

3-15-94

Vol. 59

No. 50

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# federal register

Tuesday  
March 15, 1994

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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)

18-18-18  
18-18-18  
18-18-18

3-15-94  
Vol. 59 No. 50  
Pages 11897-12141

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Tuesday  
March 15, 1994

# Federal Register

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### WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

### WASHINGTON, DC

- WHEN:** March 16 at 9:00 am
- WHERE:** Office of the Federal Register, 7th Floor Conference Room, 800 North Capitol Street NW, Washington, DC (3 blocks north of Union Station Metro)
- RESERVATIONS:** 202-523-4538

### OAKLAND, CA

- WHEN:** March 30 at 9:00 am
- WHERE:** Oakland Federal Building, 1301 Clay Street, Conference Rooms A, B, and C, 2nd Floor, Oakland, CA
- RESERVATIONS:** Federal Information Center  
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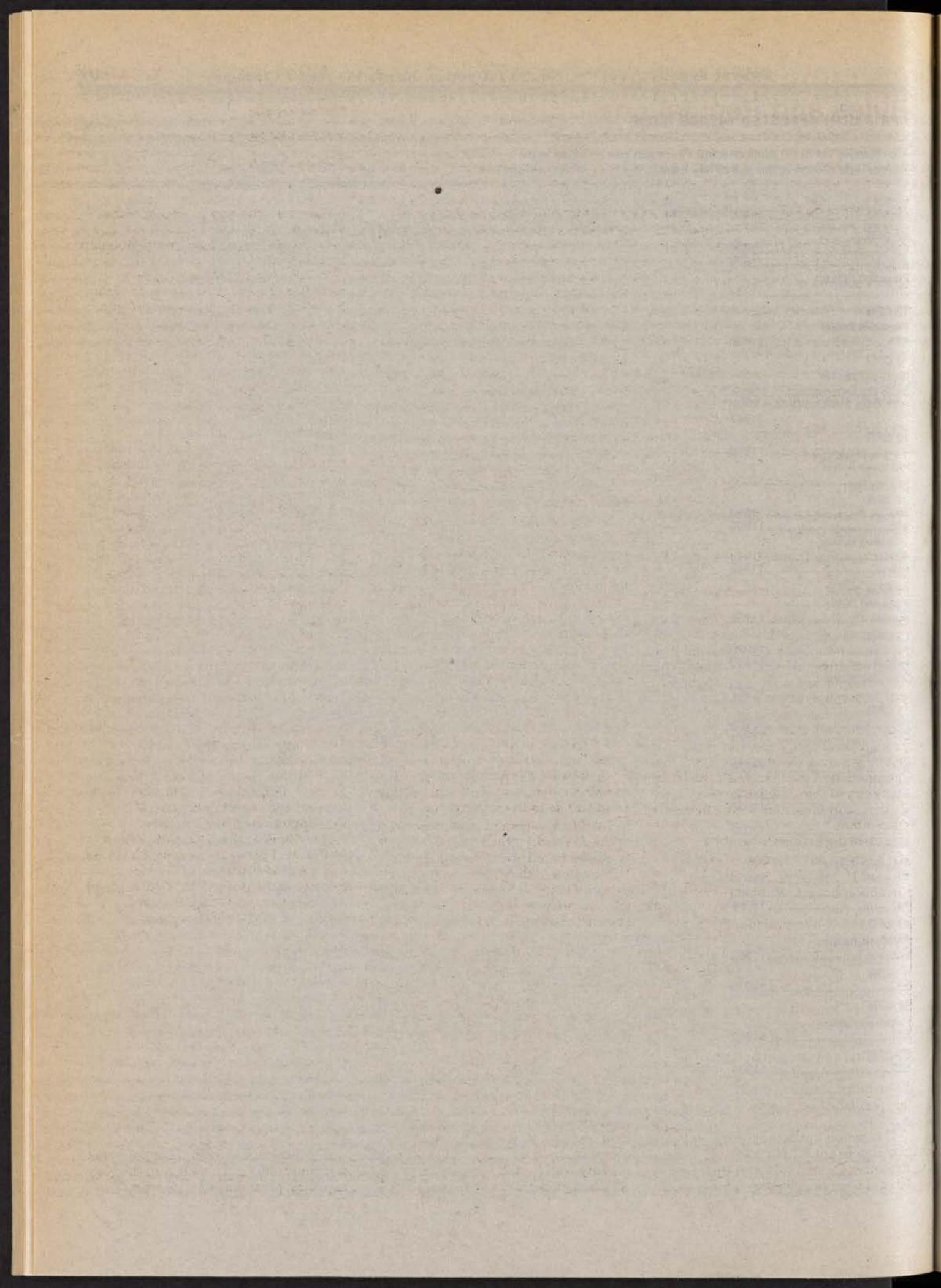
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# Rules and Regulations

Federal Register

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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

### Agricultural Marketing Service

#### 7 CFR Part 1211

[FV-94-701]

#### Pecan Promotion and Research Plan; Termination Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; termination order.

**SUMMARY:** This document terminates all but certain administrative provisions of the Pecan Promotion and Research Plan (Plan) effective on March 15, 1994. The remaining administrative provisions will be terminated at a later date.

A referendum was conducted with registration of voters from September 27 through October 1, 1993, and mail balloting during October 4-6, 1993. Termination of the Plan was favored by a majority of the growers, grower-shellers, and importers voting in the referendum.

**EFFECTIVE DATE:** March 15, 1994.

#### FOR FURTHER INFORMATION CONTACT:

Richard H. Mathews, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2535-S, Washington, DC 20090-6456, telephone (202) 720-9915.

**SUPPLEMENTARY INFORMATION:** Prior document in this proceeding: Pecan Promotion and Research Plan: Order Directing That a Referendum Be Conducted; Determination of Representative Period for Voter Eligibility; and Designation of a Referendum Agent to Conduct the Referendum, issued on July 28, 1993, and published on August 3, 1993 (58 FR 41203).

This action has been determined to be non-significant for purposes of Executive Order 12866 and therefore has not been reviewed by OMB.

This termination order has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. This action will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this termination order.

This action is governed by section 1917(b) of the Pecan Promotion and Research Act of 1990 (7 U.S.C. 6001-6013). The Act authorizes a national pecan promotion, research, and information program. In accordance with the Act, the Department developed and implemented the Pecan Promotion and Research Plan (7 CFR 1211.1-1211.78). The Plan became effective on May 1, 1992.

Section 1916(a) of the Act requires that the Secretary conduct a continuance referendum within 24 months of the effective date of the Plan for the purpose of ascertaining whether growers, grower-shellers, and importers favor continuation, termination, or suspension of the Plan. The order directing that a referendum be conducted was issued July 28, 1993, and published August 3, 1993 (58 FR 41203). A referendum was conducted with registration of voters from September 27 through October 1, 1993, and mail balloting during October 4-6, 1993. Termination of the Plan was favored by 62.3 percent of the growers, grower-shellers, and importers casting valid ballots in the referendum.

Therefore, pursuant to section 1917(b) of the Act and § 1211.73 of the Plan, it is hereby found and determined that termination of the Plan is favored by a majority of the growers, grower-shellers, and importers voting in the referendum and that the Plan should therefore be terminated.

The Act requires termination of the collection of assessments within six months after the determination that growers, grower-shellers, and importers favor termination of the Plan. This termination order terminates the assessment provisions of the Plan effective on March 15, 1994.

Termination of this Plan and any of its provisions including the requirements to report handlings and remit assessments, shall not: (a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in

connection with any provision of the Plan; or

(b) Release or extinguish any violation of this Plan; or

(c) Affect or impair any rights or remedies of the United States, or of the Secretary, or of any other person with respect to any such violation.

The Act provides that refunds of assessments shall be made to those growers, grower-shellers, and importers who applied for such refunds prior to the referendum and submitted satisfactory proof that they paid the assessment for which refund is requested. The Act, further, provides that if the escrow account, established in accordance with the Act, is not sufficient to meet the total demand for refunds, the Pecan Marketing Board shall prorate such refunds among all eligible growers, grower-shellers, and importers who demanded such refunds. Section 1211.55 of the Plan provides that the Board shall pay refund requests within 90 days of the date the results of the referendum are released by the Secretary.

The Act provides that the Secretary shall terminate activities under the Plan in an orderly manner as soon as practicable. To meet this requirement of the Act, it will be necessary to retain certain administrative provisions of the Plan. Accordingly, the following sections of the Plan will remain in effect until further notice: §§ 1211.1 through 1211.29, Definitions; § 1211.52, Failure to remit and report; § 1211.53, Determination of first handler; § 1211.55, Refunds; § 1211.60, Reports; § 1211.61, Books and records; § 1211.62, Confidential treatment of books, records, and reports; § 1211.70, Right of the Secretary; § 1211.71, Personal liability; § 1211.73, Suspension or termination; § 1211.74, Proceedings after termination; § 1211.75, Effect of termination or amendment; § 1211.76, Separability; and § 1211.78, OMB control numbers.

All other provisions including those dealing with establishment and membership of the Board, nomination procedures, powers, duties, policies, programs and projects, contracts, budgets, and assessments are terminated.

#### Order

*It is therefore ordered,* That the terms and provisions of Subpart A of the Plan requiring pecan growers, grower-

shellers, and importers to pay an assessment used to finance the national program for pecan promotion, research, and industry and consumer information, (7 CFR part 1211) except §§ 1211.1 through 1211.29, 1211.52, 1211.53, 1211.55, 1211.60, 1211.61, 1211.62, 1211.70, 1211.71, 1211.73, 1211.74, 1211.75, 1211.76, and 1211.78, which include definitions, reporting and remittance requirements necessary to enforce the collection of assessments which came due prior to this action, refunding, and the procedures necessary to carry out the orderly termination of activities under the Plan, are hereby terminated effective on March 15, 1994.

#### List of Subjects in 7 CFR Part 1211

Administrative practice and procedure, Advertising, Agricultural research, Imports, Marketing agreements, Pecans, Promotion, Reporting and recordkeeping requirements.

#### PART 1211—PECAN PROMOTION AND RESEARCH PLAN

1. The authority citation for 7 CFR part 1211 is revised to read as follows:

Authority: 7 U.S.C. 6001 *et seq.*

##### Subpart A—Pecan Promotion and Research Plan

##### Subpart A to Part 1211—[Amended]

2. In part 1211, Subpart A, the undersigned centerheading preceding § 1211.30, §§ 1211.30 through 1211.39, the undersigned centerheading preceding § 1211.40, §§ 1211.40 through 1211.42, 1211.51, 1211.54, 1211.56, 1211.72, and 1211.77 are removed.

Dated: March 10, 1994.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 94-5986 Filed 3-14-94; 8:45 am]

BILLING CODE 3410-02-P

#### FARM CREDIT ADMINISTRATION

##### 12 CFR Part 614

RIN 3052-AB46

##### Loan Policies and Operations; Effective Date

AGENCY: Farm Credit Administration.

ACTION: Notice of effective date.

**SUMMARY:** The Farm Credit Administration (FCA) published a final regulation under part 614 on November 29, 1993 (58 FR 62513). The final regulation amends 12 CFR part 614

regarding the content of borrower rights notices for distressed loans. The regulation will no longer require that Farm Credit System institutions include a reference to foreclosure when notifying borrowers that their distressed loans may be suitable for restructuring. In accordance with 12 U.S.C. 2252, the effective date of the final rule is 30 days from the date of publication in the *Federal Register* during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is March 15, 1994.

**EFFECTIVE DATE:** The regulation amending 12 CFR part 614, published on November 29, 1993 (58 FR 62513) is effective March 15, 1994.

##### FOR FURTHER INFORMATION CONTACT:

Eric Howard, Policy Analyst, Office of Examination, Farm Credit Administration, McLean, Virginia 22102-5090, (703) 883-4498, TDD (703) 883-4444.

or

James M. Morris, Senior Attorney, Office of General Counsel, Farm Credit Administration, McLean, Virginia 22102-5090, (703) 883-4020, TDD (703) 883-4444.

Authority (12 U.S.C. 2252(a) (9) and (10)).  
Dated: March 10, 1994.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.  
[FR Doc. 94-6009 Filed 3-14-94; 8:45 am]

BILLING CODE 6705-01-P

##### 12 CFR Part 615

RIN 3052-AB25

##### Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Management of Investments, Liquidity, Interest Rate Risk, and Eligible Investments; Effective Date

AGENCY: Farm Credit Administration.

ACTION: Notice of effective date.

**SUMMARY:** The Farm Credit Administration (FCA) published a final regulation under part 615 on November 30, 1993 (58 FR 63034). The final regulation amends 12 CFR part 615 allowing Farm Credit Banks, banks for cooperatives, and agricultural credit banks to hold specified eligible investments, in an amount not to exceed 30 percent of the total outstanding loans of such banks, to maintain a liquidity reserve, invest short-term surplus funds, and manage interest rate risk. These regulations also establish a liquidity reserve requirement for all Farm Credit

System banks. In accordance with 12 U.S.C. 2252, the effective date of the final rule is 30 days from the date of publication in the *Federal Register* during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is March 15, 1994.

**EFFECTIVE DATE:** The regulation amending 12 CFR part 615, published on November 30, 1993 (58 FR 63034) is effective March 15, 1994.

##### FOR FURTHER INFORMATION CONTACT:

Michael J. LaVerghetta, Senior Financial Analyst, Office of Examination, Farm Credit Administration, McLean, Virginia 22102-5090, (703) 883-4498, TDD (703) 883-4444.

or

Richard A. Katz, Senior Attorney, Office of General Counsel, Farm Credit Administration, McLean, Virginia 22102-5090, (703) 883-4020, TDD (703) 883-4444.

