day Treasury bills auctioned for the applicable quarter plus 3.10 percent;

(*2*) Multiplied by the outstanding principal balance of the loan (not including unearned interest added to principal);

(*3*) Divided by 4.

(B) For any quarter or portion thereof that the Secretary was obligated to pay interest subsidy on behalf of the borrower, the holder of the loan shall refund to the Secretary, no later than the end of the following quarter, any excess interest calculated in accordance with this paragraph.

(C) For any other quarter, the holder of the loan shall, within 30 days of the end of the calendar year, reduce the borrower's outstanding principal by the amount of excess interest calculated in paragraph (a)(6)(ii)(A) of this section, provided that the borrower's account was not more than 30 days delinquent as of December 31.

(D) Notwithstanding paragraphs (a)(6)(ii)(B) and (C) of this section, if the loan was disbursed during a quarter, the amount of any adjustment refunded to the Secretary or credited to the borrower for that quarter shall be prorated accordingly.

* * * * *

(c) *Fees for FFEL Program loans.* A lender—

(1) May charge a borrower an origination fee on a subsidized Stafford loan not to exceed the maximum rate specified by federal statute;

(2) Shall charge a borrower an origination fee or insurance premium on an unsubsidized Stafford loan of 6.5 percent of the principal amount of the loan;

(3) Shall charge a borrower an origination fee on an SLS or a PLUS loan of 5 percent of the principal amount of the loan;

(4) Shall deduct a pro rata portion of the fee from each disbursement; and

(5) Shall refund by a credit against the borrower's loan balance the portion of the fee previously deducted from the loan that is attributable to any portion of the loan that is—

(i) Returned by the school to the lender;

(ii) Repaid within 120 days of disbursement; or

(iii) Not delivered within 120 days of disbursement.

(d) Insurance Premium. Except in the case of an unsubsidized Stafford loan, a lender may charge the borrower the amount of the insurance premium paid by the lender to the guarantor up to 3 percent of the principal amount of the Stafford, SLS, or PLUS loan, if that charge is provided for in the promissory note.

* * * * *

(Authority: 20 U.S.C. 1077, 1078, 1078–1, 1078–2, 1078–3, 1079, 1082, 1087–1, 1091a)

3. Section 682.208 is amended by adding new paragraphs (e)(4), (e)(5), and (h) to read as follows:

§ 682.208 Due diligence in servicing a loan.

* * * * *

(e) * * *

(4) The assignor, or the assignee on behalf of the assignor, shall notify the guaranty agency that guaranteed the loan within 45 days of the date the assignee acquires a legally enforceable right to receive payment from the borrower on the loan of—

(i) The assignment; and

(ii) The name and address of the assignee, and the telephone number of the assignee that can be used to obtain information about the repayment of the loan.

(5) The requirements of this paragraph, as to borrower notification, apply if the borrower is in a grace period or has entered the repayment period.

* * * * *

(h) *Notifying the borrower about a servicing change.* If an FFEL Program loan has not been assigned, but there is a change in the identity of the party to whom the borrower must send subsequent payments or direct any communications concerning the loan, the holder of the loan shall, no later than 45 days after the date of the change, provide notice to the borrower of the name, telephone number, and address of the party to whom subsequent payments or communications must be sent. The requirements of this paragraph apply if the borrower is in a grace period or has entered the repayment period.

(Authority: 20 U.S.C. 1077, 1078, 1078–1, 1078–2, 1078–3, 1079, 1080, 1082, 1085)

4. Section 682.402 is amended by revising the heading; by revising paragraphs (a)(1) through (a)(3); by adding a new paragraph (a)(4); by revising paragraphs (b) and (c)(1); by redesignating paragraphs (d), (e), (e)(2)(ii), (f), (f)(2)(ii), (g), (h), (i), (i)(3), (j), and (k) as paragraphs (f), (g), (g)(2)(iv), (h), (h)(2)(iii), (i), (j), (k), (k)(5), (l), and (m), respectively; by adding new paragraphs (d), (e), (g)(1)(vi), (g)(1)(vii), (h)(1)(iii), (k)(4), and (m)(5); by revising redesignated paragraphs (f)(2) through (f)(3), (f)(4) introductory text, (g)(1) introductory text, (g)(1)(i), (g)(2), (h) introductory text, (h)(1)(iv), (h)(2)(ii), (h)(3)(i), (h)(3)(ii), (i)(2) introductory text, (i)(2)(iv), (j) introductory text, (j)(1) introductory text, (j)(2), (k)(2), (k)(5), (l), and (m) introductory text; by reserving paragraph (k)(3); by removing the word "and" at the end of paragraph (m)(3)(ii); and by removing the period at the end of paragraph (m)(4), and adding in its place, a semicolon, to read as follows:

§ 682.402 Death, disability, closed school, false certification, and bankruptcy payments.

(a) *General.* (1) Rules governing the payment of claims based on filing for relief in bankruptcy, and cancellation of loans due to death, total and permanent disability, attendance at a school that closes, and false certification by a school of a borrower's eligibility for a loan, are set forth in this section.

(2) If a PLUS loan was obtained by two parents as co-makers, or a Consolidation loan was obtained by a married couple, and only one of the borrowers dies, becomes totally and permanently disabled, has collection of his or her loan obligation stayed by a bankruptcy filing, or has that obligation discharged in bankruptcy, the other borrower remains obligated to repay the loan.

(3) A loan qualifies for payment under this section only to the extent that the loan is legally enforceable under applicable law by the holder of the loan.

(4) For purposes of this section—

(i) The legal enforceability of a loan is conclusively determined on the basis of a ruling by a court or administrative tribunal of competent jurisdiction with respect to that loan, or a ruling with respect to another loan in a judgment that collaterally estops the holder from contesting the enforceability of the loan;

(ii) A loan is conclusively determined to be legally unenforceable to the extent that the guarantor determines, pursuant to an objection presented in a proceeding prior to credit bureau reporting, tax refund offset, wage garnishment, or other administrative proceeding, that the loan is not legally enforceable; and

(iii) If an objection has been raised by the borrower or another party about the legal enforceability of the loan and no determination has been made under paragraph (a)(4) (i) or (ii) of this section, the Secretary may authorize the payment of a claim under this section under conditions the Secretary considers appropriate. If the Secretary determines in that or any other case that a claim was paid under this section with respect to a loan that was not a legally enforceable obligation of the borrower, the recipient of that payment must refund that amount of the payment to the Secretary.

(b) *Death.* (1) If an individual borrower dies, or the student for whom a parent received a PLUS loan dies, the obligation of the borrower and any endorser to make any further payments on the loan is canceled.

(2) In determining that a borrower (or student) has died, the lender may rely on a death certificate or other proof of death that is acceptable under applicable state law. If a death certificate or other acceptable proof of death is not available, the borrower's obligation on the loan can be canceled only if the guaranty agency determines that other evidence establishes that the borrower (or student) has died.

(3) After receiving information indicating that the borrower (or student) has died, the lender, if it believes the information to be reliable, shall suspend any collection activity against the borrower and promptly request that the borrower's representative (or the student's parent in the case of a PLUS loan) provide the documentation described in paragraph (b)(2) of this section. During the suspension of collection activity, which may not exceed 60 days, the lender shall diligently attempt to obtain documentation verifying the borrower's (or student's) death. If, despite diligent attempts, the lender is not able to confirm the borrower's (or student's) death within 60 days, the lender shall resume collection activity from the point that it had been discontinued and is deemed to have exercised forbearance as to repayment of the loan during the period when collection activity was suspended.

(4) Once the lender has determined under paragraph (b)(2) of this section that the borrower (or student) has died, the lender may not attempt to collect on the loan from the borrower's estate or from any endorser.

(5) The lender shall return to the sender any payments received from the estate or paid on behalf of the borrower after the date of the borrower's (or student's) death.

(c) *Total and permanent disability.* (1) If the lender determines that an individual borrower is totally and permanently disabled, the obligation of the borrower and any endorser to make any further payments on the loan is canceled. A borrower is not considered totally and permanently disabled on the basis of a condition that existed at the time he or she applied for the loan, unless the borrower's condition has substantially deteriorated later, so as to render the borrower totally and permanently disabled. In the case of a Consolidation loan, the borrower must certify that the condition did not exist prior to the time the borrower applied for each of the underlying loans, unless the condition has substantially deteriorated, so as to render the borrower totally and permanently disabled. If the condition existed prior to the date the Consolidation loan was made, the borrower must provide the

lender with the disbursement dates of the underlying loans.

* * * * *

(d) *Closed school.* (1) *General.* (i) The Secretary reimburses the holder of a loan received by a borrower on or after January 1, 1986, and discharges the borrower's obligation with respect to the loan, if the borrower (or the student for whom a parent received a PLUS loan) could not complete the program of study for which the loan was intended because the school at which the borrower (or student) was enrolled, closed, or the borrower (or student) withdrew from the school not more than 90 days prior to the date the school closed.

(ii) For purposes of the closed school discharge authorized by this section—

(A) A school's closure date is the date that the school ceases to provide educational instruction in all programs, as determined by the Secretary or the designated agency in the state in which the school is located;

(B) The term "borrower" includes all endorsers on a loan; and

(C) A "school" means a main campus or any location or branch of the main campus.

(2) *Relief available pursuant to discharge.* (i) Discharge under paragraph (d) of this section relieves the borrower of an existing obligation to repay the loan and any charges imposed or costs incurred by the holder with respect to the loan that the borrower is otherwise obligated to pay.

(ii) A discharge of a loan under paragraph (d) of this section qualifies the borrower for reimbursement of amounts paid voluntarily or through enforced collection on a loan obligation discharged under paragraph (d) of this section.

(iii) A borrower who has defaulted on a loan discharged under paragraph (d) of this section is not regarded as in default on the loan after discharge, and is eligible to receive assistance under the Title IV, HEA programs.

(iv) A discharge of a loan under paragraph (d) of this section must be reported by the loan holder to all credit reporting agencies to which the holder previously reported the status of the loan, so as to delete all adverse credit history assigned to the loan.

(3) *Borrower eligibility for discharge.* A borrower qualifies for discharge of a loan under paragraph (d) of this section if the borrower submits to the holder of the loan a written request and sworn statement to the holder. The statement need not be notarized, but must be made by the borrower under penalty of perjury, and, in the statement, the borrower shall state—

(i) Whether the student has made a claim with respect to the school's closing with any third party, such as the holder of a performance bond or a tuition recovery program, and if so, the amount of any payment received by the borrower (or student) or credited to the borrower's loan obligation;

(ii) That the borrower (or the student for whom a parent received a PLUS loan)—

(A) Received the proceeds of a loan on or after January 1, 1986 to attend a school;

(B) Did not complete the educational program at that school because the school closed while the student was enrolled or on an approved leave of absence in accordance with § 682.605(c), or the student withdrew from the school not more than 90 days before the school closed; and

(C) Did not complete the program of study through a teach-out at another school or by transferring academic credits or hours earned at the closed school to another school;

(iii) That the borrower agrees to provide, upon request by the Secretary or the Secretary's designee, other documentation reasonably available to the borrower that demonstrates, to the satisfaction of the Secretary or the Secretary's designee, that the student meets the qualifications in paragraph (d) of this section; and

(iv) That the borrower agrees to cooperate with the Secretary or the Secretary's designee in enforcement actions in accordance with paragraph (d)(4) of this section, and to transfer any right to recovery against a third party pursuant to paragraph (d)(5) of this section.

(4) *Cooperation by borrower in enforcement actions.* (i) In any judicial or administrative proceeding brought by the Secretary or the Secretary's designee to recover for amounts discharged under paragraph (d) of this section or to take other enforcement action with respect to the conduct on which those claims were based, a borrower who requests or receives a discharge under paragraph (d) of this section must cooperate with the Secretary or the Secretary's designee. At the request of the Secretary or the Secretary's designee, and upon the Secretary's or the Secretary's designee's tendering to the borrower of such fees and costs as are customarily provided in litigation to reimburse witnesses, the borrower shall—

(A) Provide testimony regarding any representation made by the borrower to support a request for discharge; and

(B) Produce any documentation available to the borrower with respect to those representations and any sworn statement required by the Secretary with respect to those representations and documents.

(ii) The Secretary revokes the discharge, or denies the request for discharge, of a borrower who—

(A) Fails to provide testimony, sworn statements, or documentation to support material representations made by the borrower to obtain the discharge; or

(B) Provides testimony, a sworn statement, or documentation that does not support the material representations made by the borrower to obtain the discharge.

(5) *Transfer to the Secretary of borrower's right of recovery against third parties.* (i) Upon discharge under paragraph (d) of this section, the borrower is deemed to have assigned to and relinquish in favor of the Secretary any right to a loan refund (up to the amount discharged) that the borrower (or student) may have by contract or applicable law with respect to the loan or the enrollment agreement for the program for which the loan was received, against the school, its principals, affiliates and their successors, its sureties, and any private or public fund.

(ii) The provisions of paragraph (d) of this section applies notwithstanding any provision of State law that would otherwise restrict transfer of such rights by the borrower (or student), limit or prevent a transferee from exercising those rights, or establish procedures or a scheme of distribution that would prejudice the Secretary's ability to recover on those rights.

(iii) Nothing in this section shall be construed as limiting or foreclosing the borrower's (or student's) right to pursue legal and equitable relief regarding disputes arising from matters otherwise unrelated to the loan discharged.

(6) *Guaranty agency responsibilities.* (i) *Procedures applicable to the period prior to the effective date of this regulation.*

(A) If a loan subject to paragraph (d) of this section was received for attendance at a school with a closure date after January 1, 1986 but prior to August 29, 1994, the loan may be discharged in accordance with the procedures specified in paragraph (d)(6)(i) of this section.

(B) If a loan subject to paragraph (d) of this section was discharged in part in accordance with the Secretary's "Closed School Policy" as authorized by section IV of Bulletin 89–G–159, the guaranty agency shall initiate the discharge of the remaining balance of the loan not later than September 28, 1994.

(C) A guaranty agency shall review its records and identify all schools that

appear to have closed after January 1, 1986 and prior to August 29, 1994, and shall identify all borrowers (or students) who appear to have been enrolled on the school closure date or who withdrew not more than 90 days prior to the closure date.

(D) If a guaranty agency determines (or is informed by the Secretary) that a participating school has closed, it shall, within 30 days of making that determination or being informed by the Secretary, notify all lenders participating in its program to suspend collection efforts against individuals with respect to loans made for attendance at the closed school, if the student to whom (or on whose behalf) a loan was made, was enrolled at the school on the closing date, or withdrew not more than 90 days prior to the date the school closed.

(E) If a loan identified under paragraph (d)(6)(i)(C) of this section is held by the guaranty agency as a defaulted loan and the borrower's current address is known, the guaranty agency shall, within 30 days after identifying a borrower under paragraph (d)(6)(i)(C) of this section, mail a discharge application that meets the requirements of paragraph (d)(6)(ii)(C) of this section to the borrower.

(F) If a loan identified under paragraph (d)(6)(i)(C) of this section is held by the guaranty agency as a defaulted loan and the borrower's current address is unknown, the agency shall, by August 29, 1995, further refine the list of borrowers whose loans are potentially subject to discharge under paragraph (d) of this section by consulting with representatives of the closed school, the school's licensing agency, accrediting agency, and other appropriate parties. Upon learning the borrower's new address, the guaranty agency shall, within 30 days, mail a discharge application to the borrower.

(ii) *Procedures applicable to the period beginning on or after the effective date of this regulation.*

(A) A guaranty agency shall notify the Secretary immediately whenever it becomes aware of reliable information indicating a participating school may have closed. The designated agency in the state in which the school is located shall promptly investigate whether the school has closed, and whether a teach-out of the closed school's program was made available to students, and report the results of its investigation to the Secretary no later than 30 days after receiving the information.

(B) If a guaranty agency determines (or is informed by the Secretary) that a participating school has closed, it shall, within 30 days of making that determination or being informed by the Secretary, notify all lenders participating in its program to suspend collection efforts against individuals with respect to loans made for attendance at the closed school, if the student to whom (or on whose behalf) a loan was made was enrolled at the school on the closing date or withdrew not more than 90 days prior to the date the school closed.

(C) Within 30 days after receiving notice from the Secretary that a school has closed, a guaranty agency shall review its records of loans that it holds and identify all borrowers (or students) who appear to have been enrolled at the closed school on the closing date or who withdrew not more than 90 days prior to the date the school closed. If the guaranty agency knows the borrower's address, it shall, within 30 days after identifying a borrower under paragraph (d) of this section, mail a discharge application and an explanation of the information that must be included in the sworn statement (which may be combined) to the borrower. The application shall inform the borrower of the procedures and eligibility criteria for obtaining a discharge.

(D) If the guaranty agency determines that a borrower identified in paragraph (d)(6)(ii)(C) of this section does not qualify for a discharge, the agency shall notify the borrower in writing of that determination and the reasons for it within 30 days after receiving the borrower's completed application and sworn statement.

(E) A borrower's request for discharge may not be denied solely on the basis of failing to meet any time limits set by the lender, guaranty agency, or the Secretary.

(7) *Lender responsibilities.* (i) If the lender is notified by a guaranty agency or the Secretary, or receives information it believes to be reliable from another source indicating that the borrower may be eligible for a loan cancellation under paragraph (d) of this section, the lender shall immediately suspend any efforts to collect from the borrower on any loan received for the program of study for which the loan was made (but may continue to receive borrower payments), and, within 30 days of receiving the information or notification, inform the borrower of the procedures for requesting a discharge.

(ii) If the borrower fails to submit the written request and sworn statement described in paragraph (d)(3) of this section within 60 days of being notified of that option, the lender shall resume collection and shall be deemed to have exercised forbearance of payment of principal and interest from the date the lender suspended collection activity. The lender may capitalize, in accordance with 682.202(b), any interest accrued and not paid during that period.

(iii) The lender shall file a closed school claim with the guaranty agency in accordance with § 682.402(g) no later than 60 days after the lender receives the borrower's written request and sworn statement described in paragraph (d)(3) of this section. If a lender receives a payment made by or on behalf of the borrower on the loan after the lender files a claim on the loan with the guaranty agency, the lender shall forward the payment to the guaranty agency within 30 days of its receipt. The lender shall assist the guaranty agency and the borrower in determining whether the borrower is eligible for discharge of the loan.

(iv) Within 30 days after receiving reimbursement from the guaranty agency for a closed school claim, the lender shall notify the borrower that the loan obligation has been discharged, and request that all credit bureaus to which it previously reported the status of the loan delete all adverse credit history assigned to the loan.

(e) *False certification by a school of a student's eligibility to borrow.* (1) *General.* The Secretary reimburses the holder of a loan received by a borrower on or after January 1, 1986, and discharges the borrower's obligation with respect to the loan in accordance with the provisions of paragraph (e) of this section, if the borrower's (or the student for whom a parent received a PLUS loan) eligibility to receive the loan was falsely certified by an eligible school. For purposes of a false certification discharge, the term "borrower" includes all endorsers on a loan.

(2) *Relief available pursuant to discharge.* (i) Discharge under paragraph (e) of this section relieves the borrower of an existing obligation to repay the loan and any charges imposed or costs incurred by the holder with respect to the loan that the borrower is otherwise obligated to pay.

(ii) A discharge of a loan under paragraph (e) of this section qualifies the borrower for reimbursement of amounts paid voluntarily or through enforced collection on a loan obligation discharged under paragraph (e) of this section.

(iii) A borrower who has defaulted on a loan discharged under paragraph (e) of this section is not regarded as in default on the loan after discharge, and is eligible to receive assistance under the Title IV, HEA programs.

(iv) A discharge of a loan under paragraph (e) of this section is reported

by the loan holder to all credit reporting agencies to which the holder previously reported the status of the loan, so as to delete all adverse credit history assigned to the loan.

(3) *Borrower eligibility for discharge.* A borrower qualifies for discharge of a loan under paragraph (e) of this section if the borrower submits to the holder of the loan a written request and a sworn statement. The statement need not be notarized, but must be made by the borrower under penalty of perjury, and, in the statement, the borrower shall state—

(i) Whether the student has made a claim with respect to the school's false certification with any third party, such as the holder of a performance bond or a tuition recovery program, and if so, the amount of any payment received by the borrower (or student) or credited to the borrower's loan obligation;

(ii) That the borrower (or the student for whom a parent received a PLUS loan)—

(A) Received the proceeds of a loan on or after January 1, 1986 to attend a school;

(B) Was admitted to that school on the basis of ability to benefit from its training and did not meet the applicable requirements for admission on the basis of ability to benefit as described in paragraph (e)(8) of this section;

(C) Was certified by the school on the application for the loan as an eligible student; and

(D) Withdrew from the school and did not find employment in the occupation for which the program was intended to provide training, or completed the training program for which the loan was made and made a reasonable attempt to obtain employment in the occupation for which the program was intended to provide training, and—

(*1*) Was not able to find employment in that occupation; or

(*2*) Obtained employment in that occupation only after receiving additional training that was not provided by the school that certified the loan;

(iii) That the borrower agrees to provide upon request by the Secretary or the Secretary's designee, other documentation reasonably available to the borrower, that demonstrates, to the satisfaction of the Secretary or the Secretary's designee, that the student meets the qualifications in paragraph (e) of this section; and

(iv) That the borrower agrees to cooperate with the Secretary or the Secretary's designee in enforcement actions in accordance with paragraph (e)(4) of this section, and to transfer any right to recovery against a third party in accordance with paragraph (e)(5) of this section.

(4) *Cooperation by borrower in enforcement actions.* (i) In any judicial or administrative proceeding brought by the Secretary or the Secretary's designee to recover for amounts discharged under paragraph (e) of this section or to take other enforcement action with respect to the conduct on which those claims were based, a borrower who requests or receives a discharge under paragraph (e) of this section must cooperate with the Secretary or the Secretary's designee. At the request of the Secretary or the Secretary's designee, and upon the Secretary's or the Secretary's designee's tendering to the borrower the fees and costs as are customarily provided in litigation to reimburse witnesses, the borrower shall—

(A) Provide testimony regarding any representation made by the borrower to support a request for discharge; and

(B) Produce any documentation reasonably available to the borrower with respect to those representations and any sworn statement required by the Secretary with respect to those representations and documents.

(ii) The Secretary revokes the discharge, or denies the request for discharge, of a borrower who—

(A) Fails to provide testimony, sworn statements, or documentation to support material representations made by the borrower to obtain the discharge; or

(B) Provides testimony, a sworn statement, or documentation that does not support the material representations made by the borrower to obtain the discharge.

(5) *Transfer to the Secretary of right of recovery against third parties.* (i) Upon discharge under paragraph (e) of this section, the borrower is deemed to have assigned to and relinquish in favor of the Secretary any right to a loan refund (up to the amount discharged) that the borrower (or student) may have, by contract or applicable law with respect to the loan or the enrollment agreement for the program for which the loan was received, against the school, its principals, affiliates and their successors, its sureties, and any private or public fund.

(ii) The provisions of paragraph (e) of this section apply notwithstanding any provision of State law that would otherwise restrict transfer of those rights by the borrower (or student), limit or prevent a transferee from exercising those rights, or establish procedures or a scheme of distribution that would prejudice the Secretary's ability to recover on those rights.

(iii) Nothing in this section shall be construed as limiting or foreclosing the borrower's (or student's) right to pursue legal and equitable relief regarding disputes arising from matters otherwise unrelated to the loan discharged.

(6) *Guaranty agency responsibilities.* (i) Upon receipt of a false certification discharge claim filed by a lender, or a request submitted by a borrower with respect to a loan held by the guaranty agency, the agency shall review the borrower's request and supporting sworn statement in the light of information available from the records of the agency and from other sources, including other guaranty agencies, state authorities, and cognizant accrediting associations.

(ii) In the case of a claim filed by a lender—

(A) If the guaranty agency determines that the borrower satisfies the requirements for discharge under paragraph (e) of this section, it shall pay the claim in accordance with § 682.402(h) not later than 90 days after the agency received the claim; or

(B) If, after examining the documentation in the claim file and considering relevant information available from other sources, the guaranty agency determines that the borrower does not qualify for a discharge, the agency shall, not later than 90 days after the agency received the claim, return the claim to the lender with an explanation of the reasons for its determination.

(iii) In the case of a request submitted by a borrower with respect to a loan held by the agency—

(A) If the guaranty agency determines that the borrower satisfies the requirements for discharge under paragraph (e) of this section, it shall notify the borrower not later than 90 days after the agency received the borrower's request; or

(B) If, after examining the documentation provided by the borrower and considering relevant information available from other sources, the guaranty agency determines that the borrower does not qualify for a discharge, the agency shall notify the borrower of the reasons for its determination not later than 90 days after the agency received the borrower's request.

(iv) If the guaranty agency receives information it believes to be reliable indicating that the borrower may be eligible for a cancellation of a loan under paragraph (e) of this section held by the agency, the agency shall immediately suspend any efforts to collect from the borrower on any loan received for the program of study for which the loan was made (but may continue to receive borrower payments),

and inform the borrower of the procedures for requesting a discharge.

(v) If the borrower fails to submit the written request and sworn statement described in paragraph (e)(3) of this section within 60 days of being notified of that option, the guaranty agency shall resume collection and shall be deemed to have exercised forbearance of payment of principal and interest from the date it suspended collection activity. The agency may capitalize, in accordance with § 682.202(b), any interest accrued and not paid during that period.

(vi) A borrower's request for discharge and sworn statement may not be denied solely on the basis of failing to meet any time limits set by the lender or the guaranty agency.

(7) *Lender Responsibilities.* (i) If the lender receives information it believes to be reliable indicating that the borrower may be eligible for a loan cancellation under paragraph (e) of this section, the lender shall immediately suspend any efforts to collect from the borrower on any loan received for the program of study for which the loan was made (but may continue to receive borrower payments), and inform the borrower of the procedures for requesting a discharge.

(ii) If the borrower fails to submit the written request and sworn statement described in paragraph (e)(3) of this section within 60 days of being notified of that option, the lender shall resume collection and shall be deemed to have exercised forbearance of payment of principal and interest from the date the lender suspended collection activity. The lender may capitalize, in accordance with § 682.202(b), any interest accrued and not paid during that period.

(iii) The lender shall file a false certification claim with the guaranty agency in accordance with § 682.402(g) no later than 60 days after the lender receives the borrower's written request and sworn statement described in paragraph (e)(3) of this section. If a lender receives a payment made by or on behalf of the borrower on the loan after the lender files a claim on the loan with the guaranty agency, the lender shall forward the payment to the guaranty agency within 30 days of its receipt. The lender shall assist the guaranty agency and the borrower in determining whether the borrower is eligible for discharge of the loan.

(iv) Within 30 days after receiving reimbursement from the guaranty agency for a false certification claim, the lender shall notify the borrower that the loan obligation has been discharged, and request that all credit bureaus to which it previously reported the status of the loan delete all adverse credit history assigned to the loan.

(v) Within 30 days after being notified by the guaranty agency that the borrower's request for a false certification discharge has been denied, the lender shall resume collection and notify the borrower of the reasons for the denial. The lender shall be deemed to have exercised forbearance of payment of principal and interest from the date the lender suspended collection activity, and may capitalize, in accordance with § 682.202(b), any interest accrued and not paid during that period.

(8) *Requirements for admission on the basis of ability to benefit.* (i) For periods of enrollment beginning between July 1, 1987 and June 30, 1991, a student who had a general education diploma or received one before the scheduled completion of the program of instruction is deemed to have the ability to benefit from the training offered by the school.

(ii) A student not described in paragraph (e)(8)(i) of this section is considered to have the ability to benefit from training offered by the school if the student—

(A) Achieved a passing grade on a test—

(*1*) Approved by the Secretary, for periods of enrollment beginning after July 1, 1991, or by the accrediting agency, for other periods; and

(*2*) Administered in accordance with the requirements for use of the test; or

(B) Successfully completed a program of developmental or remedial education provided by the school.

(iii) Notwithstanding paragraphs (e)(8)(i) and (ii) of this section, a student did not have the ability to benefit from training offered by the school if the student had, at the time of enrollment, a condition or status, including one based on a physical or mental condition, age, or criminal record, that would have prevented the student from satisfying the physical requirements or the legal requirements of the State in which the student resided when the loan was made for either acceptance into the educational program offered by the school or performance of the occupation for which the program of instruction was designed to prepare the student.

(f) * * *

(2) *Suspension of collection activity.* If the lender is notified that a borrower has filed a petition for relief in bankruptcy, the lender shall immediately suspend any collection efforts outside the bankruptcy proceeding against the borrower and—

(i) Against any co-maker or endorser if the borrower has filed for relief under Chapters 12 or 13; and

(ii) Against any co-maker or endorser who has filed for relief in bankruptcy.

(3) *Determination of filing.* The lender shall determine that a borrower has filed a petition for relief in bankruptcy on the basis of receiving a notice of the first meeting of creditors or other confirmation issued by the bankruptcy court.

(4) *Proof of claim.* Unless instructed otherwise by the guaranty agency, the lender shall file a proof of claim with the bankruptcy court within—

* * * * *

(g) *Claim procedures for a loan held by a lender.*

(1) *Documentation.* A lender shall provide the guaranty agency with the following documentation when filing a death, disability, closed school, false certification, or bankruptcy claim:

(i) The original promissory note, or, if the lender no longer has the original promissory note, a copy of the note certified by the lender as a true and accurate copy;

* * * * *

(vi) In the case of a closed school claim, the documentation described in paragraph (d)(3) of this section, or any other documentation as the Secretary may require;

(vii) In the case of a false certification claim, the documentation described in paragraph (e)(3) of this section.

(2) *Filing deadlines.* A lender shall file a death, disability, closed school, false certification, or bankruptcy claim within the following periods:

(i) Within 60 days of the date on which the lender determines that a borrower (or the student on whose behalf a parent obtained a PLUS loan) has died, or the lender determines that the borrower is totally and permanently disabled.

(ii) In the case of a closed school claim, the lender shall file a claim with the guaranty agency no later than 60 days after the borrower submits to the lender the written request and sworn statement described in paragraph (d)(3) of this section or after the lender is notified by the Secretary or the Secretary's designee or by the guaranty agency to do so.

(iii) In the case of a false certification claim, the lender shall file a claim with the guaranty agency no later than 60 days after the borrower submits to the lender the written request and sworn statement described in paragraph (e)(3) of this section or after the lender is notified by the Secretary or the

Secretary's designee or by the guaranty agency to do so.

* * * * *

(h) *Payment of death, disability, closed school, false certification, and bankruptcy claims by the guaranty agency.*

(1) * * *

(iii) In the case of a closed school claim, the guaranty agency shall document its determination that the student was unable to complete the educational program as a result of the school's closure. On the same date that it pays a closed school claim to the lender, the agency shall pay the borrower an amount equal to the amount paid on the loan by or on behalf of the borrower, less any school tuition refunds or payments received by the holder or the borrower from a tuition recovery fund, performance bond, or other third-party source.

(iv) In the case of a false certification claim, the guaranty agency shall document its determination that the borrower is eligible for cancellation under paragraph (e) of this section. On the same date that it pays a false certification claim to the lender, the agency shall pay the borrower an amount equal to the amount paid on the loan by or on behalf of the borrower, less any school tuition refunds or payments received by the holder or the borrower from a tuition recovery fund, performance bond, or other third-party source.

(2) * * *

(ii) The amount of loss payable on a closed school claim or on a false certification claim is equal to the sum of the remaining principal balance and interest accrued on the loan, collection costs incurred by the lender and applied to the borrower's account within 30 days of the date those costs were actually incurred, and unpaid interest determined in accordance with paragraph (h)(3) of this section.

(3) * * *

(i) During the period before the claim is filed, not to exceed the period provided for in paragraph (g)(2) of this section for filing the claim.

(ii) During a period not to exceed 30 days following the receipt date by the lender of a claim returned by the guaranty agency for additional documentation necessary for the claim to be approved by the guaranty agency.

* * * * *

(i) * * *

(2) *Response by a guaranty agency to plans proposed under Chapters 11, 12, and 13.* The guaranty agency shall take the following actions when a petition for relief in bankruptcy under Chapters 11, 12, or 13 is filed:

* * * * *

(iv) The agency shall monitor the debtor's performance under a confirmed plan. If the debtor fails to make payments required under the plan or seeks but does not demonstrate entitlement to discharge under 11 U.S.C. 1328(b), the agency shall oppose any requested discharge or move to dismiss the case if the costs of litigation together with the costs incurred for objections to the plan are not reasonably expected to exceed one-third of the amount of the loan to be discharged under the plan.

* * * * *

(j) *Mandatory purchase by a lender of a loan subject to a bankruptcy claim.* (1) The lender shall repurchase from the guaranty agency a loan held by the agency pursuant to a bankruptcy claim paid to that lender, unless the guaranty agency sells the loan to another lender, promptly after the earliest of the following events:

* * * * *

(2) The lender may capitalize all outstanding interest accrued on a loan purchased under paragraph (j) of this section to cover any periods of delinquency prior to the bankruptcy action through the date the lender purchases the loan and receives the supporting loan documentation from the guaranty agency.

(k) *Claims for reimbursement from the Secretary on loans held by guaranty agencies.*

* * * * *

(2) The Secretary pays a death, disability, bankruptcy, closed school, or false certification claim in an amount determined under § 682.402(k)(5) on a loan held by a guaranty agency after the agency has paid a default claim to the lender thereon and received payment under its reinsurance agreement. The Secretary reimburses the guaranty agency only if—

(i) The guaranty agency determines that the borrower (or the student for whom a parent obtained a PLUS loan or each of the co-makers of a PLUS loan) has died, or the borrower (or each of the co-makers of a PLUS loan) has become totally and permanently disabled since applying for the loan, or has filed for relief in bankruptcy, in accordance with the procedures in paragraphs (b) through (f) of this section, or the student was unable to complete an educational program because the school closed, or the borrower's eligibility to borrow (or the student's eligibility in the case of a PLUS loan) was falsely certified by an eligible school. For purposes of this paragraph, references to the "lender" and "guaranty agency" in paragraphs (b) through (f) of this section mean the guaranty agency and the Secretary respectively;

(ii) In the case of a Stafford, SLS, or PLUS loan, the guaranty agency determines that the borrower (or the student for whom a parent obtained a PLUS loan, or each of the co-makers of a PLUS loan) has died, or the borrower (or each of the co-makers of a PLUS loan) has become totally and permanently disabled since applying for the loan, or has filed the petition for relief in bankruptcy within 10 years of the date the borrower entered repayment, exclusive of periods of deferment or periods of forbearance granted by the lender that extended the 10-year maximum repayment period, or the borrower was unable to complete an educational program because the school closed, or the borrower's eligibility to borrow (or the student's eligibility in the case of a PLUS loan) was falsely certified by an eligible school.

(iii) In the case of a Consolidation loan, the guaranty agency determines that the borrower (or each of the co-makers) has died, become totally and permanently disabled since applying for the Consolidation loan, or has filed the petition for relief in bankruptcy within the maximum repayment period described in § 682.209(h)(2), exclusive of periods of deferment or periods of forbearance granted by the lender that extended the maximum repayment period.

(iv) The guaranty agency has not written off the loan in accordance with the procedures established by the agency under § 682.410(b)(6)(x), except for closed school and false certification discharges; and

(v) The guaranty agency has exercised due diligence in the collection of the loan in accordance with the procedures established by the agency under § 682.410(b)(6)(x), until the borrower (or the student for whom a parent obtained a PLUS loan, or each of the co-makers of a PLUS loan) has died, or the borrower (or each of the co-makers of a PLUS loan) has become totally and permanently disabled or filed a Chapter 12 or Chapter 13 petition, or had the loan discharged in bankruptcy, or for closed school and false certification claims, the guaranty agency receives a request for discharge from the borrower or another party.

(3) [Reserved]

(4) Within 30 days of receiving reimbursement for a closed school or false certification claim, the guaranty agency shall pay the borrower an amount equal to the amount paid on the loan by or on behalf of the borrower,

less any school tuition refunds or payments received by the holder, guaranty agency, or the borrower from a tuition recovery fund, performance bond, or other third-party source.

(5) The Secretary pays the guaranty agency a percentage of the outstanding principal and interest that is equal to the complement of the reinsurance percentage paid on the loan. This interest includes interest that accrues during—

(i) For death, disability, or bankruptcy claims, the shorter of 60 days or the period from the date the guaranty agency determines that the borrower (or the student for whom a parent obtained a PLUS loan, or each of the co-makers of a PLUS loan) died, became totally and permanently disabled, or filed a petition for relief in bankruptcy until the Secretary authorizes payment; or

(ii) For closed school or false certification claims, the period from the date on which the guaranty agency received payment from the Secretary on a default claim to the date on which the Secretary authorizes payment of the closed school or false certification claim.

(l) *Payments received after the Secretary's payment of a death, disability, closed school, false certification, or bankruptcy claim.* (1) If the guaranty agency receives any payments from or on behalf of the borrower on or attributable to a loan on which the Secretary previously paid a bankruptcy claim, the guaranty agency shall remit 100 percent of these payments to the Secretary.