Authority: (12 U.S.C. 2252(a) (9) and (10)).

Dated: March 10, 1994.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.  
[FR Doc. 94-6010 Filed 3-14-94; 8:45 am]

BILLING CODE 6705-01-P

#### DEPARTMENT OF THE TREASURY

##### Customs Service

##### 19 CFR Part 4

[T.D. 94-20]

##### Addition of Tuvalu to the List of Nations Entitled to Special Tonnage Tax Exemption

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Final rule.

**SUMMARY:** Pursuant to information provided by the Department of State, the Customs Service has found that Tuvalu does not impose discriminating duties of tonnage or imposts upon vessels belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country. Accordingly, vessels of Tuvalu are exempt from special tonnage taxes and light money in ports of the United States. This document amends the Customs Regulations by adding Tuvalu to the list of nations whose vessels are exempt from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

**DATES: Effective Date:** This amendment to the Custom Regulations is effective March 15, 1994.

**Applicability date:** The reciprocal privileges for vessels registered in Tuvalu were applicable as of January 1, 1993.

**FOR FURTHER INFORMATION CONTACT:** Barbara Whiting, Carriers Rulings Branch, 202-482-6940.

**SUPPLEMENTARY INFORMATION:**

**Background**

Generally, the United States imposes regular and special tonnage taxes, and a duty of a specified amount per ton, called "light money," on all foreign vessels which enter United States ports (46 U.S.C. app. 121, 128). However, vessels of a foreign nation may be exempted from the payment of special tonnage taxes and light money upon presentation of satisfactory proof that no discriminatory duties of tonnage or impost are imposed by that foreign nation on U.S. vessels or their cargoes (46 U.S.C. app. 141).

Section 4.22, Customs Regulations (19 CFR 4.22), lists those nations whose vessels have been found to be exempt from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money. The authority to amend this section of the Customs Regulations has been delegated to the Chief, Regulations Branch.

**Finding**

On the basis of information received from the Department of State regarding the absence of discriminatory duties of tonnage or impost imposed on U.S. vessels in the ports of Tuvalu, the Customs Service has determined that the vessels of Tuvalu are exempt from the payment of the special tonnage tax and light money, effective January 1, 1993, and that the Customs Regulations should be amended accordingly.

**Regulatory Flexibility Act and Executive Order 12866**

Because this amendment merely implements a statutory requirement and confers a benefit upon the public, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure requirements thereof are unnecessary; further, for the same reasons, good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553(d) (1) and (3). Since this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This amendment does not meet

the criteria for a significant regulatory action under Executive Order (E.O.) 12866.

**Drafting Information**

The principal author of this document was Janet Johnson, Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

**List of Subjects in 19 CFR Part 4**

Customs duties and inspections, Cargo vessels, Maritime carriers, Vessels.

**Amendment to the Regulations**

Accordingly, part 4, Customs Regulations (19 CFR part 4), is amended as set forth below:

**PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES**

1. The authority for part 4 continues to read, in part, as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1431, 1433, 1434, 1624; 46 U.S.C. App. 3, 91;

\* \* \* \* \*

Section 4.22 also issued under 46 U.S.C. app. 121, 128, 141.

\* \* \* \* \*

**§ 4.22 [Amended]**

2. Section 4.22 is amended by inserting "Tuvalu" in appropriate alphabetical order.

Dated: March 7, 1994.

Harold M. Singer,  
Chief, Regulations Branch.

[FR Doc. 94-5820 Filed 3-14-94; 8:45 am]

BILLING CODE 4820-02-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Social Security Administration**

**20 CFR Parts 404 and 416**

RIN 0960-AD50

**Payments for Vocational Rehabilitation Services**

**AGENCY:** Social Security Administration, HHS.

**ACTION:** Final rules.

**SUMMARY:** We are amending our regulations on the vocational rehabilitation (VR) payment programs under titles II and XVI of the Social Security Act (the Act). These changes: (1) Expand access to the use of private and public non-State VR providers when a State VR agency declines to provide VR services to an individual

whom we refer for services; (2) explain that, in appropriate cases, we will pay for only those VR services which have a causal relationship to an individual's performance of substantial gainful activity (SGA) for a continuous period of 9 months; and (3) prescribe the specific kinds of VR services for which we will pay. The changes are intended to make VR services more readily available to individuals under our VR payment programs and to improve the administration and cost effectiveness of these programs.

**EFFECTIVE DATES:** These rules are effective March 15, 1994, except that paragraphs (c)(2), (f)(1) and (f)(2) of §§ 404.2104 and 416.2204 shall become effective on October 1, 1994 with respect to Social Security beneficiaries or Supplemental Security Income (SSI) recipients whom the Social Security Administration (SSA) refers to a State VR agency on or after October 1, 1994, and §§ 404.2121 and 416.2221 shall become effective on October 1, 1994.

**FOR FURTHER INFORMATION CONTACT:** Jack Schanberger, Legal Assistant, 3-B-1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-8471.

**SUPPLEMENTARY INFORMATION:** These final rules amend our regulations at §§ 404.2101 *et seq.* and §§ 416.2201 *et seq.*, which prescribe the rules for the title II and title XVI VR payment programs under sections 222(d) and 1615(d) of the Act. The final rules take into consideration the comments we received from interested individuals and public and private organizations and groups on the proposed rules we published on July 24, 1992 (57 FR 32926). These comments and the changes we have made in the proposed rules are discussed below.

In general, sections 222(d) and 1615(d) of the Act authorize the Secretary of Health and Human Services (the Secretary) to use the title II trust funds and the title XVI general fund to pay a State for the reasonable and necessary costs of VR services provided to a title II social security beneficiary who is disabled or blind or to a title XVI recipient who is disabled or blind, in three categories of cases. Specifically, these sections permit payment for VR services furnished to such beneficiaries or recipients in cases where: (1) The furnishing of such services results in the individual's performance of SGA for a continuous period of 9 months; (2) the individual is continuing to receive benefits, despite his or her medical recovery, under section 225(b) or 1631(a)(6) of the Act because of his or her participation in a VR program; or (3)

the individual, without good cause, refused to continue to accept VR services or failed to cooperate in such a manner as to preclude his or her successful rehabilitation. Payment may be made for the reasonable and necessary costs of VR services provided in these cases as determined in accordance with criteria established by the Commissioner of Social Security (the Commissioner).

Sections 222(d) and 1615(d) of the Act permit payment to a State for VR services if the services are provided by a State VR agency, i.e., an agency administering a State plan for VR services approved under title I of the Rehabilitation Act of 1973, as amended. However, in the case of a State which is unwilling to participate or does not have such a plan for VR services, section 222(d)(2) of the Act authorizes the Commissioner to enter into agreements or contracts with alternative VR service providers (alternate participants) for the purpose of providing VR services to disability beneficiaries under the title II VR payment program under the same conditions that would apply to a State VR agency. While section 1615(d) of the Act is silent with regard to alternate participants, section 1633(a) of the Act provides authority for using alternate participants under the title XVI VR payment program inasmuch as the latter section gives the Secretary the authority to make administrative and other arrangements under title XVI in the same manner as they are made under title II. Moreover, the legislative history of section 1615(d) indicates that Congress intended the title XVI VR payment program to parallel the title II program. Our title II and title XVI regulations, therefore, contain virtually identical provisions for the title II and title XVI VR payment programs.

When we first published final regulations to implement sections 222(d) and 1615(d) of the Act on February 10, 1983, at 48 FR 6286, we indicated that we would reexamine the provisions of the regulations and consider possible changes after we had gained experience administering the title II and title XVI VR payment programs. Certain recommendations contained in the March 1988 Report of the Disability Advisory Council also suggested a need to consider new approaches to these programs to increase the availability of VR services for disabled or blind beneficiaries and recipients and to ensure that such beneficiaries and recipients are provided with those services that are necessary to achieve and maintain employment.

The basic purpose of the title II and title XVI VR payment programs is twofold: (1) To make VR services more readily available to disabled or blind Social Security beneficiaries and SSI recipients; and (2) to achieve savings for the title II trust funds and the title XVI general fund. To promote these objectives more effectively, we are amending our existing regulations to provide for greater use of alternate participants under the VR payment programs and to improve the administration and cost effectiveness of the programs so as to ensure that savings will accrue to the trust funds and the general fund.

None of the changes to the VR regulations is a major departure from the current program. The changes are meant to address the most significant criticisms of the SSA VR program. By expanding the opportunity for private VR providers to participate in the program, we are responding to the recommendations of the 1988 Disability Advisory Council, and the dictates of Congress. By permitting payment to providers for only services which have a causal connection to the individual's completion of nine months of SGA, we are responding to criticisms by the General Accounting Office and the Inspector General of the Department of Health and Human Services. The Inspector General stated in his most recent and thorough report on SSA's VR program, in April 1990, "SSA should strengthen the linkage between the SSA vocational rehabilitation payment program and actions to \* \* \* rehabilitate SSA clients."

#### Use of Alternate Participants

These final regulations revise §§ 404.2104 and 416.2204 to provide for the use of alternate participants in cases where a State VR agency declines to provide VR services to a disabled or blind Social Security beneficiary or SSI recipient whom we referred to the State VR agency. These regulations provide that in such cases, the State will be considered unwilling to participate through its VR agency with respect to such individual.

When we first published regulations for the VR payment programs, we provided in §§ 404.2104 and 416.2204 that the option of participating through their VR agencies would be offered first to the States and that a State had to notify us within 60 days after publication of the regulations whether it intended to participate through its VR agency(ies). All States chose to participate.

Existing §§ 404.2104 and 416.2204 also give a State the option of not

participating, including terminating participation, or limiting the scope of its participation. If a State decides not to participate or to limit participation, the existing regulations provide that we may arrange for VR services through an alternate participant for disabled or blind beneficiaries or recipients in the State or, where the State has limited its participation, for those beneficiaries and recipients not included within the scope of the State's participation. While we are making certain technical changes to the rules concerning a State's option not to participate or to limit participation, the existing provisions relating to these options remain substantially the same under the revised regulations. However, while existing §§ 404.2104 and 416.2204 provide each State the option of declaring its intent to participate with respect to the title II or title XVI VR payment program as a whole, the revised §§ 404.2104 and 416.2204 afford each State the opportunity to participate through its VR agency(ies) with respect to disabled title II beneficiaries in that State, or disabled or blind title XVI recipients in that State, on a case-by-case basis, unless the State has notified us in advance of its decision not to participate or to limit participation.

Under the revised §§ 404.2104 and 416.2204, unless the State has exercised its option not to participate or to limit participation through its VR agency(ies), we will provide the State the opportunity to participate with respect to disabled or blind Social Security beneficiaries or SSI recipients in the State by referring such individuals first to the State VR agency(ies) for necessary VR services. The revised regulations require the State to declare, through the State VR agency, whether it is willing to participate with respect to a beneficiary or recipient whom we referred to that VR agency. Under the revised regulations, the State may participate with respect to such an individual only if the State VR agency decides to accept the individual as a client for VR services or to place the individual into an extended evaluation process and notifies us of such decision in writing within a prescribed time period.

In response to comments we received concerning the proposed rules, we are defining the phrases "accept the beneficiary as a client for VR services" and "accept the recipient as a client for VR services," which are used in §§ 404.2104 and 416.2204, respectively, to mean that the State VR agency determines that the individual is eligible for VR services and places the individual into an active caseload status for development of an individualized written rehabilitation program. We are

defining these phrases in §§ 404.2103 and 416.2203, respectively, since these sections provide the definitions of terms used in the VR payment regulations.

In addition, we recognize that there are occasions when a State VR agency places an individual whom we referred to that agency into an extended evaluation process prior to deciding whether the individual is eligible for State VR services. Therefore, the revised §§ 404.2104 and 416.2204 provide that the State VR agency must notify the appropriate SSA Regional Commissioner of its decision either to accept the individual as a client for VR services or to place the individual into an extended evaluation process no later than the close of the fourth month following the month in which we referred the individual to the State VR agency. As we explain later in this preamble, we have changed "third month" in the proposed rules to "fourth month" in the final rules in response to comments we received concerning the proposed regulations. If we do not receive a notice with respect to an individual within the prescribed time period, we will consider the State unwilling to participate with respect to the individual and may arrange for VR services for the individual through an alternate participant.

We are adding provisions to §§ 404.2103 and 416.2203 to define the phrases "place the beneficiary into an extended evaluation process" and "place the recipient into an extended evaluation process" to mean that the State VR agency determines that an extended evaluation of the individual's VR potential is necessary to determine whether the individual is eligible for VR services and places the individual into an extended evaluation status.

In those cases where the State VR agency notifies the appropriate SSA Regional Commissioner within the prescribed time period of a decision to place the Social Security beneficiary or SSI recipient into an extended evaluation process, the State VR agency also must notify the appropriate SSA Regional Commissioner, at the conclusion of the extended evaluation, of the State VR Agency's final decision whether or not to accept the individual for further VR services. If following the completion of the extended evaluation we receive a notice of a decision by the State VR agency to accept the individual as a client for VR services, the State may continue to participate with respect to such individual. If we receive a notice of a decision by the State VR agency not to accept the individual as a client for VR services, we may arrange for VR

services for such individual through an alternate participant.

These provisions also apply with respect to the class(es) of disabled or blind beneficiaries or recipients whom we refer to a State VR agency in a case in which a State has decided to limit participation of its VR agency(ies) to such class(es) of beneficiaries or recipients.