(2) The guaranty agency shall remit to the Secretary all payments received from a tuition recovery fund, performance bond, or other third-party with respect to a loan on which the Secretary previously paid a closed school or false certification claim. The guaranty agency shall promptly return to the borrower or the borrower's representative, any payment on a discharged loan made by the borrower (or representative) and received after the Secretary pays a closed school or false certification claim. At the same time that the agency returns the payment, it shall notify the borrower (or representative) that there is no obligation to repay a loan discharged by virtue of death, disability, false certification, or closing of the school.

(3) If the guaranty agency has returned a payment to the borrower, or the borrower's representative, with the notice described in paragraph (l)(2) of this section, and the borrower (or representative) continues to send payments to the guaranty agency, the agency shall remit all of those payments to the Secretary.

(m) *Applicable suspension of the repayment period.* For purposes of this section and 11 U.S.C. 523(a)(8)(A) with respect to loans guaranteed under the FFEL Program, an applicable suspension of the repayment period—

* * * * *

(5) Includes the period between the filing of the petition for relief and the date on which the proceeding is completed or dismissed, unless payments have been made during that period in amounts sufficient to meet the amount owed under the repayment schedule in effect when the petition was filed.

(Authority: 20 U.S.C. 1078, 1078–1, 1078–2, 1078–3, 1082, 1087)

5. Section 682.410 is amended by revising paragraphs (b)(6)(i), (iii) introductory text, (iii)(A), (iv) introductory text, (iv)(B), (vii) (A) through (C), and (xii); and by adding a new paragraph (b)(10) to read as follows:

682.410 Fiscal, administrative, and enforcement requirements.

* * * * *

(b) * * *

(6) *Collection efforts on defaulted loans.* (i) Unless it initiates procedures to garnish the borrower's wages in accordance with paragraph (b)(10) of this section, a guaranty agency shall attempt annual IRS offset on all eligible loans and engage in at least the collection activities described in paragraphs (b)(6) (iii) through (xii) of this section on a loan on which it pays a default claim filed by a lender, except that the agency may engage in the collection activities described in paragraph (b)(7) of this section in lieu of the activities described in paragraphs (b)(6) (iii) through (vi) of this section. If, after initiating wage garnishment procedures, the agency terminates those procedures for a particular borrower, the agency shall, within 30 days, commence collection efforts at least as forceful as those described in paragraphs (b)(6) (iii) through (xii) of this section. The agency's collection efforts shall begin with the same collection activities as those that immediately preceded the initiation of garnishment procedures, or, if no collection activities had been performed, the agency shall begin with the activities described in paragraph (b)(6)(iii) of this section, except that the agency may engage in the collection activities described in paragraph (b)(7) of this section in lieu of the activities described in paragraphs (b)(6) (iii) through (vi) of this section.

* * * * *

(iii) One-45 days: During this period, the agency shall—

(A) Send to the borrower the written notice described in paragraph (b)(5)(ii) of this section, or a written notice stating that the agency may garnish the borrower's wages to collect the amount that the borrower owes plus related collection costs; and

* * * * *

(iv) 46–180 days: During this period the agency shall—

* * * * *

(B) Send at least three written notices to the borrower forcefully demanding that the borrower immediately commence repayment of the loan, and informing the borrower that the default has been reported to all national credit bureaus (if that is the case) and that the borrower's credit rating may thereby have been damaged. The final notice also must indicate that it is the final notice the borrower will receive before the agency will take more forceful action, including the initiation of procedures to garnish the borrower's wages or instituting a civil suit to compel repayment of the amount that the borrower owes plus related collection costs.

* * * * *

(vii) 181–545 days:

(A) Except as provided in paragraphs (b)(6)(vii) (B), (C), and (D) of this section, during this period, but not sooner than 30 days after sending the notice described in paragraph (b)(5)(vi) of this section, the agency shall garnish the borrower's wages or institute a civil suit against the borrower for repayment of the loan.

(B) Except as provided in paragraph (b)(6)(vii)(C) of this section, in the case of a loan that was assigned to the Secretary prior to the 545th day and returned to the agency less than 180 days prior to the 545th day, the agency has 180 days from the date it receives the returned loan to garnish the borrower's wages or institute a civil suit.

(C) Except as provided in paragraph (b)(6)(vii)(D) of this section, in the case of a loan not assigned to the Secretary, during this period, but not sooner than 30 days after sending the final notice described in paragraph (b)(6)(iv) of this section, the agency shall garnish the borrower's wages or institute a civil suit against the borrower by the 225th day unless that loan is subsequently assigned to the Secretary by the deadline for the next available opportunity to collect by Internal Revenue Service (IRS) tax refund offset,

or a payment is received from the borrower fewer than 120 days before the deadline for the next available opportunity to collect by IRS tax refund offset.

* * * * *

(xii) Not later than 10 days after its receipt of information indicating that it does not know the current address of a borrower on a loan on which the agency has neither declined to sue under paragraph (b)(6)(vii)(D) of this section nor discontinued semi-annual inquiries under paragraph (b)(6)(x) of this section, or the 60th day after its payment of a default claim on the loan, whichever is later, the agency shall attempt diligently to locate the borrower through the use of all available skip-tracing techniques, including, but not limited to, any skip-tracing assistance available from the IRS, credit bureaus, and state motor vehicle departments. A guaranty agency shall use any information provided by a school about a borrower's location in conducting skip-tracing activities.

* * * * *

(10) *Administrative Garnishment.* (i) If a guaranty agency decides to garnish the disposable pay of a borrower who is not making payments on a loan held by the agency, on which the Secretary has paid a reinsurance claim, it shall do so in accordance with the following procedures:

(A) The employer shall deduct and pay to the agency from a borrower's wages an amount that does not exceed 10 percent of the borrower's disposable pay for each pay period, or the amount permitted by 15 U.S.C. 1673, unless the borrower provides the agency with written consent to deduct a greater amount. For this purpose, the term "disposable pay" means that part of the borrower's compensation from an employer remaining after the deduction of any amounts required by law to be withheld.

(B) At least 30 days before the initiation of garnishment proceedings, the guaranty agency shall mail to the borrower's last known address, a written notice of the nature and amount of the debt, the intention of the agency to initiate proceedings to collect the debt through deductions from pay, and an explanation of the borrower's rights.

(C) The guaranty agency shall offer the borrower an opportunity to inspect and copy agency records related to the debt.

(D) The guaranty agency shall offer the borrower an opportunity to enter into a written repayment agreement with the agency under terms agreeable to the agency.

(E) The guaranty agency shall offer the borrower an opportunity for a hearing in accordance with paragraph (b)(10)(i)(J) of this section concerning the existence or the amount of the debt and, in the case of a borrower whose repayment schedule is established other than by a written agreement under paragraph (b)(10)(i)(D) of this section, the terms of the repayment schedule.

(F) The guaranty agency shall sue any employer (including a borrower who is self-employed) for any amount that the employer, after receipt of the garnishment notice provided by the agency under paragraph (b)(10)(i)(H) of this section, fails to withhold from wages owed and payable to an employee under the employer's normal pay and disbursement cycle.

(G) The guaranty agency may not garnish the wages of a borrower whom it knows has been involuntarily separated from employment until the borrower has been reemployed continuously for at least 12 months.

(H) Unless the guaranty agency receives information that the agency believes justifies a delay or cancellation of the withholding order, it shall send a withholding order to the employer within 20 days after the borrower fails to make a timely request for a hearing, or, if a timely request for a hearing is made by the borrower, within 20 days after a final decision is made by the agency to proceed with garnishment.

(I) The notice given to the employer under paragraph (b)(10)(i)(H) of this section must contain only the information as may be necessary for the employer to comply with the withholding order.

(J) The guaranty agency shall provide a hearing, which, at the borrower's option, may be oral or written, if the borrower submits a written request for a hearing on the existence or amount of the debt or the terms of the repayment schedule. An oral hearing may, at the borrower's option, be conducted either in-person or by telephone conference. All telephonic charges must be the responsibility of the guaranty agency.

(K) If the borrower's written request is received by the guaranty agency on or before the 15th day following the borrower's receipt of the notice described in paragraph (b)(10)(i)(B) of this section, the guaranty agency may not issue a withholding order until the borrower has been provided the requested hearing. The guaranty agency shall provide a hearing to the borrower in sufficient time to permit a decision, in accordance with the procedures that the agency may prescribe, to be rendered within 60 days.

(L) If the borrower's written request is received by the guaranty agency after the 15th day following the borrower's receipt of the notice described in paragraph (b)(10)(i)(B) of this section, the guaranty agency shall provide a hearing to the borrower in sufficient time that a decision, in accordance with the procedures that the agency may prescribe, may be rendered within 60 days, but may not delay issuance of a withholding order unless the agency determines that the delay in filing the request was caused by factors over which the borrower had no control.

(M) A hearing may not be conducted by an individual under the supervision or control of the head of the guaranty agency, except that an agency may appoint an administrative law judge to conduct the hearing.

(N) The hearing official shall issue a final written decision at the earliest practicable date, but not later than 60 days after the guaranty agency's receipt of the borrower's hearing request.

(O) As specified in section 488A(a)(8) of the HEA, the borrower may seek judicial relief, including punitive damages, if the employer discharges, refuses to employ, or takes disciplinary action against the borrower due to the issuance of a withholding order.

(ii) References to "the borrower" in this paragraph include all endorsers on a loan.

* * * * *

6. Section 682.411 is amended by revising paragraph (d)(2) to read as follows:

§ 682.411 Due diligence by lenders in the collection of guaranty agency loans.

* * * * *

(d) *11–180 days delinquent (11–240 days delinquent for a loan repayable in installments less frequent than monthly).*

* * * * *

(2) At least two of the collection letters required under paragraph (d)(1) of this section must warn the borrower that if the loan is not paid, the lender will assign the loan to the guaranty agency that, in turn, will report the default to all national credit bureaus, and that the agency may institute a proceeding to garnish the borrower's wages and bring suit against the borrower to compel repayment of the loan.

* * * * *

[FR Doc. 94–1008 Filed 1–13–94; 8:45 am]
BILLING CODE 4000–01–P

federal register

Friday
January 14, 1994

Part VI

Environmental Protection Agency

Notice of Proposed General NPDES Permit for Placer Mining in Alaska

ENVIRONMENTAL PROTECTION AGENCY

[FRL-4826-9]

Proposed General NPDES Permit for Placer Mining in Alaska

AGENCY: Environmental Protection Agency, Region 10.

ACTION: Notice of a proposed general permit.

SUMMARY: This proposed general permit is intended to regulate placer mining activities in the state of Alaska. EPA, Region 10 has issued almost identical individual permits to these facilities in the past and intends to relieve some of the administrative burden of issuing individual permits by issuing this general permit. When issued, the proposed permit will establish effluent limitations, standards, prohibitions and other conditions on discharges from the covered facilities. These conditions are based on existing national effluent guidelines and material contained in the administrative record. A description of the basis for the conditions and requirements of the proposed general permit is given in the fact sheet published below.

DATES:

Public Comment Period: Interested persons may submit comments on the draft general permit to EPA, Region 10 at the address below. Comments must be received in the regional office by February 14, 1994.

Public Hearings: Public hearings on the permit conditions are scheduled in Anchorage and Fairbanks. The Anchorage hearing will be held on February 7, 1994, at the Federal Building, 222 W 7th, room 137, from 6:30 pm until all persons have been heard. The Fairbanks hearing will be held on February 9, 1994 at the Fairbanks North Star Borough (Noel Wien) Library, 1215 Cowles Street, also from 6:30 pm until all persons have been heard. Persons interested in obtaining information on the hearings should contact Cindi Godsey at the address below.

Request for Coverage: Written request for coverage and authorization to discharge under the general permit shall be provided to EPA, Region 10, as described in Part I.E. of the draft permit. Authorization to discharge requires written notification from EPA that coverage has been granted and that a specific permit number has been assigned to the operation.

ADDRESSES: Comments on the proposed general permit should be sent to Cindi Godsey; U.S. EPA, Region 10; 1200 Sixth Avenue WD-134; Seattle, Washington 98101.

FOR FURTHER INFORMATION CONTACT: Cindi Godsey at the Seattle address above or by telephone at (206) 553-1755.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

The Office of Management and Budget has exempted this action from the review requirements of Executive Order 12866 pursuant to section 6 of that order.

Regulatory Flexibility Act

After review of the facts presented in the notice printed above, I hereby certify pursuant to the provision of 5 U.S.C. 605(b) that this general NPDES permit will not have a significant impact on a substantial number of small entities. Moreover, the permit reduces a significant administrative burden on regulated sources.

Dated: January 7, 1994.

Charles E. Findley,

Director, Water Division.

FACT SHEET

United States Environmental Protection Agency, Region 10, 1200 Sixth Avenue, WD-134, Seattle, Washington 98101, (206) 553-1214.

General Permit for Placer Miners No.: AKG-37-0000

Proposed Issuance of a General National Pollutant Discharge Elimination System (NPDES) Permit To Discharge Pollutants Pursuant to the Provisions of the Clean Water Act (CWA) for Alaska Placer Miners (Except Those Identified in Part III of This Fact Sheet)

This fact sheet includes (a) the tentative determination of the Environmental Protection Agency (EPA) to issue the permit, (b) information on public comment, public hearings and appeal, (c) the description of the industry and proposed discharges, (d) other conditions and requirements.

Persons wishing to comment on the tentative determinations contained in the proposed general permit may do so before the expiration date of the Public Notice. All written comments should be submitted to EPA as described in the Public Comments Section of the attached Public Notice.

After the expiration date of the Public Notice, the Director, Water Division, will make a final determination with respect to issuance of the permit. The tentative determination contained in the proposed general permit will become final conditions if no substantive comments are received during public comment period.

The permit will become effective 30 days after the final determination is made, unless a request for an evidentiary hearing is submitted within 30 days after receipt of the final determination. An evidentiary hearing request must meet all the requirements of 40 CFR 124.74 and set forth material issues of fact relevant to the permit issuance. The proposed NPDES general permit and other related documents are on file and may be inspected and copies made at the above address any time between 8:30 a.m. and 4 p.m., Monday through Friday. Copies and other information may be requested by writing to EPA at the above address to the attention of the Water Permits Section, or by calling (206) 553-8332. This material is also available from the EPA Alaska Operations Office, room 537, Federal Building, 222 West 7th Avenue, Anchorage, Alaska 99513-7588 or Alaska Operations Office, 410 Willoughby Avenue, suite 100, Juneau, Alaska 99801 or the Alaska Department of Environmental Conservation, Northern Regional Office, 610 University Avenue, Fairbanks, Alaska 99709.

Technical Information

I. Background Information

A. Permit Coverage

1. *General Permit.* a. Section 301(a) of the CWA provides that the discharge of pollutants is unlawful except in accordance with a National Pollutant Discharge Elimination System (NPDES) permit. Although such permits have been issued to individual dischargers, EPA's regulations do authorize the issuance of "general permits" to categories of discharges (40 CFR 122.28) when a number of point sources are:

(1) Located within the same geographic area and warrant similar pollution control measures;

(2) Involve the same or substantially similar types of operations;

(3) Discharge the same types of wastes;

(4) Require the same effluent limitations or operating conditions;

(5) Require the same or similar monitoring requirements; and

(6) In the opinion of the Director, are more appropriately controlled under a general permit than under individual permits.

b. Like individual permits, a violation of a condition contained in a general permit constitutes a violation of the Act and subjects the owner or operator of the permitted facility to the penalties specified in section 309 of the Act.

c. A Notice of Intent (NOI) to be covered under this General Permit is required (40 CFR 122.28(b)(2)(i)). The requirements are outlined in Part I.E. of the permit. An Annual Placer Mining Application would be acceptable if it contains all the items specified in the permit.

d. Coverage under this permit will expire five (5) years from the date of issuance. It is EPA's position (40 CFR 122.28(b)(1)) that an expired general permit continues in force and effect until a new general permit is issued. Only those facilities authorized to discharge under the expiring general permit and submit an NOI 90 days prior to the expiration of this general permit are covered by the continued permit.

2. *Types of Placer Mine Operations Covered by the Permit.* EPA is proposing to issue a General NPDES permit for Alaska placer mining operations which are facilities that mine and process gold placer ores using gravity separation methods to recover the gold metal contained in the ore. This permit applies to all open-cut and mechanical dredge (not suction dredges) gold placer mines except those open-cut mines that mine less than 1,500 cubic yards of placer ore per mining season and dredges that remove less than 50,000 cubic yards of placer ore per mining season. These operations are covered by the effluent guidelines and described in 40 CFR 440.140(b). EPA has completed a literature research project considering the environmental effects of all suction dredge operation and potential controls that could be placed on them. Based on this research, EPA has concluded that suction dredges with intake hoses of greater than 4 inches will be covered by this permit.

Operations utilizing hydraulic removal of overburden are covered by this permit.

This permit does not authorize discharges resulting from beneficiation methods utilizing cyanidation, froth flotation, heap or vat leaching and mercury amalgamation.

3. *Limitations on Coverage.* Many streams and stream reaches in Alaska have been designated as part of the federal wild and scenic rivers system or as a Conservation System Unit (CSU) by the federal government. Additional conditions may be required by the Alaska Department of Fish and Game in resident and anadromous fish streams. "The Atlas to the Catalog of Waters Important for Spawning, Rearing or Migration of Anadromous Fish" lists the streams in the State which require a Habitat permit from the Alaska Department of Fish and Game. Because this permit does not relieve a permittee of the requirements of other applicable federal, state or local laws, permittees should contact the appropriate state or federal agencies to inquire about additional permits that may be required.

4. *Individual Permits.* Owners or operators authorized by a general permit may be excepted from coverage by a general permit by applying to the Director of the NPDES program for an individual permit. This request may be made by submitting an NPDES permit application, together with supporting documentation for the request no later than 90 days after publication by EPA of the final general permit in the **Federal Register**, or 180 days prior to the commencement of operation of a new source or new discharger. The Director may require any person authorized by a general permit to apply for and obtain an individual permit, or any interested person may petition the Director to take this action. The Director may consider the issuance of individual permits when:

a. The single discharge or the cumulative number of discharges is/are a significant contributor of pollution;

b. The discharger is not in compliance with the terms and conditions of the general permit;

c. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;

d. Effluent limitations guidelines are subsequently promulgated for the point sources covered by the general permit;

e. A Water Quality Management plan containing requirements applicable to such point sources is approved; or

f. The requirements listed in the previous paragraphs are not met.

B. Description of the Industry

1. *Mechanical Operations (Traditional Sluicing).* Placer mining involves the mining and extraction of gold or other heavy metals and minerals primarily from alluvial deposits. These deposits may be in existing stream beds or ancient often buried stream deposits, i.e. paleo or fossil placers. Many Alaskan placer deposits consist of unconsolidated clay, sand, gravel, cobble and boulders that contain very small amounts of native gold or other precious metals. Most are stream deposits and occur along present stream valleys or on benches or terraces above existing streams. Beach placer deposits have been and continue to be important producers in Alaska. These deposits, most notable near Nome, include both submerged and elevated beach placer deposits.

Essential components of placer mining include overburden removal, mining of the gold placer gravels and processing (gold recovery).

a. *Overburden Removal.* Various types of overburden include barren alluvial gravels, broken slide rock or glacial deposits. In some parts of Alaska the pay gravels are overlaid by silty, organic-rich deposits of barren, frozen material generally comprised of wind-blown particles (loess). Particularly high ice content is common. Most facilities utilize mechanical methods for removal of overburden because they generally use the same excavating equipment for mining.

Overburden can also be removed by hydraulicking. Hydraulicking consists of the loosening of material by water delivered under pressure through a hydraulic giant (monitor). The material then flows, usually by gravity, to the sluice box if the overburden is to be processed with the mineral bearing material below. Overburden consisting of barren material may be directed away from the sluice box so that only mineral bearing material is processed in the sluice.

b. *Mining Methods.* Placer mining methods range from dredging systems to open-cut mining. Dredging systems are classified as hydraulic or mechanical, depending on the methods of digging. A floating dredge consists of a supporting hull with a mining control system, excavating and lifting mechanism, gold recovery circuits, and waste disposal system. They are all designed to work as a unit to dig, classify, beneficiate ores and dispose of waste. Suction dredges, the most common hydraulic dredging system, are quite popular in Alaska with the small or recreational gold placer miner.

A bucket-line dredge has been the traditional gold placer mechanical dredging tool in Alaska. Excavation equipment consists of a chain of buckets, traveling continuously around a truss or plate-girder ladder, that scoop up a load as they are forced against the mining face while pivoting around the lower tumbler and then dump as they pivot around the upper tumbler. The ladder is raised or lowered as required by a large hoisting winch through a system of cables and sheaves. About six placer miners operate bucket-line dredges in Alaska.

c. *Processing Methods.* A large percentage of the present gold placer mining operations use some type of sluice box to perform the primary processing function, beneficiation. An increasing number of jig plants are also being used. Many operations make use of feed size classification which

involves the physical separation of large rocks and boulders from smaller materials such as gravel and sand. The object of classification is to prevent the processing of large-sized material which is unlikely to contain gold values. Commonly used classification equipment includes: grizzlies, trommels and static or vibrating screens. The most common gold recovery method is sluicing. A sluice is a long, sloped trough into which water is directed to effectuate separation of gold from ore. A slurry of water and ore flows down the sluice and the gold, due to its relatively high density, is trapped in riffles along the sluice.

2. *Suction Dredging.* A suction dredge is a mechanical device which floats on the stream surface and which pumps stream water and stream bed material through a suction intake conduit to a sluice box from which gold or other minerals may be recovered.

The discharge from suction dredges consists totally of stream water and bed material. These discharges are becoming numerous in the state. The discharge limits and monitoring requirements are identical for the majority of these discharges. This category of discharges meets the qualifications of 40 CFR 122.59 for the issuance of General Discharge Permits. This general discharge permit will expedite processing the numerous applications and provide the same regulatory controls over the discharges as an individual permit would.

II. Effluent Characteristics

Discharges from placer mining operations consist of water and the naturally occurring materials found in the alluvial deposits (e.g. sand, silt, clay, trace minerals and metals, etc.). Some of the elements measured in placer mine effluent are derived principally from sulfide, oxide, carbonate, and silicate mineral species, and include antimony, arsenic, cadmium, copper, iron, lead, mercury, nickel, silver, and zinc. Most of these parameters are found in trace amounts and are of little significance.

Based on review of sampling data collected by EPA and upon evaluation of Alaska Water Quality Standards (WQS), EPA has concluded that the pollutants of primary concern are settleable solids, turbidity, and arsenic. Arsenic is the only toxic pollutant of concern due to its naturally occurring abundance in most Alaskan soils.

III. Basis for Effluent Limitations

A. Background

Effluent limits required in this permit for the control of pollutants are published in 40 CFR part 440, Subpart M—Gold Placer Mine Subcategory, which was promulgated May 24, 1988, in 53 FR 18764. Additional information regarding the basis for establishing the effluent limits is summarized in the EPA publication titled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Ore Mining and Dressing Point Source Category—Gold Placer Mine Subcategory" (May 1988).

This final rule establishes effluent limitations guidelines and standards based on the best practicable control technology currently available (BPT), the best available technology economically achievable (BAT), and new source performance standards (NSPS) based on the best available demonstrated technology. The BAT and NSPS limitations represent the minimum technology required to be in place for all placer mining operations covered under 40 CFR part 440, subpart M.

Section 402(o) of the Act stipulates that NPDES permits may not be reissued to contain effluent limitations that are less stringent than comparable water quality standards and technology based effluent limitations in the previous permit. EPA has determined that this general permit complies with these anti-backsliding provisions of the Act.

B. Technology-Based Limitations

1. *Mechanical Operations.* The CWA requires industries to apply treatment technology representing BAT that is economically achievable. The BAT requirements specify the use of settling ponds plus total recirculation of process wastewater as the selected treatment technology. However, the regulation does allow the discharge of incidental waters (including waters that enter a mine through precipitation, snow melt, drainage water, ground water infiltration and the melting of permafrost) which have commingled with process waters, provided that these incidental waters are in excess of the make-up water required, are treated in settling ponds and do not exceed 0.2 ml/l settleable solids prior to discharge.

For the purpose of this permit, discharged wastewater consists of incidental waters commingled with process waters used to move the ore to and through the beneficiation process, water used to aid in classification, and water used in gravity separation. Pursuant to 40 CFR 440.143, BAT requirements are as follows:

a. The concentration of settleable solids in wastewater discharged from an open-cut mine plant or a dredge plant site must not exceed an instantaneous maximum of 0.2 ml/l.

b. The volume of wastewater which may be discharged from an open-cut mine plant or dredge plant site must not exceed the volume of infiltration, drainage and mine drainage waters which is in excess of the make-up water required for operation of the beneficiation process.

These technology-based requirements are specified in Parts II.A.1.a. and b. of the proposed permit.

The effect of requirement II.A.2. of the proposed permit is to prohibit the discharge of any wastewater during periods when new water is allowed to enter the plant site.

C. Water Quality Based Limits

In addition to the BAT effluent limitations, the permit includes effluent limitations which are required to ensure compliance with WQS (Alaska Regulations 18 AAC 70). These standards vary with the beneficial use they are established to protect. In water bodies with more than one designated beneficial use, the more restrictive criteria apply.

The WQS protect most fresh water sources for use in drinking, agriculture, aquaculture and industrial water supply, contact and secondary recreation, and the growth and propagation of fish, shellfish, and other aquatic life (Alaska Regulations 18 AAC 70.050). All permits being issued in this round of permitting must protect for all the above uses.

EPA has concluded, based on review of the WQS and available sampling data, that the parameters of turbidity and arsenic must be limited in order to meet the State WQS. Also, the sediment standard must be applied to discharges from operations utilizing the hydraulic removal of overburden. The arsenic, turbidity and sediment limits were established pursuant to section 301(b)(1)(C) of the CWA, which requires imposition of "* * * any more stringent limitation, including those necessary to meet water quality standards, * * * or required to implement any applicable water quality standard established pursuant to this Act." The NPDES regulations, at 40 CFR 122.44(d), require NPDES permits to include conditions to "Achieve water quality standards established under section 303 of CWA * * *."

1. *Turbidity:* a. Mechanical and Hydraulic Removal of Overburden According to the WQS, the most restrictive turbidity criteria applies to fresh water sources classified for water contact recreation uses. These criteria (18 AAC 70.020(b)(1)(B)(i)(4)) state that

turbidity * * * "Shall not exceed 5 NTU above natural conditions when the natural turbidity is 50 NTU or less; and more than 10% increase in turbidity when the natural condition is more than 50 NTU, not to exceed a maximum increase of 15 NTU." The proposed draft permit contains a turbidity limit that would assure compliance with water quality standards under worst case conditions. That is, the turbidity in the effluent must not exceed 5 NTUs above the background turbidity level in the receiving stream. This condition accounts for naturally occurring turbidity in the receiving water and allows the effluent to contain an additional 5 NTUs of turbidity where the receiving water is naturally turbid. The permit condition does not account for those situations where naturally occurring turbidity would allow an increase of up to 15 NTUs, nor does it account for the dilution effects of the receiving stream. The reason for assuming worst case conditions is that EPA does not have current site-specific information to establish end-of-pipe limitations for each of the permits being processed.

Although worst case conditions are assumed in the proposed draft permit, EPA will consider modifying the NTU limitation to account for the dilution effects of the receiving stream. EPA's approach in setting higher turbidity limitations is dependent upon receipt of the NOI with information from the permittee or from the Alaska Department of Natural Resources (ADNR) acting on behalf of the permittee demonstrating that the dilution effect of the receiving water justifies a less stringent limit. EPA is operating under the assumption that the permit applicant bears the burden of providing information necessary to issue the permit (40 CFR 124.85(a)(1)). Where the applicant does not provide the site-specific information that would justify a less stringent turbidity limit, the permit issued to a site will contain the turbidity limit proposed in the draft permit.

The procedures used to calculate a higher turbidity limit are the same as those used in the placer mining permits issued since 1986. The turbidity limit is based on utilizing a mass balance equation which relates upstream receiving water flow and turbidity to effluent flow and turbidity. The basic form of this equation is:

$$Q_1C_1+Q_2C_2=Q_3C_3,$$

where

C_1 = upstream turbidity;
C_2 = effluent turbidity;
C_3 = downstream turbidity after mixing where the allowable increase is 5 NTU above background (C_1+5 NTU);
Q_1 = stream flow downstream from any diversion and upstream from the discharge;
Q_2 = effluent flow *; and,
Q_3 = total stream flow downstream from discharge after complete mixing.

* A default value of 10 gallons per minute (GPM) will be used if the NOI states that zero discharge will be achieved. The information that must be submitted by the permittee to determine the appropriate turbidity limit for the facility is the effluent and receiving stream flow rates. The receiving stream flow rate must be measured upstream from the discharge point and downstream from any diversions. Receiving stream flow values can be obtained from the ADNR, Division of Mining, upon request by the permittee. ADNR methodology for determining upstream flow uses equations developed by Ashton and Carlson (1984). The maximum effluent discharge flow must be estimated by the permittee and must account for the effects of all excess incidental waters.

Permittees requesting a higher turbidity limitation must submit the necessary information to EPA with the NOI. This applies to all permittees, including those who have submitted this type of information in the past, in order to assure that all site-specific information is up-to-date.

b. *Suction Dredging*. The daily visual inspection during operation of an area downstream of the suction dredge is based on research published in the scientific literature (Griffith and Andrews 1981, Hassler et al. 1986, Harvey 1986, Huber and Blanchet 1992, Thomas 1985) and on monitoring done by Alaska Department of Environmental Conservation (ADEC) (Ron McAlister, ADEC, personal communication). In most cases, water quality recovered rapidly below the dredge. ADEC found that turbidity was elevated 1 to 4.5 NTU 500 feet downstream of an operating 10 inch dredge. The daily visual inspection during operation should assure that the water quality standard for turbidity is met.

2. *Arsenic—Mechanical and Hydraulic Removal of Overburden*. EPA has concluded, based on available sampling data, that arsenic is commonly associated with placer mining wastes. Locally, it is the most abundant toxic metal present. For this reason, EPA has determined that arsenic is a pollutant of concern. Additionally, although several studies by EPA have indicated a reduction in levels of arsenic in placer mining effluent as a result of reducing settleable solids to 0.2 ml/l, EPA has concluded that these reduced levels of arsenic are not consistently adequate to achieve WQS.

In establishing the arsenic limit, the "Amendments to the Water Quality Standards Regulation; Compliance with CWA section 303(c)(2)(B); Final Rule" (57 FR 6084, Tuesday, December 22, 1992) are used. This rulemaking promulgated the chemical-specific numeric criteria for priority toxic pollutants necessary to bring all States into compliance with the requirements of the CWA section 303(c)(2)(B). The primary focus of the rule is the inclusion of the federal water quality criteria for pollutant(s) in State standards as necessary to support water quality-based control programs (e.g. NPDES permits). The federal standard of 0.18 µg/l total recoverable arsenic is applicable to Alaska and this number has been used to derive the end-of-pipe limitation for the draft permits.

Mixing zones are allowed under the Alaska standards for some pollutant discharges. However, 18 AAC 70.032(a) states * * * "In applying the water quality criteria set out in this chapter, the department will, upon application and in its discretion, prescribe in its permits or certifications a volume of dilution for an effluent or substance within a receiving water unless pollutants discharged could bioaccumulate; concentrate or persist in the environment; cause carcinogenic, mutagenic, or teratogenic effects; or otherwise present a risk to human health * * *" Arsenic is a carcinogen. In a letter, dated March 24, 1992, from the Alaska Department of Environmental Conservation Commissioner, John Sandor, to EPA Water Division Director, Charles Findley, the State has interpreted this to mean that "* * * a mixing zone may be prescribed where there is no reasonable expectation of an adverse effect on human health or aquatic life, based on site-specific, chemical, physical and biological characteristics." EPA is not proposing a mixing zone for arsenic but would include a method for determining a mixing zone in the permit if the Department determines that such a mixing zone is appropriate and is in compliance with WQS.

Two options are given to the permittee to determine the arsenic limit. If the "natural" background is not measured, the effluent limit is set according to federal standard at 0.18 µg/l. The other option depends on the "natural" background levels of arsenic present in the receiving water. The

"natural" background is defined as the total recoverable arsenic level upstream from all mining and other man-made disturbances. The WQS, 18 AC 70.010(a), states that "[n]o person may conduct an operation that * * * contributes to a violation of the water quality standards * * *" If the "natural" background levels are already above the federal standard, any discharge at or below the "natural" background level will not elevate the existing concentrations in the stream thus not contributing further to a violation of WQS. The "natural" background data must be provided with the annual Discharge Monitoring Report (DMR).

Because the effluent limitation of 0.18 µg/L is not quantifiable using the EPA approved analytical method (206.2), EPA has set a reporting threshold to measure the highest acceptable quantification level for this parameter. When results cannot be quantified, values below the method detection level (1 µg/L) shall be report as zero and values above the method detection level but below the minimum level (4 µg/L) reported at ½ the minimum level or 2 µg/L. This reporting threshold does not authorize the discharge of this parameter in excess of the effluent limitation.

3. *Sediment.* The sediment standard (18 ACC 70.020) is a narrative standard which reads, "No increase in concentration of sediment, including settleable solids, above natural conditions." The method indicated for measuring sediments is the use of an Imhoff cone. The detection limit, the lowest measurable value, of an Imhoff cone is 0.2 ml/l. Therefore the maximum limit for sediment will be 0.2 ml/l measured as settleable solids for operations utilizing hydraulic removal of overburden.

IV. Basis for Monitoring and Reporting Requirements

A. *Monitoring:* All self-monitoring requirements considered the remoteness of the mining operations, the magnitude of the pollutants discharged, and the practicability of maintaining a valid quality assurance program.

1. The measurement of settleable solids is an indication of overall treatment efficiency. The permit requires monitoring for settleable solids once per day during periods of discharge. If there is a discharge to waters of the United States, permittees are required to sample for settleable solids on a daily basis, even if sluicing does not occur. This is required because the operator is responsible at all times for the condition of the wastewater entering the receiving stream. Also, the results from settleable solids sampling can give the operator an immediate indication of the overall effectiveness of the treatment system and thus allow advanced planning for treatment system maintenance.

2. EPA has concluded that the monitoring frequency for turbidity and arsenic will be once per season. Monitoring for these pollutants have been established at less frequent intervals because sampling and analysis for these parameters are more difficult and costly. Samples for monitoring purposes must be taken during sluicing or discharge at a time when the operation has reached equilibrium. For example, samples should be taken when sluice paydirt loading and effluent discharge are fairly constant.

3. Effluent flow monitoring is also required in the proposed permit. The purpose of this requirement is to assess the pollutant loading discharged into the receiving water.

4. The visual inspection provision in Part II.D.1. of the proposed permit is required to assure against discharges resulting from structural failure of berms, dikes, dams and other water control structures. A visual inspection is an effective tool for assuring proper operation and maintenance.

5. Monitoring provisions for turbidity, arsenic, settleable solids, and flow (in Parts II.D.1.c., d., e., and f., respectively) are included in the proposed permit. These provisions are included to explain how, when, and where to collect these samples.

B. *Reporting.* 1. Reporting of effluent violations is required in writing within a reasonable time period. This is found in Permit Part IV.G.2.c.

2. Reporting of visual violations from suction dredges is required in writing within a reasonable time period. This is found in Permit Part II.D.2.b.

3. The results of all monitoring or notice of no discharge must be reported to EPA by November 30 of each year. This is found in Permit Part IV.B.

V. Best Management Practices (BMPs)

A. Mechanical and Hydraulic Removal of Overburden

1. BMP conditions in Permit Parts III.A.1. to III.A.5. of the proposed permit were developed pursuant to section 304(e) of the CWA. These BMPs are established in 40 CFR 440.148 and are necessary for control and treatment of the drainage and infiltration water at gold placer mines and to prevent solids and toxic metals from being released to the receiving streams.

a. The intent of Permit Part III.A.1. is to avoid contamination of nonprocess water, reduce the volume of water requiring treatment and maximize the retention time and the settling capacity of the settling ponds. The diversion must totally circumvent any gold recovery units, treatment facilities, etc. Any mine drainage sources that pass through the actual mining area and are subject to transporting pollutants must be treated prior to discharge.

b. Permit Part III.A.2. is required to assure that water retention devices are constructed appropriately. This may be achieved by utilizing on-site material in a manner that the fine sealing material (such as clays) are mixed in the berms with coarser materials. Berms should be toed into the underlying earth, constructed in layers or lifts and each layer thoroughly compacted to ensure mechanical and watertight integrity of the berms. Other impermeable material such as plastic sheets or membranes may be used inside the berms when sealing fines are unavailable or in short supply. The side slope of berms should not be greater than the natural angle of repose of the materials used in the berms or a slope of 2:1, whichever is flatter.

c. The intent of Permit Part III.A.3 is to ensure that the investment in pollution control pay the maximum benefit in terms of reduced pollutant volumes reaching water of the United States. These measures may include location of the storage ponds and storage areas to assure that they will not be washed out by reasonably predictable flooding or by the return of a relocated stream to it original stream bed. Materials removed from settling ponds should be placed in bermed areas where liquids from the materials cannot flow overland to waters of the United States. It may be necessary, in some cases, to collect such liquids and pump or divert them back to the settling pond for treatment. This requirement applies both during the active mining season and at all other times until reclamation is completed.

d. Permit Part III.A.4. is required to assure that the amount of wastewater that is discharged is kept to a minimum.

e. The provisions of Permit Part III.A.5. will ensure that water control devices are adequately maintained. This specifies that structures should be inspected on a regular basis for any signs of structural weakness or incipient failure. Whenever such weakness or incipient failure becomes evident, repair or augmentation of the structure to reasonably ensure against catastrophic failure shall be made immediately.