#### Minimum Qualifications for Alternate Participants

Because the revisions of §§ 404.2104 and 416.2204 provide for greater use of alternate participants under the title II and title XVI VR payment programs, we are adding new §§ 404.2106 and 416.2206 to our regulations to specify certain minimum qualifications for alternate participants, that is, any for-profit or not-for-profit agency, organization, institution, or individual, other than a State VR agency. Existing §§ 404.2104(a) and 416.2204(a) provide that an alternate participant must have a plan for VR services that is similar to a State plan approved under title I of the Rehabilitation Act of 1973, as amended. The final regulations do not change this basic requirement. However, we clarify in §§ 404.2106 and 416.2206 of these final rules that the plans of alternate participants must provide, among other things, that the provision of VR services to disabled or blind beneficiaries or recipients will meet certain minimum standards. We also explain in §§ 404.2106 and 416.2206 that we will use as alternate participants only those VR service providers that are licensed, certified, accredited or registered, as appropriate, in the State in which they provide VR services, and are not precluded from Federal procurement or nonprocurement programs.

#### Payments to Alternate Participants

The existing regulations provide that we will pay alternate participants for VR services furnished to beneficiaries or recipients under the same terms and conditions that apply to State VR agencies. These final rules do not change this requirement.

#### Requirements for Payment

The final rules amend §§ 404.2108 and 416.2208 to specify the information that the State VR agency or alternate participant must provide in order to claim and receive payment under our VR payment programs. The final rules provide that each claim for payment must be submitted on a form prescribed by us and contain the following information: A description of each service provided; a statement of when the service was provided; and the cost

of the service. In response to comments we received on the proposed rules, we deleted the requirement in the proposed rules that the claim also contain, as appropriate, an explanation of how the service contributed to the individual's performance of a continuous 9-month period of SGA, or an explanation of how the service was reasonably expected to motivate or assist the individual to perform such a continuous period of SGA. Instead, we are including provisions in §§ 404.2121 and 416.2221 of the final rules to require the State VR agency or alternate participant to provide this information as part of the validation review process.

The final rules also amend §§ 404.2108 and 416.2208 to provide that the State VR agency or alternate participant must maintain, and provide as we may require, adequate documentation of all services and costs for all disabled or blind beneficiaries or recipients with respect to whom a State VR agency or alternate participant could potentially request payment for services and costs under our VR payment programs.

#### VR Services Contributing to a Continuous Period of SGA

The final regulations amend §§ 404.2111 and 416.2211 which provide the criteria for determining when VR services will be considered to have contributed to a continuous period of 9 months of SGA. We are amending §§ 404.2111(a)(1) and 416.2211(a)(1) to provide that any VR services which significantly motivated or assisted the individual in returning to, or continuing in, SGA will be considered to have contributed to the continuous 9-month period of SGA in the situation where the individual does not recover medically and the continuous 9-month period of SGA begins 1 year or less after VR services end. We are deleting the words "might have" before the phrase "significantly motivated or assisted" in the existing regulations to strengthen the casual relationship between the VR services and the continuous period of SGA.

#### Refusal of VR Services

We are amending §§ 404.2113 and 416.2213 to include a timeframe within which State VR agencies and alternate participants are to report cases of VR refusal. These are cases in which an individual refuses to continue to accept VR services or fails to cooperate in such a manner as to preclude his or her successful rehabilitation.

### Services for Which Payment May Be Made

Under section 222(d)(5) of the Act, the Secretary may limit the type, scope, or amount of VR services that are subject to payment in accordance with regulations designed to achieve the purpose of section 222(d). In general, §§ 404.2114 and 416.2214 of the existing regulations permit payment for evaluation services and all services provided by a State VR agency under an Individualized Written Rehabilitation Program (IWRP) or by an alternate participant under a similar document.

Consistent with section 222(d)(5) of the Act, we are revising §§ 404.2114 and 416.2214 to describe the specific kinds of VR services for which payment may be made in all three categories of cases under the VR payment programs. Under the final rules, VR services for which payment may be made include only those services described in §§ 404.2114(b) and 416.2214(b). In addition, these services are subject to payment only if: (1) The services are necessary to determine an individual's eligibility for VR services or the nature and scope of the services to be provided; or (2) the services are provided under an IWRP, or under a similar document in the case of an alternate participant, and could reasonably be expected to motivate or assist the individual in returning to, or continuing in, SGA.

In response to comments we received on the proposed rules, we are clarifying §§ 404.2114(a)(1) and 416.2214(a)(1) to indicate that VR services for which payment may be made include diagnostic or other evaluation services which are provided after an individual has been determined to be eligible for VR services and prior to the implementation of an IWRP (or similar document in the case of an alternate participant) and which are necessary to determine the nature and scope of the VR services to be provided to the individual.

Additionally, we are clarifying §§ 404.2114 (b)(3) and (b)(12) and 416.2214 (b)(3) and (b)(12) to indicate that the employment referred to in these sections may be at or above the SGA level. The individual's employment is not restricted to the minimum SGA threshold. Also, in these final rules, we have modified some of the descriptions of the VR services in §§ 404.2114(b) and 416.2214(b) to reflect changes which the Rehabilitation Act Amendments of 1992 made to the list of VR services covered under the Rehabilitation Act of 1973.

### Cost Containment

We are amending §§ 404.2117 and 416.2217 to require, rather than to expect, State VR agencies and alternate participants to seek payment or services from other sources in accordance with the "similar benefit" provisions under 34 CFR part 361. The final rules also provide that the cost incurred for VR services must comply with the cost-containment policies of the State VR agency or, in the case of an alternate participant, with similar written policies established under a negotiated plan in accordance with a written agreement or contract between us and the alternate participant. These cost-containment policies must provide guidelines to ensure the lowest reasonable cost for VR services while allowing flexibility to provide for an individual's needs. With reference to the cost-containment policies of the State VR agencies, the phrase "established under 34 CFR part 361" which appeared in proposed §§ 404.2117(c)(1) and 416.2217(c)(1) has been deleted in the final rules since the regulations in 34 CFR part 361 do not themselves explicitly mandate the establishment of specific "cost-containment" policies.

Under these final rules, a State VR agency or alternate participant is required to maintain and use these cost-containment policies to govern the costs incurred for all VR services for which payment will be requested under the VR payment programs. In response to comments, the requirement in the proposed rules that the State VR agency or alternate participant send to us on a yearly basis a written summary of the written cost-containment policies has been deleted. Instead, these final rules require that, before the end of the first calendar quarter of each year, the State VR agency must send to us a written certification that approved cost-containment policies are in effect and are adhered to in procuring and providing goods and services for which the State VR agency requests payment under our VR payment programs. The rules further specify who may sign such certification. In addition, the final rules require that State VR agencies must specify the basis upon which such certification is made, e.g., a recent audit by an authorized State, Federal or private auditor, or other independent compliance review, and the date of such audit or compliance review. In the case of an alternate participant, these certification requirements shall be incorporated into the negotiated agreement or contract. The final rules also provide that we may request a

copy(ies) of the specific written cost-containment policies of a State VR agency or alternate participant if we determine that such additional information is necessary to ensure compliance with the requirements of our VR payment programs.

### Validation Reviews

We are revising §§ 404.2121 and 416.2221. The existing rules provide for postpayment reviews of claims submitted by State VR agencies or alternate participants for payment under our regulations. Under the revised rules, we will institute a validation review of a sample of claims filed by each State VR agency or alternate participant. Some validation reviews will be conducted prior to payment and some will be conducted after payment is made.

For each claim selected for review, the State VR agency or alternate participant must submit records of the VR services and costs for which payment has been requested or made to show that the services and costs meet the requirements for payment. Also, we have modified the proposed rules by providing in these final rules that for claims for payment in cases described in §§ 404.2101(a) and 416.2201(a), a clear explanation or existing documentation that demonstrates how the service contributed to the individual's performance of a continuous 9-month period of SGA must be provided as part of the validation review documentation. Similarly, for claims for payment in cases described in § 404.2101 (b) or (c), or § 416.2201 (b) or (c), a clear explanation or existing documentation which demonstrates how the service was reasonably expected to motivate or assist the individual to return to, or continue in, SGA must be provided. We are making these changes in the final rules in response to comments we received on the proposed rules from commenters who expressed strong objections about the reporting burden related to the requirements of proposed §§ 404.2108(b)(4) and 416.2208(b)(4). These sections of the proposed rules would have required that each claim for payment that is filed with us include a clear explanation of how the service contributed to the individual's performance of a continuous 9-month period of SGA, or how the service was reasonably expected to motivate or assist the individual to perform SGA, as appropriate. Rather than require this information for each claim that is filed, we are including in §§ 404.2121 and 416.2221 of the final rules requirements that this information or appropriate supporting documentation be provided

as part of the validation review process. We are including these requirements as a substitute for the requirements in proposed §§ 404.2108(b)(4) and 416.2208(b)(4) which we are deleting in these final rules.

The purposes of these validation reviews are to ensure that the VR services and costs meet the requirements for payment under our regulations, to assess the validity of our documentation requirements, and to assess the need for additional validation reviews or additional documentation requirements for any State VR agency or alternate participant to ensure compliance with the requirements under our regulations.

In any validation review, we will determine the amount of payment and will notify the State VR agency or alternate participant of our determination. In any postpayment validation review, if we find that we have paid more or less than the correct amount, we will determine that there is an overpayment or underpayment and will notify the State VR agency or alternate participant that we will make the appropriate adjustment. In any case, if a State agency or alternate participant disagrees with our determination, it may appeal our determination. These regulations do not change the existing rules set out in §§ 404.2127 and 416.2227 for appealing determinations or resolving disputes under the VR payment programs.

#### Other Changes

We are also making certain changes to §§ 404.2102 and 416.2202, 404.2108 and 416.2208, and 404.2109 and 416.2209 to conform to the changes to the other sections of the regulations discussed above.

#### Comments Received Following Publication of the Notice of Proposed Rulemaking

We published proposed rules on payments for VR services as a notice of proposed rulemaking in the *Federal Register* on July 24, 1992 (57 FR 32926). We also mailed copies of the proposed rules to State VR agencies. We invited comments on the proposed rules and gave interested parties 60 days within which to submit comments. The comment period closed on September 22, 1992.

We received 45 letters with comments. These included comments from State VR agencies, private VR agencies, national organizations and other organizations active in the field of VR. Portions of some letters dealt with operational or administrative issues outside the scope of the proposed rules,

or discussed provisions of the regulations that were not being altered by the proposed regulations. Because these matters are beyond the scope of the proposed rules, they are not addressed here.

For ease of comprehension and perspective, we have grouped the comments according to the issues raised. The comments and our responses are presented in the sequence of the regulations.

#### Use of Alternate Participants— §§ 404.2104 and 416.2204

*Comment:* Many commenters indicated that the proposed timeframe for a State VR agency to notify us of its decision to accept an SSA-referred beneficiary or recipient as a client for VR services was too short. The proposed rules required a State VR agency to notify us no later than the close of the third month following the month of referral. Some of these commenters further indicated that the timeframe for providing notification was too restrictive, particularly if the referred individual required an extended evaluation prior to the State VR agency deciding whether or not it could serve the individual's VR needs.

*Response:* In consideration of the commenters' concerns about the length of the proposed timeframe, we are extending the timeframe for the State VR agency to notify us about its decision to accept an SSA-referred beneficiary or recipient as a client for VR services. The revised timeframe allows the State VR agency to notify us by the close of the fourth month following the month of referral. This revised timeframe considers:

- An increase in the time for State VR agencies to notify SSA as suggested by many commenters;
- That a longer interval could cause the referred individual's rehabilitation potential to deteriorate before re-referral to an alternate participant occurs, thereby causing a potential rehabilitation opportunity to slip away;
- That possible backlogs in the State VR agencies can delay the time it takes for an SSA-referred beneficiary or recipient to be contacted about the State's available VR services; and
- The requirement of the Rehabilitation Act Amendments of 1992 that a State VR agency generally must make a determination of whether an individual is eligible for VR services within 60 days after the individual makes application for services.

We believe that the revised timeframe will permit adequate time, in most

cases, for a State VR agency to arrive at a decision and to notify us of its acceptance of an SSA-referred beneficiary or recipient for State VR services.

We recognize that some disabled or blind beneficiaries or recipients whom we refer to the State VR agency may require a period of extended evaluation prior to the State VR agency deciding whether the individual is eligible for State VR services. Therefore, we are making changes in the final rules to provide that if the State VR agency decides that an extended evaluation is needed, then the State VR agency will notify us no later than the close of the fourth month following the month of referral, that the individual has been placed into an extended evaluation process. The final rules also require the State VR agency to notify us of the individual's "accepted" or "not accepted" status following the conclusion of the extended evaluation. This second notification, in extended evaluation situations, will permit us to make an informed decision concerning possible re-referral of the individual to an alternate participant in those cases where the State VR agency has decided not to provide VR services beyond the extended evaluation to an SSA-referred beneficiary or recipient.

*Comment:* Several commenters requested that we define the term "accepted." Another commenter inquired as to what will constitute a notification of acceptance.

*Response:* In these final rules, we are defining the phrases "accept the beneficiary as a client for VR services" and "accept the recipient as a client for VR services" in §§ 404.2103 and 416.2203, respectively, to mean that the State VR agency determines that the individual is eligible for VR services and places the individual into an active caseload status for development of an IWRP. In addition, the final rules provide that the State VR agencies also notify us of those SSA referred beneficiaries or recipients whom the State VR agencies place into an extended evaluation process prior to determining whether such individuals are eligible for VR services.

In regard to how State notifications to us will be structured, we will issue procedural instructions outlining the form and content of State notifications. To the extent allowable, flexibility in reporting formats will be taken into consideration, e.g., electronic notification.

*Comment:* Several commenters indicated that the requirement to have the State VR agencies notify us concerning which of the beneficiaries

and recipients whom we referred to the State VR agency are being accepted for State VR services will present an administrative burden to the States. Another commenter expressed concern that the reporting provision will have an adverse impact upon the resources of the State Disability Determination Services (DDS).