2. BMP condition Permit Part III.A.6. of the proposed permit is required pursuant to 40 CFR 122.44(k)(3). The

purpose of this requirement is to assure that all reasonable measures are taken to decrease the amount of pollutants being discharged to waters of the United States.

3. The same BMPs are required of operations utilizing hydraulic removal of overburden pursuant to 40 CFR 122.44(k)(3). The purpose of these requirements is to assure that reasonable measures are taken to decrease the amount of pollutants being discharged to waters of the United States.

B. Suction Dredging

The BMPs are required pursuant to 40 CFR 122.44(k)(3).

1. Dredging is permitted only in the active stream channel where the dredging spoils are relatively clean and will cause minimum turbidity when returned to the stream. The material that runs through a suction dredge flows downstream and settles among gravel and rocks in the streambed. Too much silt and sand make it difficult for the salmon to dig suitable gravel nests (redds) and can also smother fish eggs already deposited.

2. Wherever practicable, the dredge shall be set to discharge into a quiet pool where settling of dredge spoils can occur more rapidly. This will cause in-stream turbidity to be minimized and localized to the general area of the dredging activity.

3. The purpose of this requirement is to control the potential discharge of pollutants, resulting from fuel spills, from entering receiving waters.

4. Dredging is not permitted during the periods that fish eggs could be in the gravel at the dredge site. The greatest single effect a suction dredge has on the environment is the danger it poses to fish. The dredge pump forces water and gravel through the nozzle and hose. Fish eggs taken up with gravel cannot survive the shock, pressure, and battering and pounding that comes with moving through the hose and sluice. If a fish egg should somehow survive the hose and sluice, the chances for being buried in the gravel at the right depth and in the correct gravel composition necessary for incubation are nonexistent. "The Atlas to the Catalog of Waters Important for Spawning, Rearing or Migration of Anadromous Fish" lists the streams in the State which require a Habitat permit from the Alaska Department of Fish and Game. This catalog is quite extensive but is available for viewing at many agencies including Alaska Department of Fish and Game, U.S. Fish and Wildlife Service, the National Marine Fisheries Service and the Anchorage Operations Office of EPA.

VI. Other Requirements

A. Spill Prevention Control and Containment (SPCC) Plan

Part III.C. of the proposed permit was established in accordance with 40 CFR 122.44(k)(3). The purpose of this requirement is to control the potential discharge of pollutants, resulting from fuel spills, from entering receiving waters.

B. Endangered Species

A species list was provided by the U.S. Fish and Wildlife Service for the state of Alaska. The recommended protection measures for the species of concern during the nesting period prohibits alterations of limited, high quality habitat which could detrimentally and significantly reduce prey availability. Since this general water discharge permit is written to protect aquatic life or human health criteria (whichever is more stringent), no alterations of habitat due to water discharges authorized by this permit should occur. Because of this, EPA has determined that formal consultation for section 7 of the Endangered Species Act is not necessary for existing facilities. Environmental Assessments will be completed for each new source discharge as is stated in Part I.A.3. of the permit. Any consultation necessary to comply with the Endangered Species Act will be performed at this time.

VII. Storm Exemption

Part III.D. of the proposed permit establishes a storm exemption provision which authorizes exceedences of technology-based effluent limitations and standards provided that the permittee meets certain design and operational criteria. This provision is required pursuant to 40 CFR 440.141(b).

This provision allows for the unavoidable exceedence of technology-based effluent limitations during storms of intensity greater than or equal to a 5-year, 6-hour storm event. The storm exemption will be allowed provided that (1) the settling ponds are designed, constructed, and maintained to contain the volume of process water generated during four hours of normal operation plus the drainage water resulting from a 5-year, 6-hour storm event, (2) the operator takes all reasonable steps possible to maintain treatment of the wastewater and minimize overflow from the settling ponds, (3) the permittee must be in compliance with the BMPs in Part III.A. of the proposed permit, and (4) the operator complies with all the notification requirements for bypasses and upsets as established in Parts III.G. and H. of the proposed permit. Part III.D. of the proposed permit establishes the specific conditions which must be met in order to be eligible for the storm exemption.

This exemption is designed to provide an affirmative defense to an enforcement action. Therefore, the operator has the burden of demonstrating to the appropriate authority that the above conditions have been met.

VIII. Prohibitions

A. Part I.C. has been incorporated into the proposed permit to further clarify the discharges that will be authorized under this permit.

B. Part II.A.2. of the proposed permit is required to assure compliance with the technology-based requirements established in Part II.A.1.a. of the proposed permit.

IX. New Source Performance Standards (NSPS)

Pursuant to section 301 of the CWA, NSPS (40 CFR 440.144) were promulgated for gold placer mine facilities. NSPS apply to new mines determined to be new sources by virtue of their activities occurring after promulgation of the rule (May 24, 1988). The NSPS for gold placer mining facilities are based on the same treatment technology as BAT, which consists of simple settling plus recirculation of all process water. Since BAT is based on the most stringent demonstrated technology that is available for treating gold placer mine wastewater, those mines which are new sources will not be subject to controls more stringent than those applicable to existing mines.

In accordance with section 511(c)(1) of the CWA, NPDES permits for new sources are subject to the provisions of the National Environmental Policy Act (NEPA). NEPA requires that, prior to the issuance of an NPDES permit to a new source facility, an Environmental Assessment (EA) must be prepared to determine the potential for any significant impacts on the quality of the human environment resulting from operation of the new source. Permit part I.E.1. requires that new facilities submit a notice of intent by January 1 of the year of discharge. This will allow adequate time to complete EAs for each new source prior to the mining season. If the EA indicates that significant adverse environmental impacts may occur, then the applicant must prepare an Environmental Impact Statement (EIS). However, if the EA indicates that significant impacts are not anticipated, a Finding of No Significant Impact (FNSI) shall be issued and the facility

will be covered by the existing general permit. The FNSI may be based, in part, on required permit conditions or mitigation measures necessary to make the recommended alternative environmentally acceptable.

X. State Certification

Section 301(b)(1)(C) of the Act requires that an NPDES permit contain conditions which ensure compliance with applicable State water quality standards or limitations. The limitations for turbidity and arsenic were established pursuant to WQS and federal standards, respectively. Section 401 requires that States certify that Federally issued permits are in compliance with State law. No permits can be issued until the requirements of Section 401 are satisfied.

These are permits for operations discharging to waters (inland waters) of the State of Alaska. EPA is requesting State officials to review and provide appropriate certification to these draft permits pursuant to 40 CFR 124.53.

XI. References

Ashton, W. and R. Carlson. 1984. Determinations of Seasonal Frequency and Durational Aspects of Stream Flow With Regard to Fish Passage Through Roadway Drainage Structures. Department of Transportation and Public Facilities.

Griffith, J.S. and D.A. Andrews. 1981. Effects of a small suction dredge on fishes and aquatic invertebrates in Idaho streams. North American Journal of Fisheries Management 1:21–28.*

Hassler, T.J., W.L. Somer and G.R. Stern. 1986. Impacts of suction dredge mining on anadromous fish, invertebrates and habitat in Canyon Creek, California. Calif. Coop. Fish. Res. Unit., Humboldt State University, Arcata, California, Coop. Agreement No. 14–16–0009–1547, Work Order No. 2. 135 pages.*

Harvey, B.C. 1986. Effects of suction gold dredging on fish and invertebrates in two California streams. North American Journal of Fisheries Management 6:401–409.*

Huber, C. and D. Blanchet. 1992. Water quality cumulative effects of placer mining on the Chugach National Forest, Kenai Peninsula, 1988–1990. U.S. Forest Service, Chugach National Forest, Alaska Region. 74 pages.*

McCleneghan, K. and R.E. Johnson. 1983. Suction dredge gold mining in the mother lode region of California. California Department of Fish and Game, Environmental Services Branch, Administrative Report 83–1.*

Minshall, G.W., D.A. Andrews and C.Y. Manual-Faler. 1983. Application of island biogeographic theory to streams: macroinvertebrate recolonization of the Teton River, Idaho. In J.R. Barnes and G. W. Minshall editors Stream Ecology: Application and testing of general ecological theory. Plenum Press, New York.*

Scannel, P.O. 1988. Effects of elevated sediment levels from placer mining on survival and behavior of immature Arctic grayling. Master's thesis. University of Alaska, Fairbanks, Alaska, USA. 93 pages.*

Somer, W.L. and T.J. Hassler. 1992. Effects of suction-dredge gold mining on benthic invertebrates in a Northern California Stream. North American Journal of Fisheries Management 12:244–252.*

Thomas, V.G. 1985. Experimentally determined impacts of a small, suction gold dredge on a Montana stream. North American Journal Fisheries Management 5:480–488.*

U.S. Army Corps of Engineers. 1985. Water Quality Study: Arkansas River above Salida, Colorado. U.S Army Corps of Engineers, Albuquerque District, P.O. Box 1580, Albuquerque, New Mexico 87103.*

U.S. Environmental Protection Agency. 1991. Regulatory strategy for controlling small commercial and recreational placer mining, draft. U.S. Environmental Protection Agency, Office of Solid Waste, 2800 Crystal Drive, Crystal Station, Crystal City, Virginia 20202. EPA Contract No. 68–C8–0066, W.A. 30. SAIC Project No. 1–833–03–630–00. 73 pages.*

U.S. Environmental Protection Agency. 1988. Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Ore Mining and Dressing Point Source Category—Gold Placer Mining Subcategory. U.S. Environmental Protection Agency, Office of Water Regulations and Standards, Industrial Technology Division, Washington, DC 20460. EPA 440/1–88–061.

*Literature cited in literature research project.

Finding of No Significant Impact

To all interested government agencies, public groups, and individuals:

In accordance with the Environmental Protection Agency (EPA) procedures for complying with the National Environmental Policy Act (NEPA), 40 CFR part 6, subpart F, EPA has completed an environmental review of the following proposed action: Issuance of a General National Pollutant Discharge Elimination System (NPDES) Permit No. AK–G–37–0000 for Alaskan Placer Miners.

The proposed action is issuance of a General NPDES Permit covering both existing and new source facilities in Alaska which mine and process, using gravity separation methods, gold placer ores. The proposed effluent limitations, monitoring provisions, and other conditions are specified in the draft General NPDES permit. The Fact Sheet, accompanying the draft permit, describes the basis for these requirements. The proposed General NPDES Permit would replace the existing individual NPDES permits.

An environmental assessment (EA) of this proposed action has been completed (enclosed). Based on the EA, and in accordance with the guidelines for determining the significance of proposed federal actions (40 CFR 1508.27) and EPA criteria for initiating an environmental impact statement (EIS) (40 CFR 6.605), EPA has concluded that the proposed General NPDES permit will not result in a significant effect on the human environment. The proposed permit will not significantly affect land use patterns or population, wetlands or floodplains, threatened or endangered species, farmlands, ecologically critical areas, historic resources, air quality, water quality, noise levels, fish and wildlife resources, nor will it conflict with local, regional, or state land use plans or policies. The proposed permit conforms with all applicable federal statutes and executive orders.

The proposed General Permit includes the same technology-based permit limits, established by regulation (40 CFR part 440, subpart M), as the individual permits currently do. The recirculation of process wastewater is required and the settleable solids concentration of the allowable discharge (i.e. excess water) is limited to 0.2 milliliters per liter. Water quality-based limits are also included in the proposed permit.

The proposed permit covers, in addition to conventional open-cut placer mining operations, placer mining operations utilizing hydraulic methods to remove overburden, and suction dredges. The proposed permit limits for the hydraulic overburden removal operations are based on the state sediment standard and best professional judgment and are the same as the limits for the conventional operations. The limits for the suction dredge operations would be based on best professional judgment.

The proposed General Permit would reduce the yearly administrative burden of EPA associated with the processing of numerous individual permits. Because the proposed General Permit and individual permits include essentially the same requirements, the primary impact related to permit type is expected to be administrative. No negative impacts to EPA, other agencies or operators are expected.

The proposed General NPDES Permit may contribute to an improvement in environmental conditions because it would reduce the permitting administrative workload thus making available limited time that could be used for higher priority activities, such as permit compliance and inspections. The inclusion of suction dredge operations in the General Permit will improve the monitoring and compliance of these operations.

Under the proposed action, the new source placer mining proposals requesting coverage under the General Permit would continue to be subject to individual NEPA reviews. This will enable EPA to evaluate the site-specific and cumulative impacts associated with the individual projects. Where an EA concludes that significant impacts are not anticipated, a Finding of No Significant Impact would be issued and the new source project would be granted coverage under the General Permit. If EPA determines that significant impacts from a proposed new source project may occur, an EIS would be prepared prior to EPA's final permit decision. Therefore the site-specific impacts of those projects would continue to be evaluated and considered prior to the permit actions. An individual permit may also be required by EPA in lieu of coverage under the General Permit.

For the above reasons EPA has determined that an EIS will not be prepared for the proposed action.

Comments pertaining to this Finding of No Significant Impact may be submitted to: Rick Seaborne, Environmental Protection Agency, Environmental Review Section, 1200 Sixth Avenue, WD–126, Seattle, WA 98101.

No administrative action will be taken for at least 30 days after the release of this Finding of No Significant Impact. EPA will fully consider all comments before taking final action.

Sincerely,

Charles E. Findley,

Director, Water Division.

Authorization To Discharge Under the National Pollutant Discharge Elimination System for Alaskan Placer Miners

[General Permit No.: AK–G–37–0000]

In compliance with the provisions of the Clean Water Act (CWA), 33 U.S.C. 1251 *et seq.*, as amended by the Water Quality Act of 1987, Public Law 100–4, the "Act", owners and operators of facilities engaged in the processing of placer gold are authorized to discharge to waters of the United States, in accordance with effluent limitation, monitoring requirements, and other conditions set forth herein.

A COPY OF THIS GENERAL PERMIT MUST BE KEPT AT THE SITE WHERE DISCHARGES OCCUR.

This permit shall become effective 30 days after final publication. This permit and the authorization to discharge shall expire 5 years after the effective date of the permit: Director, Water Division, Region 10, U.S. Environmental Protection Agency.

Table of Contents

Cover Page
I. Coverage under this permit
A. Coverage and Eligibility
B. Types of Placer Mine Operations Covered
C. Limitations on Coverage
D. Prohibitions
E. Requiring an Individual Permit
F. Notification Requirements
G. Permit Expiration
II. Effluent limitations
A. Mechanical Operation (Traditional Sluicing)
B. Hydraulic Removal of Overburden
C. Suction Dredging
D. Monitoring Requirements
III. Management practices
A. Mechanical Operations and Hydraulic Removal of Overburden
B. Suction Dredges
C. Other Requirements
D. Storm Exemption
IV. Monitoring and reporting requirements
A. Representative Sampling
B. Reporting of Monitoring Results
C. Monitoring Procedures
D. Additional Monitoring by the Permittee
E. Records Contents
F. Retention of Records
G. Notice of Noncompliance Reporting
H. Other Noncompliance Reporting
I. Inspection and Entry
V. Compliance responsibilities
A. Duty to Comply
B. Penalties for Violations of Permit Conditions
C. Need to Halt or Reduce Activity not a Defense
D. Duty to Mitigate
E. Proper Operation and Maintenance
F. Removed Substances
G. Bypass of Treatment Facilities
H. Upset Conditions
I. Toxic Pollutants
VI. General requirements
A. Changes in Discharge of Toxic Substances
B. Planned Changes
C. Anticipated Noncompliance
D. Permit Actions
E. Duty to Reapply
F. Duty to Provide Information
G. Other Information
H. Signatory Requirements
I. Availability of Reports
J. Oil and Hazardous Substance Liability
K. Property Rights
L. Severability
M. State Laws
VII. Reopener clause
VIII. Definitions
IX. Special conditions—Effluent limits below detection levels
A. Reporting Levels
B. Reporting Details
Attachment 1
Attachment 2
Attachment 3
Appendix A

I. Coverage Under This Permit

A. Coverage and Eligibility

1. *Existing Facilities:* Existing facilities (those facilities having individual NPDES permits) are authorized under the terms and conditions of this permit upon the submittal of a Notice of Intent (NOI) to gain coverage under this permit. Coverage will be granted according to Permit Part E.4.

2. *Pending Applications:* Upon submittal of an NOI all facilities which have submitted applications in accordance with 40 CFR 122.21(a) are authorized under the terms and conditions of this permit. Coverage will be granted according to Permit Part E.4.

3. *New Facilities:* New facilities that are determined to be new sources under the CWA will be required to have an Environmental Assessment (EA) completed pursuant to the National Environmental Policy Act (NEPA). A finding of no significant impact (FNSI) by EPA is necessary prior to receiving coverage under this permit. If there will be a significant impact, the facility will be required to submit, to EPA, an Environmental Impact Statement (EIS). Facilities determined to be new dischargers will be covered by the terms and conditions of this permit if they meet all the necessary requirements of the coverage.

4. *Expanding Facilities:* Facilities that contemplate expanding shall submit a new NOI that describes the new discharge. The old permit will be terminated and a new permit issued in its place if the facility meets all the necessary requirements of the coverage.

B. Types of Placer Mine Operations Covered

1. Facilities that mine and process gold placer ores using gravity separation methods to recover the gold metal contained in the ore.

a. Open-cut gold placer mines except those open-cut mines that mine less than 1,500 cubic yards of placer ore per mining season.

b. Mechanical dredge gold placer mines (not suction dredges) except those dredges that remove less than 50,000 cubic yards of placer ore per mining season.

2. Suction dredges with intake hoses of greater than 4 inches.

3. Operations utilizing hydraulic removal of overburden.

C. Limitations on Coverage

Many streams and stream reaches in Alaska have been designated as part of the federal wild and scenic rivers system or as Conservation System Units (CSUs) by the federal government. Permittees should contact the district offices of the federal agencies that administer the designated area for additional restrictions that may apply to operating within the area. Many streams in Alaska where placer mining occurs have been designated by Alaska Department of Fish and Game (ADFG) as needing an ADFG Habitat permit with additional restrictions. "The Atlas to the Catalog of Waters Important for Spawning, Rearing or Migration of Anadromous Fish" lists the streams in the State which require a Habitat permit.

D. Prohibitions

Discharges from the following beneficiation processes are not authorized under this permit: Mercury amalgamation, cyanidation, froth floatation, heap and vat leaching.

E. Requiring an Individual Permit

1. The Regional Administrator may require any person authorized by this permit to apply for and obtain an individual National Pollutant Discharge Elimination System (NPDES) permit when:

a. The single discharge or the cumulative number of discharges is/are a significant contributor of pollution;

b. The discharger is not in compliance with the terms and conditions of the general permit;

c. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;

d. Effluent limitations guidelines are subsequently promulgated for the point sources covered by the general permit;

e. A Water Quality Management plan containing requirements applicable to such point sources is approved; or

f. An Individual Control Strategy (ICS) is required under section 304(L) of the Act.

2. The Regional Administrator will notify the operator in writing that a permit application is required. If an operator fails to submit in a timely manner an individual NPDES permit application as required, then the applicability of this general permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal.

3. Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit. The owner or operator shall submit an individual application (Form 1 and Form 2C or 2D) with reasons supporting the request to the Regional Administrator no later than 90 days after the effective date of the permit.

4. When an individual NPDES permit is issued to an owner or operator otherwise covered by this permit, the applicability of this permit to the facility is automatically terminated on the effective date of the individual permit.

5. When an individual NPDES permit is denied to an owner or operator otherwise covered to this permit, the permittee is automatically reinstated under this permit on the date of such denial, unless otherwise specified by the Regional Administrator. A new facility can receive coverage under this general permit by submitting a NOI. See Permit Part I.A.3. for details.

6. A source excluded from a general permit solely because it already has an individual permit may request that the individual permit be revoked and that it be covered by the general permit. Upon revocation of the individual permit, the general permit shall apply to the source.

F. Notification Requirements

1. Owners or operators of facilities authorized by this permit shall submit a NOI to be covered by this permit. The information required for a complete NOI is in appendix A of this permit. Notification must be made:

a. Within 90 days of issuance of this permit; or

b. By January 1 of the year of discharge from a new facility or a facility established since 1988 that has not previously been covered by a permit; or

c. Ninety (90) days prior to the expiration of an existing individual permit. Authorization to discharge requires written notification from EPA that coverage has been granted and that a specific permit number has been assigned to the operation.

2. The NOI shall be signed by the owner or other signatory authority in accordance with Part VI.H. (Signatory Requirements), and a copy shall be retained on site in accordance with Part IV.F. (Retention of Records) of this permit. The address for NOI submission to EPA is: United States Environmental Protection Agency, Region 10, 1200 Sixth Avenue, WD–134, Seattle, Washington 98101.

3. A copy of the NOI must also be sent to the regional office of the Alaska Department of Environmental Conservation (ADEC) that has jurisdiction over the mine. The addresses are:

Alaska Department of Environmental Conservation, 410 Willoughby, Suite 105, Juneau, Alaska 99801

Alaska Department of Environmental Conservation, Northern Regional Office, 610 University Avenue, Fairbanks, Alaska 99709

Alaska Department of Environmental Conservation, Central Regional Office, 3601 "C" Street, Suite 1350, Anchorage, Alaska 99503

4. A copy of the general permit will be sent to the permittee when it is determined that the facility can be granted coverage under this general permit. If it is determined that coverage cannot be granted under this permit, the applicant will be informed of this in writing.

G. Permit Expiration

Coverage under this permit will expire five (5) years from the date of issuance. For facilities submitting a new NOI 90 days prior to expiration of this general permit, the conditions of the expired permit continue in force until the effective date of a new permit.

II. Effluent Limitations

A. Mechanical Operation (Traditional Sluicing)

During the term of this permit, no wastewater discharges are authorized except as specified below.

1. Effluent Limitations.

a. The volume of wastewater which may be discharged shall not exceed the volume of infiltration, drainage and mine drainage waters which is in excess of the make-up water required for operation of the beneficiation process.

b. The wastewater discharged shall not exceed the following:

Effluent characteristic	Instantaneous maximum
Settleable Solids	0.2 ml/L.
Turbidity	5 NTUs above natural background.
Arsenic, Total Recoverable.	(1) 0.18 >g/L. (2) Natural background*

* See Part II.D.4. for details.

2. Effluent discharges are prohibited during periods when new water is allowed to enter the plant site. Additionally, there shall be no discharge as a result of the intake of new water.

B. Hydraulic Removal of Overburden

During the term of this permit, no wastewater discharges are authorized except as specified below.

1. Effluent Limitations. a. The volume of wastewater which may be discharged shall not exceed the volume of infiltration, drainage and mine drainage waters which is in excess of the make-up water required for operation of the hydraulicking process.

b. The wastewater discharged shall not exceed the following:

Effluent characteristic	Instantaneous maximum
Settleable Solids	0.2 ml/L.
Turbidity	5 NTU above natural background.
Arsenic, Total Recoverable.	(1) 0.18 µg/L (2) natural background.*

*See Part II.D.4. for details.

2. Effluent discharges are prohibited during periods when new water is allowed to enter the plant site. Additionally, there shall be no discharge as a result of the intake of new water.

C. Suction Dredging

1. At any point in the receiving stream 500 feet downstream of the dredge's discharge point, the maximum allowable increase in turbidity over the natural receiving stream turbidity while operating is 5 NTUs.

2. A visual increase in turbidity (any cloudiness or muddiness) 500 feet downstream of the suction dredge during operations would be considered a violation of the 5 NTU limit.

3. If noticeable turbidity does occur 500 feet downstream of the work site, operation of the suction dredge must decrease or cease so that a violation as defined above does not exist.

D. Monitoring Requirements

1. Mechanical Operations and Hydraulic Removal of Overburden. a. During the period beginning on the effective date of this permit and lasting until the expiration date, the following monitoring shall be conducted:

Effluent characteristic	Monitoring location	Monitoring frequency	Sample type
Settleable Solids (ml/L)	Effluent	Once per day each day of discharge.	Grab.
Turbidity (NTU)	Effluent natural background	Once per season	Grab.
Arsenic (µg/L) Total recoverable	Effluent natural background*	Once per season	Grab.**
Flow (gpm)	Effluent	(***)	Instantaneous.

*Only when choosing Option (2).
**Analyzed by EPA Method 206.2 with a detection limit of 1 µg/L.
***See Part II.D.1.f. for details.

b. Visual Inspection. The Permittee shall institute a comprehensive visual inspection program to facilitate proper operation and maintenance of the recycle system and the wastewater treatment system. The Permittee shall conduct an inspection of the site once per day during the mining season. The Permittee shall maintain records of all information resulting from any visual inspections. These records shall include, but are not limited to, an evaluation of the condition of all water control devices such as diversion structures and berms and all solids retention structures such as berms, dikes, pond structures, and dams. The records shall also include an assessment of the presence of sediment buildup within the settling ponds. The Permittee shall examine all ponds for the occurrence of short circuiting.

c. Turbidity Monitoring. The Permittee shall monitor the turbidity values of the effluent stream and the background turbidity values of the receiving stream then compare the two samples. The sample results shall be reported on the Annual Discharge Monitoring Report (DMR). The Permittee shall take one sample at a point that is representative of the discharge prior to entering the receiving stream. The Permittee shall take another sample above the discharge point at a location that is considered to be the "natural" background of the receiving stream as defined in permit part V.I. Both samples shall be taken within a reasonable time frame. Monitoring shall be conducted in accordance with accepted analytical procedures. See attachment 1 for sampling protocol.

d. Arsenic Monitoring. Arsenic samples shall be representative of the discharge and shall be taken at a point prior to entering the receiving stream. Arsenic samples taken to determine "natural" background shall be representative of the receiving water upstream from any man-made disturbances. Monitoring shall be conducted in accordance with accepted analytical procedures. The Permittee shall report the sample results on the Annual DMR. See attachment 2 for sampling protocol.

The effluent limitation for total recoverable arsenic is not quantifiable using the EPA approved analytical method, EPA method 206.2. Thus, EPA has set forth reporting thresholds to measure the highest acceptable quantification level for this parameter. This reporting threshold does not authorize the discharge of this parameter in excess of the effluent limitation. For more information, see special conditions in Part IX. of this permit.

e. Settleable Solids Monitoring. Settleable solids samples shall be representative of the discharge and shall be taken at a point prior to entering the receiving stream. Monitoring shall be conducted in accordance with accepted analytical procedures (Standard Methods, 16th Edition, 1985). The Permittee shall report the sample results on the Annual DMR. See attachment 3 for sampling and analysis protocol.

f. Flow Monitoring. Effluent flow shall be measured at the discharge prior to entering the receiving water. Effluent flow shall be measured at least once per day, for continuous discharges, or once during each discharge event if discharges are intermittent. The flow shall be measured in gallons per minute (gpm). The flow measurements, the number of discharge events, and the duration of each discharge event shall be reported in the Annual DMR for each day of the mining season.

2. Suction Dredges. a. Suction Dredge operations shall visually monitor for turbidity as described in Part II.C. once per day of operation. The Permittee shall maintain records of all information resulting from any visual inspections.

b. The Permittee will report the period of suction dredging on the DMR. Visual violation occurrences will also be reported on the DMR along with the measures taken to comply with the provisions of Permit Part II.C.3.

III. Management Practices

A. Mechanical Operations and Hydraulic Removal of Overburden

1. The flow of surface waters (i.e., creek, river, or stream) into the plant site shall be interrupted and these waters diverted around and away to prevent incursion into the plant site.

2. Berms, including any pond walls, dikes, low dams, and similar water retention structures shall be constructed in a manner such that they are reasonably expected to reject the passage of water.

3. Measures shall be taken to assure that pollutant materials removed from the process water and wastewater streams will be retained in storage areas and not discharged or released to the waters of the United States.

4. The amount of new water allowed to enter the plant site for use in material processing shall be limited to the minimum amount required as makeup water for processing operations.

5. All water control devices such as diversion structures and berms and all solids retention structures such as berms, dikes, pond structures, and dams shall be maintained to continue their effectiveness and to protect from failure.

6. The operator shall take whatever reasonable steps are appropriate to assure that, after the mining season, all mine areas, including ponds, are in a condition which will not cause additional degradation to the receiving waters over those resulting from natural causes.

B. Suction Dredges

1. Dredging in waters of the United States is permitted only within the active stream channel.

2. Wherever practicable, the dredge shall be set to discharge into a quiet pool, where settling of dredge spoils can occur more rapidly.

3. Care shall be taken by the operator during refueling of the dredge to prevent spillage into public waters or to groundwater.

4. Dredging is not permitted during the periods that fish eggs could be in the gravel at the dredge site and harassment of fish in the stream is prohibited. "The Atlas to the Catalog of Waters Important for Spawning, Rearing or Migration of Anadromous Fish" lists the streams in the State which require a Habitat permit from the Alaska Department of Fish and Game.

C. Other Requirements—Mechanical Operations and Hydraulic Removal of Overburden

The operator shall maintain fuel handling and storage facilities in a manner which will prevent the discharge of fuel oil into the receiving waters or on the adjoining shoreline. A Spill Prevention Control and Countermeasure Plan (SPCC Plan) shall be prepared and updated as necessary in accordance with provisions of 40 CFR part 112 for facilities storing 660 gallons in a single container above ground, 1,320 gallons in the aggregate above ground, or 42,000 gallons below ground.

The permittee shall indicate on the DMR if an SPCC Plan is necessary and in place at the site and if changes were made to the Plan over the previous year.

D. Storm Exemption

The permittee may qualify for a storm exemption from the technology-based effluent limitations in Part II.A.1.b. of this NPDES general permit if the following conditions are met:

1. The treatment system is designed, constructed and maintained to contain the maximum volume of untreated process wastewater which would be discharged, stored, contained and used or recycled by the beneficiation process into the treatment system during a 4-hour operating period without an increase in volume from precipitation or infiltration, plus the maximum volume of water runoff (drainage waters) resulting from a 5-year, 6-hour precipitation event. In computing the maximum volume of water which would result from a 5-year, 6-hour precipitation event, the operator must include the volume which should result from the plant site contributing runoff to the individual treatment facility.

2. The operator takes all reasonable steps to maintain treatment of the wastewater and minimize the amount of overflow.

3. The source is in compliance with the Best Management Practices in Part III.A. of this permit.

4. The operator complies with the notification requirements of Parts IV.G. and H. of this permit.

IV. Monitoring and Reporting Requirements

A. Representative Sampling

All samples for monitoring purposes shall be representative of the monitored activity, 40 CFR 122.41 (j). To determine compliance with permit effluent limitations, "grab" samples shall be taken as established under Part II.D. of this permit. Specifically, effluent samples for settleable solids, turbidity, and arsenic shall be collected from the settling pond or other treatment systems outlet prior to discharge to the receiving stream. Additionally, turbidity samples shall also be taken above the discharge point at a location that is representative of the receiving stream. Samples for arsenic and turbidity monitoring must be taken during sluicing at a time when the operation has reached equilibrium. For example, samples should be taken when sluice paydirt loading and effluent discharge are constant.

B. Reporting of Monitoring Results

Monitoring results shall be summarized each month and reported on EPA Form 3320–1 (DMR). The DMR shall be submitted to the Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Enforcement Section WD–135, Seattle, Washington 98101–3188, no later than November 30 each year.

If there is no mining activity during the year or no wastewater discharge to a receiving stream, the permittee shall notify EPA of these facts no later than November 30 of each year.

The DMR shall also be sent to the regional office of ADEC that has jurisdiction over the mine. The addresses can be found in permit part I.E.3.

C. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 CFR part 136, unless other test procedures have been specified in this permit.

D. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.

E. Records Contents.

Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The individual(s) who performed the sampling or measurements;
3. The date(s) analyses were performed;
4. The individual(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of such analyses.

F. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation,

copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Director or ADEC at any time. Data collected on-site, copies of DMRs, and a copy of this NPDES permit must be maintained on-site during the duration of activity at the permitted location.

G. Notice of Noncompliance Reporting

1. Any noncompliance which may endanger health or the environment shall be reported as soon as the permittee becomes aware of the circumstance. A written submission shall also be provided in the shortest reasonable period of time after the permittee becomes aware of the occurrence.

2. The following occurrences of noncompliance shall also be reported in writing in the shortest reasonable period of time after the permittee becomes aware of the circumstances:

a. Any unanticipated bypass which exceeds any effluent limitation in the permit (see Part V.G., Bypass of Treatment Facilities.); or

b. Any upset which exceeds any effluent limitation in the permit (see Part V.H., Upset Conditions.).

c. Any violation of the effluent limitations in Permit Parts II.A. and II.B.

3. The written submission shall contain:

a. A description of the noncompliance and its cause;

b. The period of noncompliance, including exact dates and times;

c. The estimated time noncompliance is expected to continue if it has not been corrected; and

d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

4. The Director may waive the written report on a case-by-case basis if an oral report has been received within 24 hours by the Water Compliance Section in Seattle, Washington, by phone, (206) 553–1213.

5. Reports shall be submitted to the addresses in Part IV.B., Reporting of Monitoring Results.

H. Other Noncompliance Reporting

Instances of noncompliance not required to be reported in IV.G. above shall be reported at the time that monitoring reports for Part IV.B. are submitted. The reports shall contain the information listed in Part IV.G.3.

I. Inspection and Entry

The permittee shall allow the Director, ADEC, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

V. Compliance Responsibilities

A. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director and ADEC of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

B. Penalties for Violations of Permit Conditions

1. Administrative Penalty. The Act provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be subject to an administrative penalty, not to exceed $10,000 per day for each violation.

2. Civil Penalty. The Act provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be subject to a civil penalty, not to exceed $25,000 per day for each violation.

3. Criminal Penalties: a. Negligent Violations. The Act provides that any person who negligently violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be punished by a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or by both.

b. Knowing Violations. The Act provides that any person who knowingly violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be punished by a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than 3 years, or by both.

c. Knowing Endangerment. The Act provides that any person who knowingly violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this subparagraph, be subject to a fine of not more than $1,000,000.

d. False Statements. The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more that $10,000, or by imprisonment for not more than 2 years, or by both.

Except as provided in permit conditions in Part V.G., Bypass of Treatment Facilities and Part V.H., Upset Conditions, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

C. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the

permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

F. Removed Substances

Solids, sludges, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner so as to prevent any pollutant from such materials from entering waters of the United States.

G. Bypass of Treatment Facilities

1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section.

2. Notice:

a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.

b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part III.G., Notice of Noncompliance Reporting.

3. Prohibition of bypass.

a. Bypass is prohibited and the Director or ADEC may take enforcement action against a permittee for a bypass, unless:

(1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under paragraph 2 of this section.

b. The Director and ADEC may approve an anticipated bypass, after considering its adverse effects, if the Director and ADEC determine that it will meet the three conditions listed above in paragraph 3.a. of this section.

H. Upset Conditions

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 2 of this section are met. An administrative review of a claim that noncompliance was caused by an upset does not represent final administrative action for any specific event. A determination is not final until formal administrative action is taken for the specific violation(s).

2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and that the permittee can identify the cause(s) of the upset;

b. The permitted facility was at the time being properly operated;

c. The permittee submitted notice of the upset as required under Part IV.G., Notice of Noncompliance Reporting; and

d. The permittee complied with any remedial measures required under Part V.D., Duty to Mitigate.

3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

I. Toxic Pollutants

The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

VI. General Requirements

A. Changes in Discharge of Toxic Substances

Notification shall be provided to the Director and ADEC as soon as the permittee knows of, or has reason to believe:

1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

a. One hundred micrograms per liter (100 µg/l);

b. Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;

c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or

d. The level established by the Director in accordance with 40 CFR 122.44(f).

2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

a. Five hundred micrograms per liter (500 µg/l);

b. One milligram per liter (1 mg/l) for antimony;

c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or

d. The level established by the Director in accordance with 40 CFR 122.44(f).

B. Planned Changes

The permittee shall give notice to the Director and ADEC as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR 122.29(b); or

2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under part VI.A.1.

C. Anticipated Noncompliance

The permittee shall also give advance notice to the Director and ADEC of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

D. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

E. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.

F. Duty to Provide Information

The permittee shall furnish to the Director and ADEC, within a reasonable time, any information which the Director or ADEC may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director or ADEC, upon request, copies of records required to be kept by this permit.

G. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director or ADEC, it shall promptly submit such facts or information.

H. Signatory Requirements

All applications, reports or information submitted to the Director and ADEC shall be signed and certified.

1. All permit applications shall be signed as follows:

a. For a corporation: by a responsible corporate officer.