*Response:* The proposed rules recognized that an additional reporting burden is associated with this regulatory change. However, in order to expand rehabilitation opportunities for disabled or blind beneficiaries and recipients, it is necessary for us to know which of the individuals whom we referred to the State VR agency are accepted for VR services so that we may consider those not accepted for possible re-referral to an alternate participant.

In order to minimize the State's reporting burden, we are asking for notification of acceptances (instead of the more voluminous number of nonacceptances) of beneficiaries and recipients whom we referred to the State VR agency, i.e., individuals who are determined to be entitled to Social Security disability benefits or eligible for SSI disability or blindness benefits (not those individuals whose claims for benefits are denied). We believe that we have limited the referral reporting burden on the State VR agencies while still achieving a sufficient level of information to permit us to consider those disabled or blind beneficiaries who are eligible for a possible re-referral to an alternate provider for services.

We do not anticipate an adverse impact upon the resources of the State DDS as this regulation does not prescribe changing the referral process between the State's DDS and VR agency, nor does it entail changing the existing process the DDS uses to report to SSA on these referrals.

*Comment:* Some commenters asked whether we planned to limit payments to State VR agencies under our VR payment programs to those cases involving a beneficiary or recipient whom we referred to the State VR agency.

*Response:* It is not our intention to limit payments to State VR agencies under the VR payment programs to only those cases in which the beneficiary or recipient was referred to the State VR agency by SSA. Consistent with our past practices, we will continue to pay claims filed by State VR agencies for payment of the costs of VR services provided to a disabled or blind Social Security beneficiary or SSI recipient in accordance with the requirements of our regulations, regardless of the means by

which the beneficiary or recipient came to the attention of the State VR agency.

*Comment:* One commenter stated that the use of alternate participants should be limited to those instances where a State VR agency is not cooperating with us. Another commenter thought that State VR agencies have the sole responsibility of providing services to those who are disabled. In addition, one commenter stated that the services available from an alternate participant should be referred to as "VR like" services or as "similar to" VR services to acknowledge that only State designated units are authorized to provide VR services under the program carried out under title I of the Rehabilitation Act of 1973, as amended.

*Response:* Under sections 222(a) and 1615(a) of the Act, disabled or blind Social Security beneficiaries and SSI recipients are to be referred for VR services to the State agency administering a State plan for VR services approved under title I of the Rehabilitation Act of 1973, as amended. Sections 222(d) and 1615(d) of the Act authorize payment to the State for the costs of VR services provided to such beneficiaries or recipients in certain categories of cases. However, with respect to Social Security beneficiaries, section 222(d)(2) of the Act provides that if a State is unwilling to participate or does not have an approved State plan for VR services, the Commissioner is authorized to provide such services by agreement or contract with alternative VR service providers under the same conditions that would apply to a State VR agency. Section 1633(a) provides authority for making similar arrangements for VR services with respect to SSI recipients. In order to make VR services more readily available to beneficiaries and recipients, these final rules provide that a State will be considered unwilling to participate with respect to an individual whom we referred to the State VR agency if that agency declines to provide VR services to that individual.

There is nothing in section 222(d)(2) of the Act to suggest a distinction between the kind of services that are available from a State VR agency and the services that would be provided by an alternate participant. Consequently, for the purpose of our regulations regarding the use of alternate participants, we do not believe that there is any need to create a distinction in the nomenclature used to identify the services available from the State VR agency and those provided by an alternate participant. Additionally, §§ 404.2103 and 416.2203 already define the terms "alternate participants"

and "Vocational Rehabilitation services." In neither instance is a distinction made to differentiate the services available from a State VR agency and those that would be provided by an alternate participant. These final rules do not amend those definitions.

*Comment:* Some commenters expressed concern that the practice of making the first referral of the beneficiary or recipient to the State VR agency will permit such agencies to select those referrals with the best rehabilitation potential, thereby leaving the alternate participants to serve the most difficult cases having a lesser probability of rehabilitation success and provider payment. Another commenter indicated that we should provide a mixture of cases in the referrals made to VR service providers in order to balance the levels of disability severity contained in the caseloads referred to each provider.

*Response:* Sections 222(a) and 1615(a) of the Act require us to refer disabled or blind Social Security beneficiaries and SSI recipients for VR services to the State agency administering a State plan for VR services approved under title I of the Rehabilitation Act of 1973, as amended. Section 222(d)(2) of the Act provides that it is only in the event that the State is unwilling to participate or does not have an approved State plan that we may arrange for such services through an agreement or contract with an alternative VR service provider. Therefore, the law directs SSA to follow a prescribed order in determining where to refer individuals for VR services.

In addition, the Federal regulations governing the State plan for VR services (34 CFR 361.36) provide that the " \* \* \* plan must assure that those individuals with the most severe handicaps are selected for service before other individuals with handicaps." Thus, the State VR agencies are required to select those individuals with the most severe impairments for VR services before selecting other individuals.

We also believe that a sufficiently large pool of disabled or blind beneficiaries and recipients exists so that both the State VR agencies and the alternate participants will have the opportunity to offer VR services to a diverse cross section of these beneficiaries and recipients.

*Comment:* One commenter asked whether a State VR agency could be reimbursed for services provided to a beneficiary or recipient whom SSA had referred previously to an alternate participant.

*Response:* A State VR agency which provides VR services to a beneficiary or

recipient who becomes its client after having been referred to an alternate participant may be paid for such services if the services and costs meet the requirements for payment under our regulations, including the requirements in §§ 404.2108–404.2117 for cases involving Social Security beneficiaries or §§ 416.2208–416.2217 for cases involving SSI recipients. Among other things, the services must have been provided during the period specified in §§ 404.2115 or 416.2215, as appropriate. Also, §§ 404.2117(d) and 416.2217(d) provide that the total payment for the costs of services provided to an individual in each case, including any prior payments made under our VR payment programs, must not be so high as to preclude a “net savings” to the title II trust funds or the title XVI general fund, as the case may be. In addition, §§ 404.2117(f) and 416.2217(f) provide that payment will not be made more than once for the same VR service or cost.

While a State VR agency or alternate participant which provided only evaluation services to a beneficiary or recipient may be paid for such services in certain, limited circumstances described in §§ 404.2111, 404.2113, 416.2211 and 416.2213, the regulations generally permit payment only to a State VR agency which provided services under an IWRP, or to an alternate participant which provided services under a similar document, as provided under §§ 404.2114(a)(2) and 416.2214(a)(2). Thus, with few exceptions, we would pay only a State VR agency or alternate participant which developed an IWRP, or similar document in the case of an alternate participant, with the individual and coordinated the services. At any given time, only one VR service provider would be providing services to the individual under an IWRP or similar document. We will not pay more than one provider for the costs of the same services provided during the period specified in §§ 404.2115 or 416.2215.

*Comment:* One commenter stated that regional staff of the Rehabilitation Services Administration (RSA) should approve the plan for VR services developed by an alternate participant to assure that the requirements for a State plan under title I of the Rehabilitation Act of 1973, as amended, have been included in the alternate participant's plan.

*Response:* While §§ 404.2104(a) and 416.2204(a) provide that an alternate participant must have a plan for VR services similar to an approved State plan, the details of the plan of an alternate participant will be developed

under the terms of the negotiated agreement or contract between us and the alternate participant. The agreement or contract will include procedures for the review and approval of such plan. However, we do not believe that it is necessary to include such procedures in the regulations.

*Comment:* A commenter stated that our plan to expand the use of alternate participants suggested that there are problems with State VR agencies in providing VR services to individuals with disabilities.

*Response:* Our desire to increase the availability of sources of VR services for disabled or blind beneficiaries and recipients is not intended to question the quality of work performed by the State VR agencies, but rather to address a mutual goal shared with the States, i.e., that all those desiring VR services shall have the opportunity to receive them.

SSA's interest is in arranging for the maximum number of disabled or blind beneficiaries and recipients to have access to the availability of rehabilitation and employment opportunities which can assist them in achieving and sustaining employment at or above the SGA threshold. We believe a sufficiently large pool of disabled or blind beneficiaries and recipients exists so that both the State VR agencies and alternate participants have ample opportunity to serve such beneficiaries and recipients. For this reason, we believe that an increased number of disabled or blind beneficiaries and recipients could achieve and sustain rehabilitation and employment opportunities if an increased number of VR provider sources are available to serve the needs of such beneficiaries and recipients.

*Basic Qualifications for Alternate Participants—§§ 404.2106 and 416.2206*

*Comment:* Three commenters questioned the adequacy of the qualifications for alternate participants in §§ 404.2106 and 416.2206 and recommended that we include a specific provision in the regulations providing for ongoing monitoring of alternate participants. The commenters believed that the provisions requiring that alternate participants be licensed, certified, accredited, or registered would be inadequate without providing for ongoing monitoring of the services provided. They also believed that periodic accreditation or certification, e.g., every three years, would not be an adequate substitute for ongoing monitoring of such participants. One commenter asked for a definition of the term “qualified personnel” as used in

proposed §§ 404.2106(b)(2) and 416.2206(b)(2), which provide that the plans of alternate participants must provide that only qualified personnel will be used to furnish VR services. One commenter asked how and on what basis alternate participants would provide services. Another commenter suggested that we require IWRPs from alternate participants to document the relationship of the services provided to the performance by an individual of a continuous 9-month period of SGA in appropriate cases.

*Response:* We did not adopt the recommendation to include a specific provision in the regulations to provide for ongoing monitoring of the services of alternate participants. Rather, the negotiated agreement or contract which we enter into with an alternate participant will include procedures for monitoring such services. In addition, we will monitor the services provided by alternate participants by conducting validation reviews under §§ 404.2121 and 416.2221 of the claims for payment that are filed by such participants.

We do not believe it is necessary to expand the requirements of §§ 404.2106 and 416.2206 since these sections are intended to state only the basic qualifications for alternate participants. Under §§ 404.2106 and 416.2206, we will select as alternate participants only those VR service providers that are licensed, certified, accredited, or registered, as appropriate, to provide VR services in the State in which they operate. In addition, §§ 404.2104(a), 404.2106(a)(1)(ii), 416.2204(a), and 416.2206(a)(1)(ii) provide that to be an alternate participant, a VR service provider must have a plan for VR services that is similar to a State plan for VR services approved under title I of the Rehabilitation Act of 1973, as amended. Sections 404.2106(a)(1)(ii) and 416.2206(a)(1)(ii) also state that this plan shall govern the provision of VR services to individuals. While the plan of an alternate participant for providing VR services to individuals will include provisions similar to those of an approved State plan, the details of the plan will be developed under the negotiated agreement between us and the alternate participant. We state in §§ 404.2106(b) and 416.2206(b), however, that the plan of an alternate participant must provide that the provision of VR services to individuals will meet certain minimum standards, including the requirement that only qualified personnel and facilities will be used to furnish such services. Specific criteria relating to this and other requirements for providing services will be prescribed in the plan for VR services

in accordance with the terms of the negotiated agreement or contract.

The VR services furnished to an individual by an alternate participant will be provided under a document similar to the IWRP used by State VR agencies. With respect to validation reviews under §§ 404.2121 and 416.2221, the documentation requirements for claims for payment in cases in which the individual completes a continuous 9-month period of SGA are the same for both State VR agencies and alternate participants.

*Comment:* Four commenters stated that proposed §§ 404.2106 and 416.2206 concerning the basic qualifications for alternate participants would not ensure the protection of client rights to the same extent provided in the Rehabilitation Act of 1973, as amended, and required in State plans. They recommended that the plans of alternate participants include specific provisions to protect consumer rights, including procedural safeguards and the right to a review of decisions by the provider affecting the individual. One commenter indicated that clients of State VR agencies are protected because State plans are required to undergo public hearings and States are required to provide procedural safeguards and advise clients of their rights. Another commenter expressed the view that the rights of client participation provided by an alternate participant should be equal to the rights that are required to be provided by State VR agencies, including providing for participation by the client in the development of an IWRP and providing procedural safeguards and the right to appeal decisions affecting the individual.

*Response:* We agree with the comments regarding the need to protect client rights when we make arrangements for VR services for beneficiaries or recipients through alternate participants. The regulations provide that an alternate participant must have a plan for VR services that is similar to a State plan approved under title I of the Rehabilitation Act of 1973, as amended. We will include provisions in the negotiated agreement or contract with each alternate participant to ensure that the plan of the alternate participant includes provisions to protect client rights.

*Comment:* Two commenters questioned whether there were sufficient incentives for private or public non-State VR service providers to meet the requirements that an alternate participant have a plan similar to the State plan governing the provision of VR services to individuals and that such plan include certain minimum

standards for the provision of services. They also questioned whether there are interested private or public non-State VR service providers that would be able to meet these requirements of the regulations.

*Response:* The regulations require that an alternate participant have a plan for providing services to individuals that is similar to a State plan approved under title I of the Rehabilitation Act of 1973, as amended. We will solicit expressions of interest in serving as alternate participants from qualified private or public non-State VR service providers, and will negotiate agreements or contracts with those VR service providers that are interested in providing services to disabled or blind beneficiaries or recipients under the conditions prescribed in the regulations.

*Comment:* One non-State VR provider indicated that most providers are subject to national accreditation for services rendered and asked what outside quality control indicators exist for State VR agencies.

*Response:* A State plan for providing VR services must comply with the requirements of the Rehabilitation Act of 1973, as amended, and RSA regulations. In addition, the 1992 amendments to the Rehabilitation Act of 1973 require RSA to develop and publish performance standards and indicators for State VR programs. These regulations are in the process of development at this writing.