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

2. All reports required by the permit and other information requested by the Director or ADEC shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described above and submitted to the Director and ADEC, and

b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

3. Changes to authorization. If an authorization under paragraph IV.H.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph VI.H.2. must be submitted to the Director and ADEC prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

I. Availability of Reports

Except for data determined to be confidential under 40 CFR part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Director and ADEC. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

J. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Act.

K. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

L. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

M. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by section 510 of the Act.

N. Paperwork Reduction Act

EPA has reviewed the requirements imposed on regulated facilities in this draft general permit under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The information collection requirements of this permit have already been approved by the Office of Management and Budget in submission made for the NPDES permit program under the provisions of the CWA.

VII. Reopener Clause

If effluent limitations or requirements are established or modified in an approved State Water Quality Management Plan or Waste Load Allocation and if they are more stringent that those listed in this permit or control a pollutant not listed in this permit, this permit may be reopened to include those more stringent limits or requirements.

VIII. Definitions

A. "Bypass" means the intentional diversion of waste streams around any portion of a treatment facility.

B. "Drainage Water" means incidental surface waters from diverse sources such as rainfall, snow melt or permafrost melt.

C. A "Grab" sample is a single sample or measurement taken at a specific time.

D. "Infiltration Water" means that water which permeates through the earth into the plant site.

E. "Instantaneous Maximum" means the maximum value measured at any time.

F. "Mine Drainage" means any water, not associated with active sluice water, that is drained, pumped or siphoned from a mine.

G. "Monitoring Month" means the period consisting of the calendar weeks which begin and end in a given calendar month.

H. "Natural Background" means the level upstream from all mining and other man-made disturbances.

I. "NTU" (Nephelometric Turbidity Unit) is an expression of the optical property that causes light to be scattered and absorbed rather than transmitted in a straight line through the water.

J. "Make-up Water" means that volume of water needed to replace process water lost due to evaporation and seepage in order to maintain the quantity necessary for the operation of the beneficiation process.

K. "New Water" means water from any discrete source such as a river, creek, lake or well which is deliberately allowed or brought into the plant site.

L. "Plant Site" means the area occupied by the mine, necessary haulage ways from the mine to the beneficiation process, the beneficiation area, the area occupied by the wastewater treatment storage facilities and the storage areas for waste materials and solids removed from the wastewaters during treatment.

M. "Receiving Water" means waters such as lakes, rivers, streams, creeks, or any other surface waters which receive wastewater discharges.

N. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

O. "Short circuiting" means ineffective settling ponds due to inadequate or insufficient retention characteristics, excessive sediment deposition, embankment infiltration/percolation, lack of maintenance, etc.

P. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Q. "Wastewater" means all water used in and resulting from the beneficiation process (including but not limited to the water used to move the ore to and through the beneficiation process, the water used to aid in classification, and the water used in gravity separation), mine drainage, and infiltration and drainage waters which commingle with mine drainage or waters resulting from the beneficiation process.

IX. Special Conditions—Effluent Limits Below Detection Levels

A. Reporting Levels

1. For purpose of reporting, the permittee shall use the reporting threshold equivalent to the minimum level (ML). The ML is defined as the concentration in a sample equivalent to the concentration of the lowest calibration standard analyzed in a specific analytical procedure, assuming that all the method-specified sample weights, volumes and processing steps have been followed. As such, the permittee must utilize a standards equivalent to the concentration of the ML for arsenic which is 4 µg/L.

2. For the purpose of reporting on the DMR, actual analytical results should be reported whenever possible. All analytical values at or above the ML shall be reported as the measured value. When the results cannot be quantified, values below the method detection limit (1 µg/L) shall be reported as zero (0 µg/L) and values above the method detection level and below the ML shall be reported as ½ the ML or 2 µg/L.

B. Reporting Details

In the "Comment" section of the DMR, the permittee shall report the lowest calibration standard used and the ML achieved.

Attachment 1

Turbidity Sampling Protocol

1. Grab samples shall be collected.
2. Samples shall be collected in a sterile one liter polypropylene or glass container.
3. Samples must be cooled to 4 degrees celsius (iced).
4. Samples must be analyzed within 48 hours of sample collection.

Attachment 2

Arsenic Sampling Protocol

1. Grab samples shall be collected.
2. Samples shall be collected in a sterile one liter polypropylene or glass container.
3. Samples must be cooled to 4 degrees celsius (iced).
4. Samples must be sent to a laboratory for analysis as soon as possible.
5. Samples must be acidified with nitric acid (HNO_3), to a pH less than 2, upon receipt at the laboratory.
6. Samples must be acidified for at least 16 hours prior to analysis.

Attachment 3

Settleable Solids Sampling Protocol

1. Grab samples shall be collected.
2. Samples shall be collected in a sterile one liter polypropylene or glass container.
3. Samples must be cooled to 4 degrees celsius (iced).
4. Samples must be analyzed within 48 hours of sample collection.

Settleable Solids Analysis Protocol

1. Fill an Imhoff cone to the liter mark with a thoroughly mixed sample.
2. Settle for 45 minutes, then gently stir the sides of the cone with a rod or by gently spinning the cone.
3. Settle 15 minutes longer, then record the volume of settleable matter in the cone as milliliters per liter. Do not estimate any floating material. The lowest measurable level on the Imhoff cone is 0.1 ml/l. Any settleable material below the 0.1 ml/l mark shall be recorded as trace.

Appendix A—Notice of Intent (NOI) Information

Permittee Name
  Address & Phone Number (Summer)
  Address & Phone Number (Winter)
Operator Name (if different that Permittee)
  Address & Phone Number (Summer)
  Address & Phone Number (Winter)
Facility Name
Facility Location (Nearest Town)
Mining District
Latitude and Longitude
Township, Section, Range
Previous NPDES permit number
Receiving Water
Maximum Effluent Flow
Lowflow stream flow
Type of Operation (Traditional, Suction Dredge, Hydraulicking)
Amount of Material processed
Signature and Date (certified according to permit part VI.H.4.)
A drawing or sketch of the operation

[FR Doc. 94-1004 Filed 1-13-94; 8:45 am]

BILLING CODE 6560-50-P

Reader Aids

Federal Register

Vol. 59, No. 10

Friday, January 14, 1994

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	202–523–5227
Public inspection desk	523–5215
Corrections to published documents	523–5237
Document drafting information	523–3187
Machine readable documents	523–3447

Code of Federal Regulations

Index, finding aids & general information	523–5227
Printing schedules	523–3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523–6641
Additional information	523–5230

Presidential Documents

Executive orders and proclamations	523–5230
Public Papers of the Presidents	523–5230
Weekly Compilation of Presidential Documents	523–5230

The United States Government Manual

General information	523–5230

Other Services

Data base and machine readable specifications	523–3447
Guide to Record Retention Requirements	523–3187
Legal staff	523–4534
Privacy Act Compilation	523–3187
Public Laws Update Service (PLUS)	523–6641
TDD for the hearing impaired	523–5229

ELECTRONIC BULLETIN BOARD

Free **Electronic Bulletin Board** service for Public Law numbers, and Federal Register finding aids.	202–275–1538, or 275–0920

FEDERAL REGISTER PAGES AND DATES, JANUARY

1–240 3
241–498 4
499–652 5
653–946 6
947–1262 7
1263–1446 10
1447–1616 11
1617–1888 12
1889–2280 13
2281–2518 14

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
6644 1261
Executive Orders:
12864 (Amended by EO 12890) 499
12890 499
Administrative Orders:
Memorandums:
January 1, 1994 653
Presidential Determinations:
No. 94–7 of December 18, 1993 1

5 CFR

1620 1889

7 CFR

54 1890
58 1263
201 655
210 1890
215 1890
220 1890
253 1447
254 1447
301 2281
322 656
906 ..... 1266, 1449, 1450
907 ..... 241, 1268
908 ..... 241, 1268
910 1269
928 1266
932 1270
944 1270
955 1894
959 1452
966 1453
984 1453
1106 1273
1464 1274
1468 2283
1710 494
1773 657
Proposed Rules:
13 2307
51 1490
701 1293
723 1493
1005 1305
1007 1305
1011 1305
1030 260
1046 1305
1065 260
1068 260
1076 260
1079 260
1094 1307
1941 2307
1943 2307
1945 2307
1951 2307

8 CFR

3 1896
103 ..... 1455, 1896
204 501
212 ..... 1467, 1992
214 ..... 1455, 1468
223 1455
223a 1455
238 1617
242 1896
245a 1470
248 1455
264 1455
292 ..... 1455, 1896
Proposed Rules:
103 ..... 1308, 1317
211 1317
216 1317
235 1317
242 1317

9 CFR

94 2285
Proposed Rules:
Ch. III 1499
78 2312
318 550
381 551

10 CFR

20 1900
26 502
30 1618
34 1900
40 1618
50 1618
70 1618
72 1618
73 661
Proposed Rules:
50 979

12 CFR

1102 1900
Proposed Rules:
230 1921
960 1323

13 CFR

Proposed Rules:
121 1360

14 CFR

39 ..... 3, 4, 507, 509, 511, 514, 1471, 1903, 1904, 1905, 1906, 1907, 1909, 1910, 1912, 1913
71 ..... 662, 947, 1472, 1619, 1620, 1621, 1623

97 ... 1623, 1625
121 ... 1780
125 ... 1780
135 ... 1780

Proposed Rules:
Ch. I ... 31, 554, 1362
27 ... 554
29 ... 554
33 ... 703, 704, 984
39 ... 35, 265, 266, 555, 556, 1500, 1501, 1503, 1505, 1676
71 ... 706, 1677, 1679, 1680, 1681, 1683, 1684, 1686, 1687, 2316, 2454

15 CFR
295 ... 663
1180 ... 6

Proposed Rules:
990 ... 1062, 1189, 1190

16 CFR
305 ... 1626, 1627
453 ... 1592
500 ... 1862

17 CFR
30 ... 1915
1 ... 2286
5 ... 2286
239 ... 242

Proposed Rules:
1 ... 1506
30 ... 1506
33 ... 01506
190 ... 1506
201 ... 1509
202 ... 1509
229 ... 1509
240 ... 1509

18 CFR
161 ... 243
250 ... 243
284 ... 516
341 ... 12
342 ... 12
343 ... 12
344 ... 12
345 ... 12
347 ... 12
360 ... 12
361 ... 12
375 ... 12, 1917
385 ... 1628

Proposed Rules:
141 ... 1687, 1690
161 ... 268
250 ... 268
375 ... 1687
385 ... 1687
388 ... 1690

19 CFR
4 ... 1918
12 ... 110
102 ... 110
123 ... 1918
175 ... 1992, 2292
134 ... 110
356 ... 228

Proposed Rules:
4 ... 141
10 ... 141
12 ... 141
102 ... 141
134 ... 141
177 ... 141

20 CFR
209 ... 2292
404 ... 670, 1274, 1416, 1629
416 ... 1274, 1629
617 ... 906
621 ... 874
655 ... 874

Proposed Rules:
200 ... 2317, 2318
422 ... 1363

21 CFR
20 ... 350, 395, 531
76 ... 2293
100 ... 536
101 ... 350, 354, 378, 395, 423, 436
109 ... 1638
510 ... 01918, 1919
520 ... 1918, 1919
1308 ... 671

Proposed Rules:
101 ... 427
347 ... 2319

22 CFR
41 ... 1473

23 CFR

Proposed Rules:
1204 ... 2320
1205 ... 2337

24 CFR
104 ... 1642
251 ... 1474
252 ... 1474
255 ... 1474
3280 ... 2456
3282 ... 2456

Proposed Rules:
945 ... 1244
960 ... 1244

25 CFR
23 ... 2248

26 CFR
1 ... 12, 947, 1476
602 ... 12

Proposed Rules:
1 ... 807, 1690

27 CFR
9 ... 537

Proposed Rules:
9 ... 1510

28 CFR
571 ... 1238
572 ... 1238

Proposed Rules:
65 ... 558
81 ... 37
545 ... 1240
550 ... 1240

29 CFR
504 ... 874
1650 ... 23
1915 ... 146
1926 ... 146
1952 ... 2294
2610 ... 2295
2619 ... 2296
2622 ... 2295
2644 ... 2299
2676 ... 2296

Proposed Rules:
2530 ... 1692

30 CFR
904 ... 540
914 ... 1919
936 ... 2300

Proposed Rules:
870 ... 278
886 ... 278
887 ... 278
888 ... 278
917 ... 1921

32 CFR
40a ... 1645

33 CFR
2 ... 947
3 ... 947
100 ... 673
147 ... 674
165 ... 675, 676, 948, 949

Proposed Rules:
117 ... 986

34 CFR
319 ... 1651
429 ... 1651
462 ... 1418
472 ... 1418
674 ... 1651
682 ... 1651
685 ... 472

Proposed Rules:
75 ... 2480
76 ... 2480
682 ... 2486

37 CFR
2 ... 256

38 CFR
4 ... 677

Proposed Rules:
3 ... 278

39 CFR

Proposed Rules:
111 ... 1512

40 CFR
13 ... 650
52 ... 1476, 1485
61 ... 542
63 ... 1992
180 ... 950, 951, 1652
260 ... 458
261 ... 458
271 ... 1275
305 ... 25
600 ... 677
799 ... 1992

Proposed Rules:
Ch. I ... 1923
52 ... 278, 707, 988, 1513, 1693, 1695, 1698
55 ... 994
63 ... 1515
81 ... 707
131 ... 810
180 ... 1700, 1702, 1704
261 ... 709
300 ... 714
372 ... 1788
430 ... 1515
721 ... 38

41 CFR
105–57 ... 1277
201–17 ... 952
201–20 ... 952

Proposed Rules:
201–1 ... 39
201–3 ... 39
201–20 ... 39
201–39 ... 39

42 CFR
401 ... 108
405 ... 1278
410 ... 1278
412 ... 1654
413 ... 1278, 1654
414 ... 1278
421 ... 679
435 ... 1659
436 ... 1659
488 ... 108
489 ... 108
493 ... 682

Proposed Rules:
406 ... 714

43 CFR
4 ... 1486

Public Land Orders:
6986 ... 108
7025 ... 2301
7026 ... 1489

Proposed Rules:
12 ... 2343
403 ... 40
426 ... 997
3160 ... 718

44 CFR
10 ... 953

45 CFR

Proposed Rules:
2510 ... 1194
2513 ... 1194
2515 ... 1194
2516 ... 1194
2517 ... 1194
2518 ... 1194
2519 ... 1194
2520 ... 1194
2521 ... 1194
2522 ... 1194
2523 ... 1194
2524 ... 1194
2530 ... 1194
2531 ... 1194
2532 ... 1194
2540 ... 1194

46 CFR
501 ... 954

Proposed Rules:
67 ... 725

114....1994
115....1994
116....1994
117....1994
118....1994
119....1994
120....1994
121....1994
122....1994
123....1994
124....1994
125....1994
126....1994
127....1994
128....1994
129....1994
130....1994
131....1994
132....1994
133....1994
134....1994
135....1994
136....1994
137....1994
138....1994
139....1994
170....1994
171....1994
173....1994
175....1994
176....1994
177....1994
178....1994
179....1994
180....1994
181....1994
182....1994
183....1994
184....1994
185....1994
514....1515
571....1923
572....1923
580....1515
581....1515

47 CFR

0....542
1....542
22....1285
25....1285
73....2301, 2302
80....1285
87....1285
90....1285
95....1285
97....542
99....1285

Proposed Rules:

15....280
73....41, 42, 43, 44, 726, 1365, 1366, 2343, 2344
76....1706
90....280
97....558

48 CFR

5....544
14....544
15....544
17....544
25....544
52....544
225....1288
252....1288

Proposed Rules:

519....2345
552....2345

49 CFR

173....1784
180....1784
391....1366
392....1366
396....1366
1051....2303
1053....2303
1056....2304
1312....2303

Proposed Rules:

393....1706
571....281
1312....2347

50 CFR

222....440
227....440
611....685
625....257
641....966
642....257
651....26
663....258, 685, 698
676....701

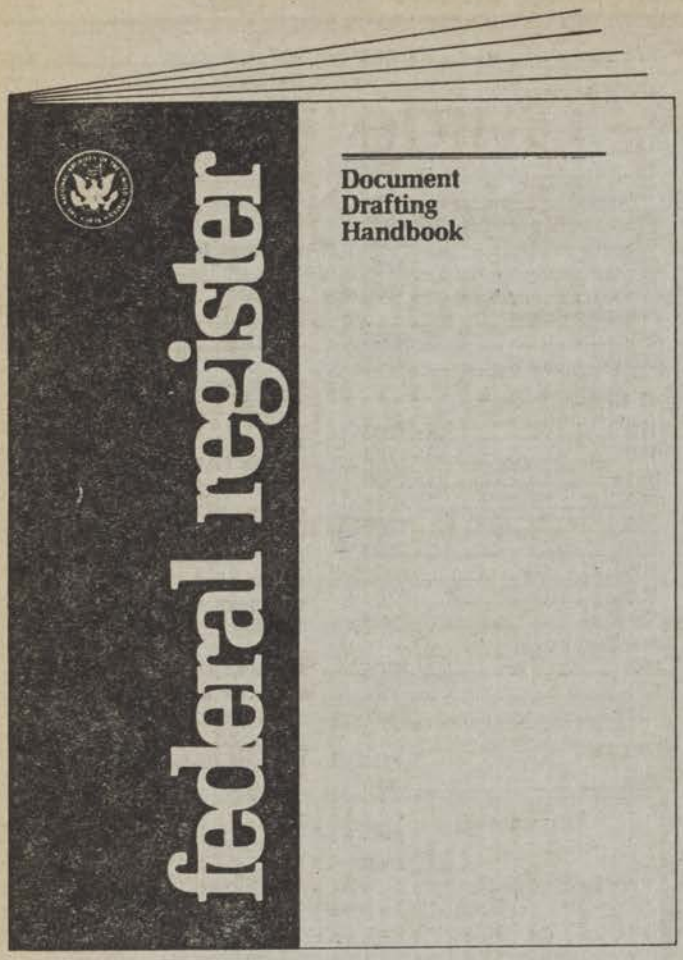
Proposed Rules:

17....44, 48, 53, 288, 852, 862, 869, 997
638....2347

LIST OF PUBLIC LAWS

Note: The list of Public Laws for the first session of the 103d Congress has been completed and will resume when bills are enacted into law during the second session of the 103d Congress, which convenes on January 25, 1994.

A cumulative list of Public Laws for the first session of the 103d Congress was published in Part IV of the **Federal Register** on January 3, 1994.



Federal Register Document Drafting Handbook

A Handbook for Regulation Drafters

This handbook is designed to help Federal agencies prepare documents for publication in the Federal Register. The updated requirements in the handbook reflect recent changes in regulatory development procedures, document format, and printing technology.