*Requirements for Payment—§§ 404.2108 and 416.2208*

*Comment:* One commenter believed it was unnecessary to require in each claim for payment the information specified in §§ 404.2108(b) (1), (2) and (3) and 416.2208(b) (1), (2) and (3), i.e., a description of each service, when the service was provided, and the cost of the service. Two commenters objected to providing this information on a form prescribed by us.

*Response:* We believe that SSA should know what it pays for and, therefore, that it is not unreasonable to require that every claim for payment must include such basic information as a description of each service provided, when the service was provided, and the cost of the service. By specifying that the claim for payment containing this information be in a form prescribed by us, we did not intend to preclude a provider from requesting our approval to use reasonable facsimiles of our claim form, such as those generated by a provider's automated system.

*Comment:* Many commenters objected to the documentation requirements set forth in §§ 404.2108(b)(4) (i) and (ii) and

416.2208(b)(4) (i) and (ii), i.e., an explanation of how the service contributed to the individual's performance of a continuous 9-month period of SGA, or how the service was reasonably expected to motivate or assist the individual to perform such a continuous period of SGA, as appropriate. The commenters believed that providing this documentation for all claims would be burdensome and time-consuming, and would emphasize reporting rather than program improvements. These requirements were also viewed by a few commenters as a disincentive to serving beneficiaries or seeking payment from SSA. Several other commenters thought that these requirements questioned the integrity of rehabilitation counselors and could lead to second guessing of their decisions. Most of these commenters suggested that we delete paragraphs (b)(4) (i) and (ii) from these sections. A few suggested that if these requirements are retained in the final rules, we should require this documentation for some but not all claims for VR payment. For example, one commenter suggested that documentation be required for claims for payment in cases involving the completion of a continuous 9-month period of SGA only where the link between the services provided and the accomplishment of 9 continuous months of SGA was not routine or apparent. Some commenters did not request that we delete paragraphs (b)(4)(i) and (ii), but did recommend that we accept existing documentation in lieu of requiring providers to record information on a prescribed form.

*Response:* Under the Act and our existing regulations, payment may be made for services furnished to disabled or blind Social Security beneficiaries or SSI recipients in three categories of cases. In cases described in §§ 404.2101(a) and 416.2201(a), payment may be made only for services which contributed to the individual's performance of a continuous 9-month period of SGA. We continue to believe that there are sound reasons for requiring that documentation establishing this causal relationship be available for all claims for payment in these cases. We also believe that documentation showing how the VR services could reasonably be expected to motivate or assist the individual to perform SGA must be available for all claims for payment in cases described in §§ 404.2101 (b) and (c) and 416.2201 (b) and (c). However, we agree that these requirements could be accomplished in a less burdensome manner. Therefore, we will not require that such

documentation be included for each claim submitted for payment and have deleted §§ 404.2108(b)(4)(i) and (ii) and 416.2208(b)(4)(i) and (ii) in the final rules. Instead, such documentation must now be submitted only for those claims selected for validation review. This option was recommended by a number of commenters and is reflected in §§ 404.2121 and 416.2221 of these final rules. Additionally, in revising these sections to require this information in the validation review process, we have adopted the recommendation to accept existing documentation, such as pertinent parts of the IWRP, as sufficient for compliance with these requirements.

*Comment:* A few commenters, in commenting on proposed §§ 404.2108 and 416.2208, raised questions concerning how we will make VR payments to alternate providers. Specifically, questions were raised concerning whether private providers would be able to wait until 9 months of SGA had been achieved before receiving payment, and whether we will advance funds to private providers.

*Response:* Alternate providers are subject to the same payment provisions as the State VR agencies.

#### *VR Services Contributing to a Continuous Period of SGA— §§ 404.2111 and 416.2211*

*Comment:* We received comments relating to §§ 404.2111 and 416.2211 from nine commenters. Only two commenters acknowledged the changes we had proposed to make in these sections of the existing rules, and no commenter objected to the proposed changes. Instead, most commenters raised questions or sought clarification relating to provisions that were unchanged by the proposed rules. Although unrelated to the changes in the proposed rules, suggestions were made by two commenters that we should specifically state in the final rules that supported employment should be considered transitional work activity.

*Response:* Since no commenters objected to our proposed deletion of the words "might have" before the phrase "significantly motivated or assisted," or to the other changes we proposed to §§ 404.2111 and 416.2211, these sections are unchanged from the proposed rules.

We did not adopt the recommendation to amend §§ 404.2111 and 416.2211 to provide that supported employment will be considered transitional work activity under these sections. Supported employment will qualify as transitional work activity only if it meets the definition of transitional

work activity already included in §§ 404.2111(a)(2)(i) and 416.2211(a)(2)(i), i.e., employment or self-employment which gradually evolved, with or without periodic interruption, into SGA. To unequivocally include supported employment in these sections might lead to the erroneous conclusion that supported employment should always be viewed as transitional employment, whether it does or does not meet this definition.

#### *Refusal of VR Services—§§ 404.2113 and 416.2213*

*Comment:* Six commenters questioned the requirement in proposed §§ 404.2113 and 416.2213 for reporting VR refusals within 60 days after the State VR agency or alternate participant makes a preliminary finding that an individual refuses to continue to accept VR services or fails to cooperate in a VR program. One commenter indicated that reporting refusals within a timeframe would create an additional administrative burden for State VR agencies. Three commenters recommended that this deadline for reporting refusals be deleted to allow the State VR agencies the latitude they currently have in reporting VR refusals to SSA. Another commenter indicated that many times individuals who initially refuse services will change their minds. The commenter believed that in such cases, reporting their refusal too early might undermine the rehabilitation process instead of helping. One commenter suggested that the 60-day reporting requirement be waived in cases where the State VR agency can provide good cause justification for not reporting a refusal within the timeframe.

*Response:* We did not adopt the recommendation to delete this provision. The purpose of the 60-day reporting requirement is to encourage disabled or blind beneficiaries and recipients to participate in VR services by providing for stricter enforcement of the VR refusal provisions of the law. We believe that providing procedures in the regulations to strengthen such enforcement will encourage participation of beneficiaries and recipients in VR programs. The requirement for reporting refusals within 60 days does not change the latitude State VR agencies currently have in determining whether a person can benefit from VR services and in working with a person to encourage him or her to participate or continue participation in a VR program; it only requires that they report within 60 days after making a finding of VR refusal. It

also should not create an additional administrative burden on State or other VR service providers because it does not change how refusals are currently reported or the procedures for processing refusal cases.

We do not believe that the reporting of a refusal will undermine the rehabilitation process in cases of individuals who have initially refused VR services. Instead, it should provide an incentive for such a person to decide to participate in services rather than to delay such participation and risk losing benefits. We did not provide a waiver of this reporting requirement in cases where a provider can establish good cause justification for not reporting a refusal within the timeframe. Once a provider has completed its evaluation and determined that a refusal situation exists, it should not be necessary to delay the reporting of the refusal beyond 60 days.

*Comment:* One advocacy group wanted to know how a reported refusal situation affects payment to a provider. It wanted to know whether a provider would be paid in situations where a client drops out of a program after several months but is provided assistance that is designed to improve the client's quality of life.

*Response:* Under the Act and our existing regulations, State VR agencies and alternate participants may be paid for the costs of VR services furnished to disabled or blind beneficiaries or recipients in three categories of cases. One of the categories of cases is where the individual, without good cause, refuses to continue to accept VR services or fails to cooperate in such a manner as to preclude the individual's successful rehabilitation. Our existing regulations provide for payments to providers for the costs of VR services provided to beneficiaries/recipients in refusal situations only when the individual has at least applied for services and his or her benefits have been suspended because SSA has determined that the refusal to participate or continue in the VR program is without good cause.

*Comment:* Two commenters suggested that we should place more of an emphasis on encouraging beneficiaries to participate in VR services rather than on the reporting of refusals. One commenter recommended that the final regulations should require State VR agencies and alternate participants to make substantial efforts to encourage individuals to participate in VR services prior to their reporting a refusal. Another commenter indicated that stricter enforcement of the VR refusal provisions would not motivate more

people to continue in a VR program unless SSA becomes more involved earlier in the VR process and directly informs beneficiaries of the importance of working with VR agencies.

*Response:* Our current operating instructions on processing VR refusal cases include procedures which emphasize the importance of encouraging participation of beneficiaries and recipients in VR programs. These procedures require State VR agencies and alternate participants to report refusals only after they have made substantial efforts to encourage disabled or blind individuals to participate in VR services and to resolve problems preventing participation prior to reporting a refusal. We are currently working to improve the procedures we follow when referring beneficiaries and recipients for VR services and to provide more information to beneficiaries and recipients regarding rehabilitation and employment opportunities and the importance of working with VR service providers.

*Comment:* Two commenters suggested that SSA should place more emphasis on enforcing the VR refusal sanctions rather than on the reporting of VR refusal cases. One State VR agency stated that it reports few refusal cases because few beneficiaries or recipients have sanctions imposed against their benefits because of VR refusal. The agency recommended that the process of enforcing VR cooperation be improved to make the reporting provision viable.

*Response:* We do not believe that a change to the regulation is necessary to enhance our enforcement of the VR refusal sanctions. Our current operating instructions for processing refusal cases, which were issued in December 1991, emphasize enforcement of the refusal sanctions and provide specific instructions for suspending benefits in cases where we have determined that good cause does not exist for refusing to participate in VR services.

*Comment:* Several commenters expressed concern about whether a VR provider would be able to distinguish between the effects of a psychiatric impairment in refusing VR services and an actual refusal. The commenters recommended that SSA obtain a thorough psychiatric evaluation or new report from the treating psychiatrist prior to any actions based on the person's motivation to participate in VR services. Two commenters noted that people with psychiatric disabilities who refuse VR services or fail to cooperate may too easily be considered unwilling to cooperate, even though such unwillingness may be due to their

illness rather than to a non-valid reason. They were concerned that our proposed regulations would permit such people to be removed from the rolls because of refusal to cooperate when the refusal is due to the person's illness. Another commenter recommended that the definition of VR refusal be more specific regarding mental retardation, mental illness, and other psychological disorders.

*Response:* We did not make any changes to §§ 404.2113 and 416.2213 in response to these comments. Sections 404.422 and 416.1715 of our existing regulations provide that deductions will not be imposed against an individual's Social Security benefits, and an individual's SSI benefits will not be suspended, on account of a refusal of VR services if we find that the individual has good cause for refusing such services. Section 416.1715(b) of our SSI regulations lists examples of good cause, including being physically or mentally unable to participate in the services that are offered. We use the same criteria for Social Security cases. Consequently, a person's psychiatric and/or medical condition must be evaluated and taken into account in determining whether good cause for refusing VR services exists and prior to any determination that deductions will be imposed against Social Security benefits or that SSI benefits will be suspended. In addition, we published final rules in the *Federal Register* on January 12, 1994 (59 FR 1629) to amend §§ 404.422 and 416.1715 to provide that we will take into account any physical, mental, educational, or linguistic limitations of an individual in determining whether the individual has good cause for refusing VR services.

#### *Services for Which Payment May Be Made—§§ 404.2114 and 416.2214*

*Comment:* In commenting on proposed §§ 404.2114 and 416.2214, many commenters expressed the belief that there is no need to list the specific services for which payment may be made since such services are already identified in the Rehabilitation Act of 1973, as amended, and in the RSA regulations. Commenters were concerned that SSA's listing of such services would create confusion with those already identified in the Rehabilitation Act of 1973, as amended, and in the implementing regulations promulgated by RSA, and could create a double standard between Social Security beneficiaries or SSI recipients and other vocational rehabilitation clients. A few commenters expressed concern that the list was intended to permit more VR payment denials.

*Response:* Our intent in listing specific services in these sections was to further clarify the services for which payment may be made under our programs and to provide a reference under SSA's regulations for use with potential alternate providers. With some modifications to take account of the Rehabilitation Act Amendments of 1992, discussed below, the services listed in these final rules are essentially the same as those currently described in the RSA regulations. There are minor differences in our final regulations, relating primarily to the issue of the individual's attainment of employment at or above the SGA level, which is the basic objective of our VR payment programs. Our final regulations, therefore, do not precisely mirror the descriptions of VR services contained in the RSA regulations or in the Rehabilitation Act Amendments of 1992.

It is not our intent, in making this change in our rules, to introduce conflicts between the handling of cases of Social Security beneficiaries or SSI recipients and the cases of other vocational rehabilitation clients, nor do we intend, by including this list in our rules, to permit more denials of payments to providers of such services. We believe that the list of services is as extensive as that provided in the RSA regulations or in the Rehabilitation Act Amendments of 1992. Moreover, it provides a general category of VR services in §§ 404.2114(b)(15) and 416.2214(b)(15), for "Other goods and services that can reasonably be expected to motivate or assist the individual in returning to, or continuing in, SGA." In these final regulations, we have modified some of the descriptions of the VR services in §§ 404.2114(b) and 416.2214(b) to reflect changes which the Rehabilitation Act Amendments of 1992 made to the list of VR services covered under the Rehabilitation Act of 1973. As the need arises, we will consider making further changes to §§ 404.2114(b) and 416.2214(b), as may be necessary and appropriate, to reflect other relevant changes that may be made in the law or in RSA regulations to ensure that the list of VR services in these sections of our regulations is up-to-date.

*Comment:* A few commenters expressed concern that the references to "SGA" and "the SGA level" contained in proposed §§ 404.2114 and 416.2214 could be read to permit the exclusion of payment of those expenses aimed at achieving employment at a level higher than the SGA threshold. One commenter specifically recommended

that the reference to SGA be revised to state, "at or above SGA level."

*Response:* It was not our intent to exclude payment for services aimed at employment above the SGA threshold. However, we recognize that the phrase "at the SGA level" in paragraphs (b)(3) and (b)(12) of proposed §§ 404.2114 and 416.2214 could be misleading. Therefore, we have revised these paragraphs in the final rules to state "at or above the SGA level," to prevent any misunderstandings in this regard.

*Comment:* One commenter requested further clarification as to what costs for diagnostic services would be paid, believing that the proposed rules appeared to limit these costs to determining eligibility for vocational rehabilitation services. This commenter believed that the proposed rules would exclude payment for certain diagnostic services provided later in the rehabilitation process, such as preparing the rehabilitation plan and determining appropriate rehabilitation goals. Another commenter thought that the proposed rules would preclude payment for the cost of vocational evaluation and disagreed with the rules for this reason. This commenter stated that vocational evaluation is often necessary to determine an individual's eligibility to receive services, and provides a template for developing the IWRP.

*Response:* It was not our intent to preclude payment for diagnostic or other evaluation services, including vocational evaluations, which are necessary to assist an individual and a VR counselor in preparing an IWRP or in determining an appropriate vocational goal. Such services are covered under §§ 404.2114(b)(1) and 416.2214(b)(1). We recognize, however, that §§ 404.2114(a) and 416.2214(a) of the proposed rules could be read to preclude payment for the costs of diagnostic or other evaluation services which are provided after an individual has been determined to be eligible for VR services and prior to the implementation of an IWRP (or similar document in the case of an alternate participant). Therefore, to address the concerns raised by the commenters and avoid any misunderstanding regarding our intent, we are adding the phrase "or the nature and scope of the services to be provided" to §§ 404.2114(a)(1) and 416.2214(a)(1) to clarify that payment may be made for diagnostic or other evaluation services which are provided between these two stages of the rehabilitation process and which are necessary to determine the nature and scope of the services to be provided to the individual.

*Comment:* Three commenters believed that there was no need to include provisions for seeking grant assistance for educational services under §§ 404.2114(b)(4) and 416.2214(b)(4) since similar provisions are already mandated by the Rehabilitation Act of 1973, as amended.

*Response:* While we acknowledge that such "similar benefit" provisions are already mandated under the Rehabilitation Act of 1973, as amended, and the RSA regulations, we are including the requirement for seeking grant assistance from other sources for the costs of training or training services in institutions of higher education in our final regulations to ensure compliance with this requirement by alternate participants. The requirements of the Federal/State rehabilitation program administered by RSA under title I of the Rehabilitation Act of 1973, as amended, apply to State VR agencies. With the expanded use of private or public non-State VR service providers as alternate participants under our VR payment programs, we believe it is necessary to include in our regulations certain requirements for payment of services and cost under our programs, even if such requirements when applied to State VR agencies are duplicative of the requirements under the Rehabilitation Act of 1973, as amended, and RSA regulations.

*Comment:* One State VR agency raised a question about the qualifications of the SSA personnel who will determine whether the services provided could reasonably be expected to motivate or assist the individual in returning to, or continuing in, SGA as expressed in §§ 404.2114(a)(2) and 416.2214(a)(2). The commenter believed that since a counselor has specialized training and experience, and has extensive client information, SSA personnel who will determine this issue should have equal qualifications in order to make appropriate decisions and ensure that the review process does not unnecessarily delay the VR payment process.

*Response:* We appreciate the need for SSA to ensure that qualified personnel are involved in the review process. It is not our intent under these regulations to attempt to "second guess" the decisions made by the VR counselor so long as the VR services involved could reasonably have been expected to motivate or assist the individual in progressing toward the goal of performing SGA. We will ensure that the reviewers are trained and qualified to perform such a review.

*Cost Containment—§§ 404.2117 and 416.2217*

*Comment:* A few commenters stated that our "requirement" (rather than our expectation) that they seek similar benefits when providing services to beneficiaries or recipients is duplicative of an RSA requirement. They viewed this duplication as unnecessary or as imposing an additional reporting burden.

*Response:* It was our intent to establish consistency with the RSA regulations in 34 CFR part 361. We see no additional reporting requirement and regard this as a change for reasons of consistency only.

*Comment:* The requirement in proposed §§ 404.2117(c)(2) and 416.2217(c)(2) that State VR agencies and alternate participants submit to SSA on a yearly basis a summary of their cost-containment policies drew strong criticism from a number of State VR agencies. It was described as duplicative of RSA reporting requirements and administratively burdensome. One commenter believed that the requirement in these sections represented gross over-regulation; another believed that it would result in nonessential documentation.

Commenters who did not recommend deleting this requirement suggested that the timeframe for submitting cost-containment policies be changed from annually to every 3 years. This would make SSA's reporting requirements consistent with the timeframe States must use when submitting plans to RSA.

*Response:* In proposing the requirement in paragraph (c)(2) of §§ 404.2117 and 416.2217, it was our intent to have some written assurance that providers of rehabilitation services would have cost-containment policies in effect and to ensure that these policies were adhered to when providing or procuring goods and services for which payment would be requested from SSA. In consideration of the comments we received and our own reevaluation of the requirement set forth in the proposed rules, we have made substantial changes to paragraph (c)(2) in the final rules.

The final rules require that State VR agencies submit to SSA, by the end of the first quarter of each calendar year, a certification that approved cost-containment policies are in effect and are adhered to in procuring and providing goods and services for which the State VR agency requests payment under our regulations. Such certification must be signed by the State's chief financial official or the head of the VR

agency. Additionally, such certification must specify the basis upon which it is made, e.g., a recent audit by an authorized State, Federal or private auditor, or other independent compliance review, and the date of such audit or compliance review. In the case of an alternate participant, these certification requirements will be incorporated into the negotiated agreement or contract. We also provide in the final rules that we may request copies of a provider's specific written cost-containment policies if we determine that such additional information is necessary to ensure compliance with the requirements of our regulations, and that the provider shall submit copies of these policies when requested. We believe that these certification requirements set forth in the final rules will minimize any administrative burden that might have resulted from annual submissions of summaries of cost-containment policies to SSA, while still assuring that such policies are in effect and in use.

*Comment:* Several private providers commented that alternate participants would need additional guidance on what constitutes a cost-containment plan for SSA purposes.

*Response:* We agree that alternate participants will need such guidance but believe that it would be inappropriate to include such guidance in these regulations. Instead, we will provide specific guidance when we develop contractual agreements with potential alternate participants who express an interest in serving disabled or blind beneficiaries and recipients.

#### Validation Reviews—§§ 404.2121 and 416.2221

*Comment:* Thirteen State VR agencies, as well as the Council of State Administrators of Vocational Rehabilitation and RSA, commented on proposed §§ 404.2121 and 416.2221. Most commenters identified two major areas of concern about the proposal permitting prepayment or postpayment validation review of claims for payment for VR services. First, many commenters questioned the need for prepayment reviews since a process for postpayment review of State VR agency claims has been in place for a substantial period of time and, in their experience, has proven to be an effective and viable approach. These commenters expressed the view that prepayment reviews would unnecessarily delay payments and would constitute increased paperwork and administrative costs for the State VR agencies.

Second, many commenters were concerned that the proposed rules

would give SSA extremely broad discretionary authority to conduct an unspecified number of reviews on a prepayment or postpayment basis, without providing any guidelines regarding the frequency of such reviews or permitting any negotiation or appeal procedures for the State VR agencies with respect to the initiation of such reviews. Some commenters suggested revising these proposed sections to specify the frequency and timing of the validation reviews and to allow an appeal by the State VR agency prior to our initiating an increase in validation reviews. Also, some commenters suggested that the expanded use of validation reviews be limited to situations where evidence already pointed to inaccurate or noncompliant claims.

*Response:* In proposing the revisions to §§ 404.2121 and 416.2221, it was not our intention to set review standards which would be arbitrarily burdensome or time-consuming, or which would needlessly delay the VR payment process. We envisioned the proposed validation reviews as a mechanism to ensure a cost-effective payment program which would be supported by sufficient documentation to provide for reasonable accountability and sound business practices.

To maintain appropriate accountability and oversight of this growing program, we intend to conduct some validation reviews on a prepayment basis and some on a postpayment basis for all VR providers, i.e., State VR agencies and alternate participants. We intentionally did not specify in the proposed rules particular guidelines for the implementation of these prepayment and postpayment reviews. We intended to allow some discretion under these sections in order to permit flexibility for implementing reviews for both State VR agencies and alternate participants; ensure compliance with the provisions for payment; and reinforce our goal of conducting quality, comprehensive validation reviews. We are aware that sample sizes will have to be determined based upon the availability of resources, workload levels, and the volume and accuracy of claims being presented by individual States and alternate participants. While it is not our intention to unnecessarily impede or delay the process for paying claims, we must have the discretion and flexibility to determine the volume of claims selected for prepayment and postpayment reviews. For these reasons, we have not made changes in response to the above comments.

*Comment:* One State VR agency interpreted the documentation requirements under the validation review process as meaning that SSA would only accept original documents as acceptable proof of costs and services provided. The agency stated that this requirement was unreasonable and would present unnecessary burdens to the State VR agencies to attempt to maintain and provide such original documentation, particularly since many rehabilitation cases require more time to complete than record retention guidelines call for. It recommended that our documentation and retention requirements comply with the *Federal Grants Management Handbook* criteria.

*Response:* We believe the commenter may have misinterpreted §§ 404.2121(a) and 416.2221(a) in regard to acceptable proofs of costs for services provided. We stated in these proposed sections that copies of records of the services and costs would be sufficient documentation, and that we reserved the right to examine any records relating to services and costs. We did not intend to require that only original documents would be acceptable as proofs of costs under these sections. Also, under §§ 404.2108(f) and 416.2208(f), a requirement for participation in SSA's VR payment program is that the State VR agency or alternate participant must maintain, and provide as we may require (i.e., for validation reviews), adequate documentation of all services or costs, regardless of other record retention requirements governing such VR agencies or alternate participants.

*Comment:* One State VR agency recommended that onsite reviews be considered for conducting the validation review process in order to expedite the process and resolve any payment problems, as well as to permit the reviewers to gain a better understanding of the rehabilitation program's impact on individual clients.

*Response:* We appreciate this recommendation and will consider onsite reviews as a possible option for some validation review activities to the extent that resources will permit.

*Comment:* One commenter recommended that §§ 404.2121 and 416.2221 include a time requirement under which SSA must provide the State VR agency a report of the validation review findings. The commenter recommended that a State VR agency be notified of the validation review determination within 45 days after the review was completed. The commenter believed that timely feedback to the State VR agencies would permit corrective actions to be initiated as quickly as possible.

*Response:* We are not including in these regulations a specific timeframe for notifying the State VR agency or alternate participant of validation review determinations. However, we believe that notifying the VR provider of our determination within 45 days of the completion of a validation review is reasonable, and we expect to provide such notification sooner than 45 days.

#### Other Comments

*Comment:* As we requested in the NPRM, most of the commenters provided their views on the feasibility of SSA establishing an experience-based fee schedule mechanism as a means for achieving a simplified payment process which would also ensure a fair representation of actual costs incurred by State VR agencies and alternate participants. Almost all of these commenters were opposed to this initiative. A number of reasons for this position were presented, including the view that such a fee schedule could act as an inhibiting factor to the State VR agencies' achievement of their goal of being able to provide individualized rehabilitation services which would be most likely to benefit a given client. Most commenters expressed the belief that an experience-based fee schedule would not be able to fairly represent the costs incurred by the various State agencies because these costs can vary considerably from State to State and region to region. Many commenters also argued that there is no need for SSA to establish a fee schedule because individual States are required to have fee schedules which are based on local conditions and provider/consumer negotiations. Many commenters believed that imposing a fee schedule would not improve the payment process and recommended instead that the current process be continued.

*Response:* Given the overwhelmingly negative response we received to this question, we will not establish an experience-based fee schedule at this time.

*Comment:* One commenter recommended that the references to individuals with certain disabilities or impairments be made consistent with the terms used in the Americans with Disabilities Act and the Rehabilitation Reauthorization Act.

*Response:* We have not adopted this recommendation. Because of the special meanings of terms used in the Social Security and SSI programs, we must ensure that the references we make to blind or disabled beneficiaries and recipients in these rules remain consistent with the applicable provisions of the Social Security Act

and the other Social Security and SSI regulations we have issued pursuant to this Act.

*Comment:* Many commenters expressed general displeasure with the proposed regulatory changes in total, believing them to represent undue interference and bureaucratic overcontrol in the work of the State VR agencies. They stated that the proposed changes would constitute serious administrative burdens, and would act as a disincentive to State participation. Some of the State VR agencies believed these proposed changes were intentionally adversarial to them and represented an attempt on the part of SSA to unduly restrict VR payments.

*Response:* Our intention was not to restrict VR payments, institute interference or overcontrol, or to be adversarial in nature. In reply to these comments, we can only reiterate that we proposed and are now making regulatory changes to improve the administration and cost-effectiveness of the SSA VR payment program, to ensure that the services we pay for bear a reasonable relationship to our goal of returning individuals to substantial gainful work activity, and to make VR services more readily available to disabled or blind beneficiaries and recipients.

Our VR payment program has expanded over the last 10 years and is rapidly approaching a \$100 million program. It is understandable that a program of such size would come under closer scrutiny and would require assurances of proper administration. A minimal element for ensuring proper administration is to know what SSA is paying for; hence, we proposed and are now issuing additional requirements for submitting a claim. In addition, for us to expand our referral mechanism to include alternate participants, we need to know the outcome of the referrals we send to the State VR agencies.

As a result of the comments which discussed additional administrative burdens under the proposed rules, we have made certain revisions, which are discussed in the individual sections above, to lessen the impact of these regulatory changes.