Price $5.50

Superintendent of Documents Publication Order Form

Order processing code: ***6133**

Charge your order. It's easy!

To fax your orders and inquiries—(202) 512-2250

☐ **YES,** please send me the following indicated publications:

_____ copies of **DOCUMENT DRAFTING HANDBOOK at $5.50 each.** S/N 069-000-00037-1

1. The total cost of my order is $_____ Foreign orders please add an additional 25%.
All prices include regular domestic postage and handling and are subject to change.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____) _____
(Daytime phone including area code)

3. Please choose method of payment:

☐ Check payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐–☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

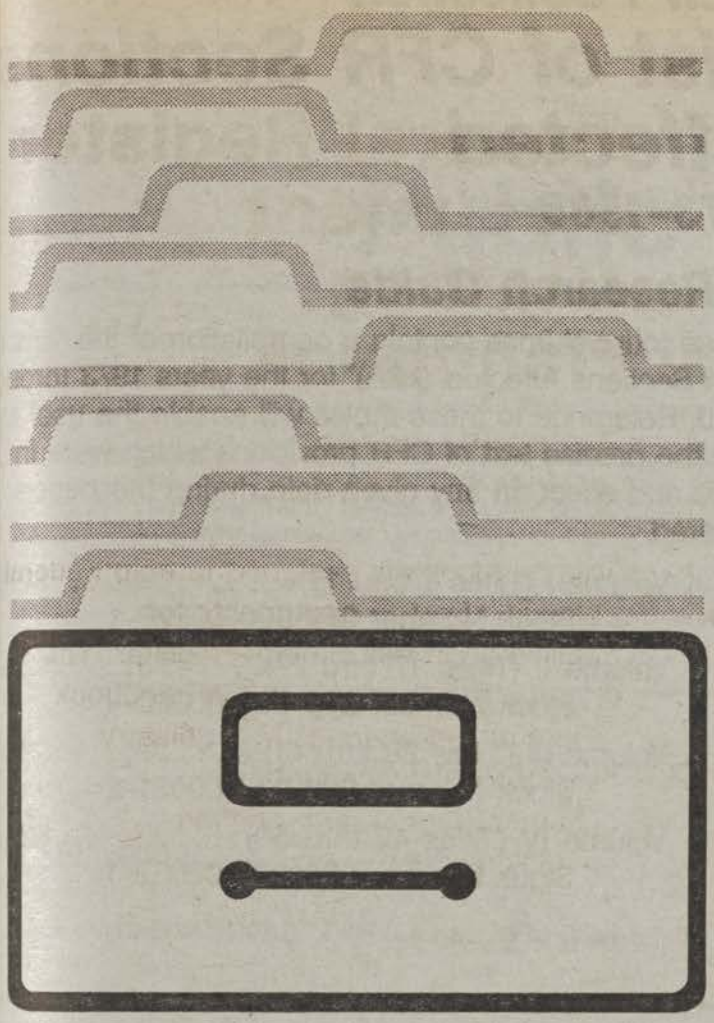
_____
(Credit card expiration date)

Thank you for your order!

_____
(Signature)

(Rev 12/91)

4. Mail To: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954



Guide to Record Retention Requirements

in the Code of Federal Regulations (CFR)

GUIDE: Revised January 1, 1992

SUPPLEMENT: Revised January 1, 1993

The GUIDE and the SUPPLEMENT should be used together. This useful reference tool, compiled from agency regulations, is designed to assist anyone with Federal recordkeeping obligations.

The various abstracts in the GUIDE tell the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

The GUIDE is formatted and numbered to parallel the CODE OF FEDERAL REGULATIONS (CFR) for uniformity of citation and easy reference to the source document.

Compiled by the Office of the Federal Register, National Archives and Records Administration.

Superintendent of Documents **Publications** Order Form

Order Processing Code:
*

P3

Charge your order. It's Easy! MasterCard VISA

To fax your orders (202) 512-2250

☐ **YES**, please send me the following:

_____copies of the 1992 GUIDE TO RECORD RETENTION REQUIREMENTS IN THE CFR S/N 069-000-00046-1 at $15.00 each.

_____copies of the 1993 SUPPLEMENT TO THE GUIDE, S/N 069-001-00052-1 at $4.50 each.

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

(Company or Personal Name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

(Daytime phone including area code)

(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐–☐

☐ VISA or MasterCard Account

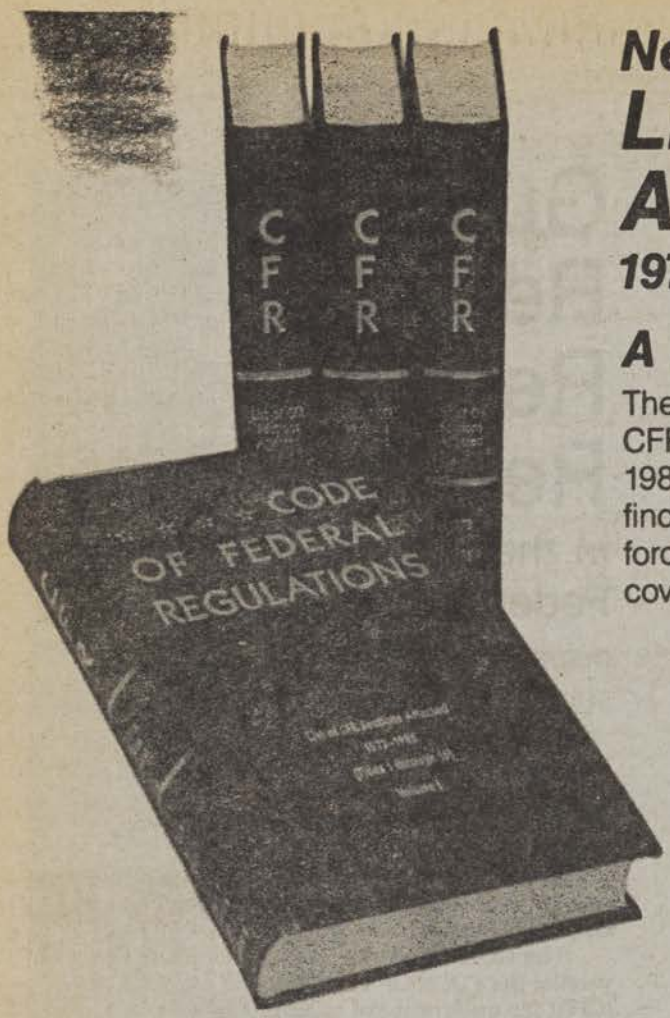
☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

☐☐☐☐ (Credit card expiration date)

Thank you for your order!

(Authorizing Signature) (5/93)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954



New Publication

List of CFR Sections Affected

1973-1985

A Research Guide

These four volumes contain a compilation of the "List of CFR Sections Affected (LSA)" for the years 1973 through 1985. Reference to these tables will enable the user to find the precise text of CFR provisions which were in force and effect on any given date during the period covered.

Volume I (Titles 1 thru 16) $27.00
Stock Number 069-000-00029-1

Volume II (Titles 17 thru 27) $25.00
Stock Number 069-000-00030-4

Volume III (Titles 28 thru 41) $28.00
Stock Number 069-000-00031-2

Volume IV (Titles 42 thru 50) $25.00
Stock Number 069-000-00032-1

Superintendent of Documents **Publications** Order Form

Order Processing Code:
***6962**

Charge your order. It's easy!

To fax your orders and inquiries–(202) 512-2250

Please Type or Print (Form is aligned for typewriter use.)

Prices include regular domestic postage and handling and are good through 12/92. After this date, please call Order and Information Desk at 202-783-3238 to verify prices. International customers please add 25%.

Qty.	Stock Number	Title	Price Each	Total Price
1	021-602-00001-9	Catalog–Bestselling Government Books	FREE	FREE
			Total for Publications	

(Company or personal name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

( )
(Daytime phone including area code)

Mail order to:
New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

Please Choose Method of Payment:

☐ Check payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐ – ☐

☐ VISA or MasterCard Account

(Credit card expiration date)

Thank you for your order!

(Signature)

Rev 6-92

Public Laws

103d Congress, 2d Session, 1994

Pamphlet prints of public laws, often referred to as slip laws, are the initial publication of Federal laws upon enactment and are printed as soon as possible after approval by the President. Legislative history references appear on each law. Subscription service includes all public laws, issued irregularly upon enactment, for the 103d Congress, 2d Session, 1994.

(Individual laws also may be purchased from the Superintendent of Documents, Washington, DC 20402-9328. Prices vary. See Reader Aids Section of the Federal Register for announcements of newly enacted laws and prices.)

Superintendent of Documents **Subscriptions** Order Form

der Processing Code:
6216

S3

☐ **YES**, enter my subscription(s) as follows:

Charge your order. It's Easy! MasterCard VISA

To fax your orders (202) 512-2233

____ subscriptions to **PUBLIC LAWS** for the 103d Congress, 2d Session, 1994 for $156 per subscription.

he total cost of my order is $_____. International customers please add 25%. Prices include regular domestic ostage and handling and are subject to change.

Company or Personal Name) (Please type or print)

Additional address/attention line)

Street address)

City, State, ZIP Code)

Daytime phone including area code)

Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐ – ☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

☐☐☐☐ (Credit card expiration date)

Thank you for your order!

(Authorizing Signature) (1/94)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

Order Now!

The United States Government Manual 1993/94

As the official handbook of the Federal Government, the *Manual* is the best source of information on the activities, functions, organization, and principal officials of the agencies of the legislative, judicial, and executive branches. It also includes information on quasi-official agencies and international organizations in which the United States participates.

Particularly helpful for those interested in where to go and who to see about a subject of particular concern is each agency's "Sources of Information" section, which provides addresses and telephone numbers for use in obtaining specifics on consumer activities, contracts and grants, employment, publications and films, and many other areas of citizen interest. The *Manual* also includes comprehensive name and agency/subject indexes.

Of significant historical interest is Appendix C, which lists the agencies and functions of the Federal Government abolished, transferred, or changed in name subsequent to March 4, 1933.

The *Manual* is published by the Office of the Federal Register, National Archives and Records Administration.

$30.00 per copy

Superintendent of Documents **Publications** Order Form

Order Processing Code:
*** 6395**

Charge your order. It's easy!

To fax your orders (202) 512-2

☐ **YES,** please send me _____ copies of the **The United States Government Manual, 1993/94** S/N 069–000–0005 at $30.00 ($37.50 foreign) each.

The total cost of my order is $ _____. Price includes regular domestic postage and handling and is subject to char

(Company or personal name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, Zip code)

(Daytime phone including area code)

(Purchase order no.)

Please choose method of payment:

❑ Check payable to the Superintendent of Document

❑ GPO Deposit Account

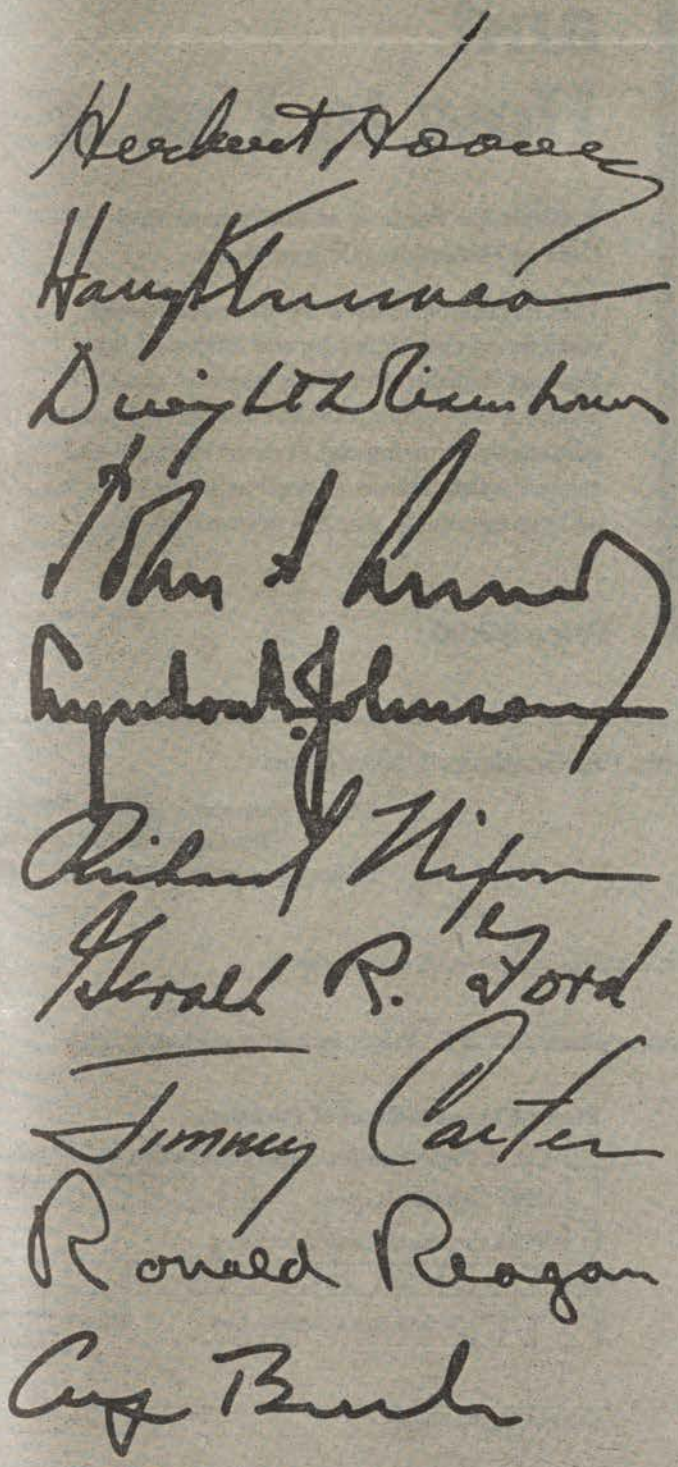
❑ VISA ❑ MasterCard Account

(Credit card expiration date)

Thank you your or

(Authorizing signature)

Mail to: Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250–795



Public Papers of the Presidents of the United States

Annual volumes containing the public messages and statements, news conferences, and other selected papers released by the White House.

Volumes for the following years are available; other volumes not listed are out of print.

Ronald Reagan

1983 (Book I) $31.00

1983 (Book II) $32.00

1984 (Book I) $36.00

1984 (Book II) $36.00

1985 (Book I) $34.00

1985 (Book II) $30.00

1986 (Book I) $37.00

1986 (Book II) $35.00

1987 (Book I) $33.00

1987 (Book II) $35.00

1988 (Book I) $39.00

1988–89 (Book II) $38.00

George Bush

1989 (Book I) $38.00

1989 (Book II) $40.00

1990 (Book I) $41.00

1990 (Book II) $41.00

1991 (Book I) $41.00

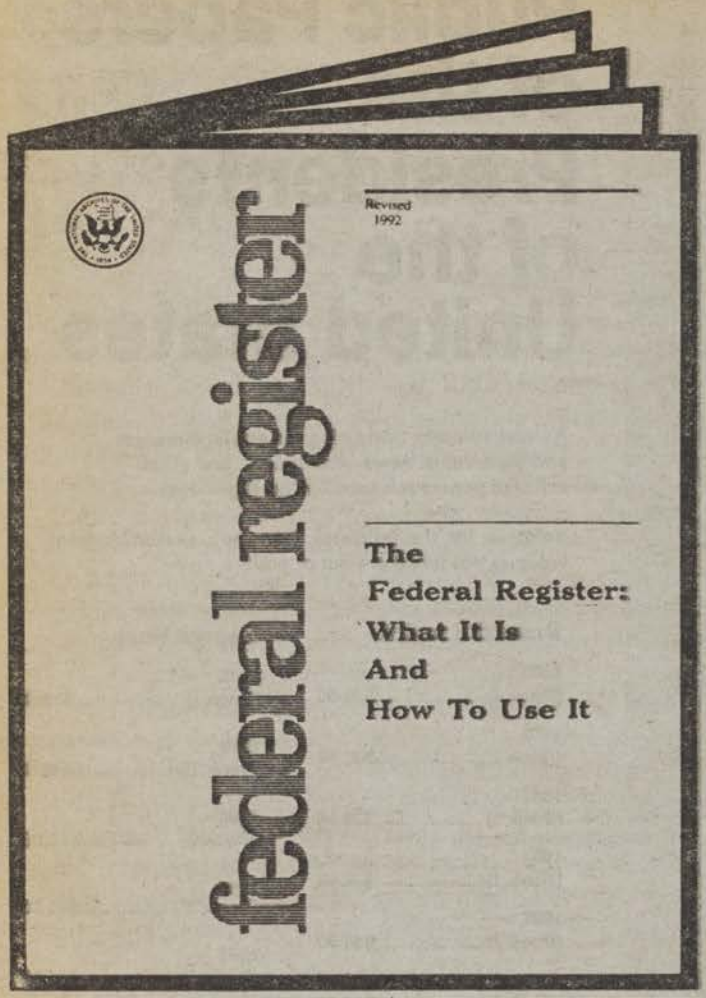
1991 (Book II) $44.00

1992 (Book I) $47.00

Published by the Office of the Federal Register, National Archives and Records Administration

Mail order to:
New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250–7954

(Rev. 7/93)



Announcing the Latest Edition

The Federal Register: What It Is and How to Use It

A Guide for the User of the Federal Register—Code of Federal Regulations System

This handbook is used for the educational workshops conducted by the Office of the Federal Register. For those persons unable to attend a workshop, this handbook will provide guidelines for using the *Federal Register* and related publications, as well as an explanation of how to solve a sample research problem.

Price $7.00

Superintendent of Documents **Publications** Order Form

Order processing code:
*6173

☐ **YES**, please send me the following:

Charge your order. It's Easy! MasterCard VISA

To fax your orders (202)-512-2250

_____ copies of **The Federal Register-What It Is and How To Use It**, at $7.00 per copy. Stock No. 069-000-00044-4

The total cost of my order is $_____. International customers please add 25%. Prices include regular domestic postage and handling and are subject to change.

(Company or Personal Name) (Please type or print)

(Additional address/attention line)

(Street address)

(City, State, ZIP Code)

(Daytime phone including area code)

(Purchase Order No.)

May we make your name/address available to other mailers? YES ☐ NO ☐

Please Choose Method of Payment:

☐ Check Payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

☐☐☐☐ (Credit card expiration date)

Thank you for your order!

(Authorizing Signature) (Rev. 1-93)

Mail To: New Orders, Superintendent of Documents
P.O. Box 371954, Pittsburgh, PA 15250-7954

Printed on recycled paper