#### Regulatory Procedures

##### Executive Order 12291

The Secretary has determined that these are not major rules under Executive Order 12291. We expect that these regulations would be at least cost-neutral over time. While it is not yet possible to present realistic estimates, the expectation is that the program savings from the additional successful

rehabilitations and resultant benefit terminations would exceed any additional administrative costs, including the cost of providing VR evaluations and services.

Nevertheless, it is clear that the potential exists for VR payment costs to increase, even if they are later offset by benefit savings. If the current workload of claims for successful rehabilitations were to increase, the annual cost in VR program payments would be an additional \$5.8 million for each 1000 claims submitted. In its 1988 report, the Disability Advisory Council estimated that the trust funds save at least \$4 for each \$1 spent. Using that as a basis, savings to the trust funds could increase by \$23.2 million for each additional 1000 claims.

Because these regulations do not meet any of the threshold criteria for a major rule, a regulatory impact analysis is not required.

#### Paperwork Reduction Act

These rules contain information collection requirements. The requirements in § 404.2108 (b) and (f) and in § 416.2208 (b) and (f), which deal with claims for reimbursement for vocational rehabilitation (VR) services, already have partial clearance by the Office of Management and Budget (OMB) under OMB No. 0960-0310 (form SSA-199; State Vocational Rehabilitation Agency Claim). However, these sections expand the requirements of the previous regulations to provide for the collection of additional information. Also, the changes to §§ 404.2104, 404.2117, 404.2121, 416.2204, 416.2217 and 416.2221 contain new reporting requirements.

As required by section 2(a) of the Paperwork Reduction Act of 1980, 44 U.S.C. 3504(h), we submitted a copy of the proposed rules to OMB for its review of these information collection requirements. Other organizations and individuals that wanted to submit comments on these information collection requirements were asked to direct them to the Social Security Administration, Attn: Reports Clearance Officer, 1-A-21 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, and to the Office of Information and Regulatory Affairs, OMB, New Executive Office Building, Room 3208, Washington, DC 20503, ATTENTION: Desk Officer for HHS.

Public reporting burden for these collections of information is estimated as follows according to the section of the rule: §§ 404.2104 and 416.2204—80 minutes per response times 960 responses yearly = 1,280 hours; §§ 404.2108 and 416.2208—15 minutes

per response times 12,000 responses yearly = 3,525 hours. (Note: The burden shown here is in addition to that already approved by OMB); §§ 404.2113 and 416.2213—No additional burden; §§ 404.2117 and 416.2217—4 hours per response for the first year times 80 responses = 320 hours; thereafter, responses are estimated to take 1 hour, so the burden is estimated to be 80 hours in subsequent years; and §§ 404.2121 and 416.2221—70 minutes per response times 1,500 responses annually = 1,750 hours. (Note: The burden shown here is in addition to that already approved by OMB.)

#### Regulatory Flexibility Act

We certify that these regulations will not have a significant economic impact on a substantial number of small entities. Therefore, a regulatory flexibility analysis as provided in Public Law 96-354, the Regulatory Flexibility Act of 1980, is not required.

These regulations apply to States and certain alternate providers of VR services which are willing to provide services to disabled or blind beneficiaries or recipients under our VR payment programs under the conditions specified in the regulations. While the changes to the regulations permit us to make greater use of alternate participants under these programs, the regulations do not impose any significant economic burdens on these alternate VR service providers which may be small entities. Under the Act, we may arrange for VR services for beneficiaries or recipients by agreement or contract with alternate VR service providers where the State is unwilling to participate or does not have an appropriate plan for VR services. The Act requires that the provision of VR services by alternate participants, and the payment to alternate participants for such services, shall be subject to the same conditions that would apply to the States. Our existing regulations provide that an alternate participant must have a plan for VR services that is similar to an appropriate State plan. These amended regulations do not change this requirement but clarify that the plans of alternate participants, like a State plan for VR services, must ensure, among other things, that the provision of VR services will meet certain minimum standards. These regulations also clarify that we will not enter into a written agreement or contract with a private or other non-State VR provider to serve as an alternate participant unless such provider meets certain basic qualifications. The regulations do not require private or other non-State VR providers to participate in the VR

payment programs. Rather, the regulations increase the opportunity for these providers to participate in these programs if they wish to do so.

(Catalog of Federal Domestic Assistance Programs Nos. 93.802, Social Security-Disability Insurance; 93.807, Supplemental Security Income)

#### List of Subjects

##### 20 CFR Part 404

Administrative Practice and Procedure, Blind, Disability benefits, Old-Age, Survivors and Disability Insurance, Reporting and recordkeeping requirements, Social Security.

##### 20 CFR Part 416

Administrative Practice and Procedure, Aged, Blind, and Disability benefits, Public assistance programs, Reporting and recordkeeping requirements, Supplemental Security Income (SSI).

Dated: September 8, 1993.

Lawrence H. Thompson,  
Principal Deputy Commissioner of Social Security.

Approved: November 29, 1993.

Donna E. Shalala,  
Secretary of Health and Human Services.

For the reasons set out in the preamble, we are amending part 404, subpart V, and part 416, subpart V, of chapter III of title 20, Code of Federal Regulations, as set forth below.

#### PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950—)

##### Subpart V—Payments for Vocational Rehabilitation Services

1. The authority citation for subpart V of part 404 continues to read as follows:

Authority: Secs. 205(a), 222, and 1102 of the Social Security Act; 42 U.S.C. 405(a), 422, and 1302.

2. Section 404.2102 is amended by revising paragraph (b), by redesignating paragraphs (c) through (n) as paragraphs (d) through (o), by adding a new paragraph (c), and by revising redesignated paragraphs (e) and (l) to read as follows:

##### § 404.2102 Purpose and scope.

\* \* \* \* \*

(b) Section 404.2104 explains how State VR agencies or alternate participants may participate in the payment program under this subpart.

(c) Section 404.2106 describes the basic qualifications for alternate participants.

\* \* \* \* \*

(e) Sections 404.2110 through 404.2111 describe when an individual has completed a continuous period of SGA and when VR services will be considered to have contributed to that period.

\* \* \* \* \*

(l) Sections 404.2120 and 404.2121 describe the audits and the prepayment and postpayment validation reviews we will conduct.

\* \* \* \* \*

3. Section 404.2103 is amended by adding a new definition of "Accept the beneficiary as a client for VR services" immediately before the definition of "Act" and adding a new definition of "Place the beneficiary into an extended evaluation process" immediately before the definition of "Secretary" to read as follows:

##### § 404.2103 Definitions.

\* \* \* \* \*

*Accept the beneficiary as a client for VR services* means that the State VR agency determines that the individual is eligible for VR services and places the individual into an active caseload status for development of an individualized written rehabilitation program.

\* \* \* \* \*

*Place the beneficiary into an extended evaluation process* means that the State VR agency determines that an extended evaluation of the individual's VR potential is necessary to determine whether the individual is eligible for VR services and places the individual into an extended evaluation status.

\* \* \* \* \*

4. Section 404.2104 is revised to read as follows:

##### § 404.2104 Participation by State VR agencies or alternate participants.

(a) *General.* In order to participate in the payment program under this subpart through its VR agency(ies), a State must have a plan which meets the requirements of title I of the Rehabilitation Act of 1973, as amended. An alternate participant must have a similar plan and otherwise qualify under § 404.2106.

(b) *Participation by States.* (1) The opportunity to participate through its VR agency(ies) with respect to disability beneficiaries in the State will be offered first to the State in accordance with paragraph (c) of this section, unless the State has notified us in advance under paragraph (e)(1) of this section of its decision not to participate or to limit such participation.

(2) A State with one or more approved VR agencies may choose to limit participation of those agencies to a

certain class(es) of disability beneficiaries. For example, a State with separate VR agencies for the blind and disabled may choose to limit participation to the VR agency for the blind. In such a case, we would give the State, through its VR agency for the blind, the opportunity to participate with respect to blind disability beneficiaries in the State in accordance with paragraph (d) of this section. We would arrange for VR services for non-blind disability beneficiaries in the State through an alternate participant(s). A State that chooses to limit participation of its VR agency(ies) must notify us in advance under paragraph (e)(1) of this section of its decision to limit such participation.

(3) If a State chooses to participate by using a State agency other than a VR agency with a plan for VR services approved under title I of the Rehabilitation Act of 1973, as amended, that State agency may participate only as an alternate participant.

(c) *Opportunity for participation through State VR agencies.* (1) Unless a State has decided not to participate or to limit participation, we will give the State the opportunity to participate through its VR agency(ies) with respect to disability beneficiaries in the State by referring such beneficiaries first to the State VR agency(ies) for necessary VR services. A State, through its VR agency(ies), may participate with respect to any beneficiary so referred by accepting the beneficiary as a client for VR services or placing the beneficiary into an extended evaluation process and notifying us under paragraph (c)(2) of this section of such acceptance or placement.

(2)(i) In order for the State to participate with respect to a disability beneficiary whom we referred to a State VR agency, the State VR agency must notify the appropriate Regional Commissioner (SSA) in writing or through electronic notification of its decision either to accept the beneficiary as a client for VR services or to place the beneficiary into an extended evaluation process. The notice must be received by the appropriate Regional Commissioner (SSA) no later than the close of the fourth month following the month in which we referred the beneficiary to the State VR agency. If we do not receive such notice with respect to a beneficiary whom we referred to the State VR agency, we may arrange for VR services for that beneficiary through an alternate participant.

(ii) In any case in which a State VR agency notifies the appropriate Regional Commissioner (SSA) in writing within the stated time period under paragraph

(c)(2)(i) of this section of its decision to place the beneficiary into an extended evaluation process, the State VR agency also must notify that Regional Commissioner in writing upon completion of the evaluation of its decision whether or not to accept the beneficiary as a client for VR services. If we receive a notice of a decision by the State VR agency to accept the beneficiary as a client for VR services following the completion of the extended evaluation, the State may continue to participate with respect to such beneficiary. If we receive a notice of a decision by the State VR agency not to accept the beneficiary as a client for VR services following the completion of the extended evaluation, we may arrange for VR services for that beneficiary through an alternate participant.

(d) *Opportunity for limited participation through State VR agencies.* If a State has decided under paragraph (e)(1) of this section to limit participation of its VR agency(ies) to a certain class(es) of disability beneficiaries in the State, we will give the State the opportunity to participate with respect to such class(es) of disability beneficiaries by referring such beneficiaries first to the State VR agency(ies) for necessary VR services. The State, through its VR agency(ies), may participate with respect to any beneficiary so referred by accepting the beneficiary as a client for VR services or placing the beneficiary into an extended evaluation process and notifying us under paragraph (c)(2) of this section of such acceptance or placement.

(e) *Decision of a State not to participate or to limit participation.* (1) A State may choose not to participate through its VR agency(ies) with respect to any disability beneficiaries in the State, or it may choose to limit participation of its VR agency(ies) to a certain class(es) of disability beneficiaries in the State. A State which decides not to participate or to limit participation must provide advance written notice of that decision to the appropriate Regional Commissioner (SSA). Unless a State specifies a later month, a decision not to participate or to limit participation will be effective beginning with the third month following the month in which the notice of the decision is received by the appropriate Regional Commissioner (SSA). The notice of the State decision must be submitted by an official authorized to act for the State for this purpose. A State must provide to the appropriate Regional Commissioner (SSA) an opinion from the State's Attorney General verifying the authority

of the official who sent the notice to act for the State. This opinion will not be necessary if the notice is signed by the Governor of the State.

(2)(i) If a State has decided not to participate through its VR agency(ies), we may arrange for VR services through an alternate participant(s) for disability beneficiaries in the State.

(ii) If a State has decided to limit participation of its VR agency(ies) to a certain class(es) of disability beneficiaries, we may arrange for VR services through an alternate participant(s) for the class(es) of disability beneficiaries in the State excluded from the scope of the State's participation.

(3) A State which has decided not to participate or to limit participation may participate later through its VR agency(ies) in accordance with paragraph (c) of this section, provided that such participation will not conflict with any previous commitment which we may have made to an alternate participant(s) under paragraph (e)(2) of this section. A State which decides to resume participation under paragraph (c) of this section must provide advance written notice of that decision to the appropriate Regional Commissioner (SSA). Unless a commitment to an alternate participant(s) requires otherwise, a decision of a State to resume participation under paragraph (c) of this section will be effective beginning with the third month following the month in which the notice of the decision is received by the appropriate Regional Commissioner (SSA) or, if later, with a month specified by the State. The notice of the State decision must be submitted by an official authorized to act for the State as explained in paragraph (e)(1) of this section.

(f) *Use of alternate participants.* The Commissioner, by written agreement or contract, may arrange for VR services through an alternate participant(s) for any disability beneficiary in the State with respect to whom the State is unwilling to participate through its VR agency(ies). In such a case, we may refer the beneficiary to such alternate participant for necessary VR services. The Commissioner will find that a State is unwilling to participate with respect to any of the following disability beneficiaries in that State:

(1) A disability beneficiary whom we referred to a State VR agency under paragraph (c) or (d) of this section if we do not receive a notice within the stated time period under paragraph (c)(2)(i) of this section of a decision by the VR agency either to accept the beneficiary as a client for VR services or to place the

beneficiary into an extended evaluation process;

(2) A disability beneficiary with respect to whom we receive a notice under paragraph (c)(2)(ii) of this section of a decision by the VR agency not to accept the beneficiary as a client for VR services following the completion of the extended evaluation;

(3) The class(es) of disability beneficiaries excluded from the scope of the State's participation if the State has decided to limit participation of its VR agency(ies); and

(4) All disability beneficiaries in the State if the State has decided not to participate through its VR agency(ies).

5. A new § 404.2106 is added to read as follows:

**§ 404.2106 Basic qualifications for alternate participants.**

(a) *General.* We may arrange for VR services through an alternate participant by written agreement or contract as explained in § 404.2104(f). An alternate participant may be a public or private agency, organization, institution or individual (that is, any entity whether for-profit or not-for-profit), other than a State VR agency.

(1) An alternate participant must—  
(i) Be licensed, certified, accredited, or registered, as appropriate, to provide VR services in the State in which it provides services; and

(ii) Under the terms of the written contract or agreement, have a plan similar to the State plan described in § 404.2104(a) which shall govern the provision of VR services to individuals.

(2) We will not use as an alternate participant any agency, organization, institution, or individual—

(i) Whose license, accreditation, certification, or registration is suspended or revoked for reasons concerning professional competence or conduct or financial integrity;

(ii) Who has surrendered such license, accreditation, certification, or registration pending a final determination of a formal disciplinary proceeding; or

(iii) Who is precluded from Federal procurement or nonprocurement programs.

(b) *Standards for the provision of VR services.* An alternate participant's plan must provide, among other things, that the provision of VR services to individuals will meet certain minimum standards, including, but not limited to, the following:

(1) All medical and related health services furnished will be prescribed by, or provided under the formal supervision of, persons licensed to

prescribe or supervise the provision of these services in the State;

(2) Only qualified personnel and rehabilitation facilities will be used to furnish VR services; and

(3) No personnel or rehabilitation facility described in paragraph (a)(2) (i), (ii), or (iii) of this section will be used to provide VR services.

6. Section 404.2108 is amended by redesignating paragraphs (b) through (f) as (c) through (g), by adding a new paragraph (b), and by revising redesignated paragraphs (d) and (f) to read as follows:

**§ 404.2108 Requirements for payment.**

\* \* \* \* \*  
(b) The claim for payment must be in a form prescribed by us and contain the following information:

(1) A description of each service provided;

(2) When the service was provided; and

(3) The cost of the service;

\* \* \* \* \*  
(d) The VR services for which payment is being requested must have been provided under a State plan for VR services approved under title I of the Rehabilitation Act of 1973, as amended, or, in the case of an alternate participant, under a negotiated plan, and must be services that are described in § 404.2114;

\* \* \* \* \*  
(f) The State VR agency or alternate participant must maintain, and provide as we may require, adequate documentation of all services and costs for all disability beneficiaries with respect to whom a State VR agency or alternate participant could potentially request payment for services and costs under this subpart; and

\* \* \* \* \*  
7. Section 404.2109 is amended by revising paragraph (c), by removing the word "and" at the end of paragraph (f), by redesignating paragraph (g) as paragraph (h), and by adding a new paragraph (g) to read as follows:

**§ 404.2109 Responsibility for making payment decisions.**

\* \* \* \* \*  
(c) Whether an individual, without good cause, refused to continue to accept VR services or failed to cooperate in a VR program for a month(s) after October 1984, and whether deductions should be imposed against the individual's disability benefits;

\* \* \* \* \*  
(g) Whether a VR service is a service described in § 404.2114; and

\* \* \* \* \*

8. Section 404.2111 is amended by revising the introductory text by revising paragraphs (a)(1) and (a)(2), and by revising the introductory text of paragraph (b)(1) to read as follows:

**§ 404.2111 Criteria for determining when VR services will be considered to have contributed to a continuous period of 9 months.**

The State VR agency or alternate participant may be paid for VR services if such services contribute to the individual's performance of a continuous 9-month period of SGA. The following criteria apply to individuals who received more than just evaluation services. If a State VR agency or alternate participant claims payment for services to an individual who received only evaluation services, it must establish that the individual's continuous period or medical recovery (if medical recovery occurred before completion of a continuous period) would not have occurred without the services provided. In applying the criteria below, we will consider services described in § 404.2114 that were initiated, coordinated or provided, including services before October 1, 1981.

(a) \* \* \*  
(1) *One year or less.* Any VR services which significantly motivated or assisted the individual in returning to, or continuing in, SGA will be considered to have contributed to the continuous period.

(2) *More than one year.* (i) If the continuous period was preceded by transitional work activity (employment or self-employment which gradually evolved, with or without periodic interruption, into SGA), and that work activity began less than a year after VR services ended, any VR services which significantly motivated or assisted the individual in returning to, or continuing in, SGA will be considered to have contributed to the continuous period.

(ii) If the continuous period was not preceded by transitional work activity that began less than a year after VR services ended, VR services will be considered to have contributed to the continuous period only if it is reasonable to conclude that the work activity which constitutes a continuous period could not have occurred without the VR services (e.g., training).

(b) *Continuous period with medical recovery occurring before completion.*  
(1) If an individual medically recovers before a continuous period has been completed, VR services under paragraph (a) of this section will not be payable unless some VR services contributed to the medical recovery. VR services will

be considered to have contributed to the medical recovery if—

\* \* \* \* \*

9. Section 404.2113 is revised to read as follows:

**§ 404.2113 Payment for VR services in a case of VR refusal.**

(a) For purposes of this section, *VR refusal* means an individual's refusal to continue to accept VR services or failure to cooperate in such a manner as to preclude the individual's successful rehabilitation.

(b) No later than the 60th day after the State VR agency or alternate participant makes a preliminary finding that an individual refuses to continue to accept VR services or fails to cooperate in a VR program, the State VR agency or alternate participant shall report to the appropriate Regional Commissioner (SSA) in writing such individual's VR refusal so that we may make the determination described in § 404.2109(c).

(c) Payment can be made to a State VR agency or alternate participant for the costs of VR services provided to an individual who, after filing an application with the State VR agency or alternate participant for rehabilitation services, without good cause, refuses to continue to accept VR services or fails to cooperate in such a manner as to preclude the individual's successful rehabilitation. A State VR agency or alternate participant may be paid, subject to the provisions of this subpart, for the costs of VR services provided to an individual if deductions have been imposed against the individual's monthly disability benefits for a month or months after October 1984 because of VR refusal.

10. Section 404.2114 is revised to read as follows:

**§ 404.2114 Services for which payment may be made.**

(a) *General.* Payment may be made for VR services provided by a State VR agency in accordance with title I of the Rehabilitation Act of 1973, as amended, or by an alternate participant under a negotiated plan, subject to the limitations and conditions in this subpart. VR services for which payment may be made under this subpart include only those services described in paragraph (b) of this section which are—

- (1) Necessary to determine an individual's eligibility for VR services or the nature and scope of the services to be provided; or
- (2) Provided by a State VR agency under an IWRP, or by an alternate participant under a similar document, but only if the services could reasonably

be expected to motivate or assist the individual in returning to, or continuing in, SGA.

(b) *Specific services.* Payment may be made under this subpart only for the following VR services:

(1) An assessment for determining an individual's eligibility for VR services and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology, and which includes determining—

- (i) The nature and extent of the physical or mental impairment(s) and the resultant impact on the individual's employability;
- (ii) The likelihood that an individual will benefit from vocational rehabilitation services in terms of employability; and
- (iii) An employment goal consistent with the capacities of the individual and employment opportunities;

(2) Counseling and guidance, including personal adjustment

counseling, and those referrals and other services necessary to help an individual secure needed services from other agencies;

(3) Physical and mental restoration services necessary to correct or substantially modify a physical or mental condition which is stable or slowly progressive and which constitutes an impediment to suitable employment at or above the SGA level;

(4) Vocational and other training services, including personal and vocational adjustment, books, tools, and other training materials, except that training or training services in institutions of higher education will be covered under this section only if maximum efforts have been made by the State VR agency or alternate participant to secure grant assistance in whole or in part from other sources;

(5) Maintenance expenses that are extra living expenses over and above the individual's normal living expenses and that are incurred solely because of and while the individual is participating in the VR program and that are necessary in order for the individual to benefit from other necessary VR services;

(6) Travel and related expenses necessary to transport an individual for purpose of enabling the individual's participation in other necessary VR services;

(7) Services to family members of a disabled individual only if necessary to the successful vocational rehabilitation of that individual;

(8) Interpreter services and note-taking services for an individual who is deaf and tactile interpreting for an individual who is deaf and blind;

(9) Reader services, rehabilitation teaching services, note-taking services, and orientation and mobility services for an individual who is blind;

(10) Telecommunications, sensory, and other technological aids and devices;

(11) Work-related placement services to secure suitable employment;

(12) Post-employment services necessary to maintain, regain or advance into suitable employment at or above the SGA level;

(13) Occupational licenses, tools, equipment, initial stocks, and supplies;

(14) Rehabilitation technology services; and

(15) Other goods and services that can reasonably be expected to motivate or assist the individual in returning to, or continuing in, SGA.

11. Section 404.2117 is amended by revising the introductory text and by revising paragraphs (b) and (c) to read as follows:

**§ 404.2117 What costs will be paid.**

In accordance with section 222(d) of the Social Security Act, the Secretary will pay the State VR agency or alternate participant for the VR services described in § 404.2114 which were provided during the period described in § 404.2115 and which meet the criteria in § 404.2111, § 404.2112, or § 404.2113, but subject to the following limitations:

\* \* \* \* \*

(b) The cost must not have been paid or be payable from some other source. For this purpose, State VR agencies or alternate participants will be required to seek payment or services from other sources in accordance with the "similar benefit" provisions under 34 CFR part 361, including making maximum efforts to secure grant assistance in whole or part from other sources for training or training services in institutions of higher education. Alternate participants will not be required to consider State VR services a similar benefit.

(c)(1) The cost must be reasonable and necessary, in that it complies with the written cost-containment policies of the State VR agency or, in the case of an alternate participant, it complies with similar written policies established under a negotiated plan. A cost which complies with these policies will be considered necessary only if the cost is for a VR service described in § 404.2114. The State VR agency or alternate participant must maintain and use these cost-containment policies, including any reasonable and appropriate fee schedules, to govern the costs incurred for all VR services, including the rates of payment for all purchased services,

for which payment will be requested under this subpart. For the purpose of this subpart, the written cost-containment policies must provide guidelines designed to ensure—

(i) The lowest reasonable cost for such services; and

(ii) Sufficient flexibility so as to allow for an individual's needs.

(2) The State VR agency shall submit to us before the end of the first calendar quarter of each year a written statement certifying that cost-containment policies are in effect and are adhered to in procuring and providing goods and services for which the State VR agency requests payment under this subpart. Such certification must be signed by the State's chief financial official or the head of the VR agency. Each certification must specify the basis upon which it is made, e.g., a recent audit by an authorized State, Federal or private auditor (or other independent compliance review) and the date of such audit (or compliance review). In the case of an alternate participant, these certification requirements shall be incorporated into the negotiated agreement or contract. We may request the State VR agency or alternate participant to submit to us a copy(ies) of its specific written cost-containment policies and procedures (e.g., any guidelines and fee schedules for a given year) if we determine that such additional information is necessary to ensure compliance with the requirements of this subpart. The State VR agency or alternate participant shall provide such information when requested by us.

12. Section 404.2121 is revised to read as follows:

**§ 404.2121 Validation reviews.**

(a) *General.* We will conduct a validation review of a sample of the claims for payment filed by each State VR agency or alternate participant. We will conduct some of these reviews on a prepayment basis and some on a postpayment basis. We may review a specific claim, a sample of the claims, or all the claims filed by any State VR agency or alternate participant, if we determine that such review is necessary to ensure compliance with the requirements of this subpart. For each claim selected for review, the State VR agency or alternate participant must submit such records of the VR services and costs for which payment has been requested or made under this subpart, or copies of such records, as we may require to ensure that the services and costs meet the requirements for payment. For claims for cases described

in § 404.2101(a), a clear explanation or existing documentation which demonstrates how the service contributed to the individual's performance of a continuous 9-month period of SGA must be provided. For claims for cases described in § 404.2101(b) or (c), a clear explanation or existing documentation which demonstrates how the service was reasonably expected to motivate or assist the individual to return to or continue in SGA must be provided. If we find in any prepayment validation review, that the scope or content of the information is inadequate, we will request additional information and will withhold payment until adequate information has been provided. The State VR agency or alternate participant shall permit us (including duly authorized representatives) access to, and the right to examine, any records relating to such services and costs. Any review performed under this section will not be considered an audit for purposes of this subpart.

(b) *Purpose.* The primary purpose of these reviews is—

(1) To ensure that the VR services and costs meet the requirements for payment under this subpart;

(2) To assess the validity of our documentation requirements; and

(3) To assess the need for additional validation reviews or additional documentation requirements for any State VR agency or alternate participant to ensure compliance with the requirements under this subpart.

(c) *Determinations.* In any validation review, we will determine whether the VR services and costs meet the requirements for payment and determine the amount of payment. We will notify in writing the State VR agency or alternate participant of our determination. If we find in any postpayment validation review that more or less than the correct amount of payment was made for a claim, we will determine that an overpayment or underpayment has occurred and will notify the State VR agency or alternate participant that we will make the appropriate adjustment.

(d) *Appeals.* If the State VR agency or alternate participant disagrees with our determination under this section, it may appeal that determination in accordance with 404.2127. For purposes of this section, an appeal must be filed within 60 days after receiving the notice of our determination.

**PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED**

**Subpart V—Payments for Vocational Rehabilitation Services**

1. The authority citation for subpart V of part 416 continues to read as follows:

Authority: Secs. 1102, 1615, and 1631(d)(1) and (e) of the Social Security Act; 42 U.S.C. 1302, 1382d, and 1383(d)(1) and (e); sec. 2344 of Pub. L. 97-35, 95 Stat. 867.

2. Section 416.2202 is amended by revising paragraph (b), by redesignating paragraphs (c) through (n) as paragraphs (d) through (o), by adding a new paragraph (c), and by revising redesignated paragraphs (e) and (l) to read as follows:

**§ 416.2202 Purpose and scope.**

(b) Section 416.2204 explains how State VR agencies or alternate participants may participate in the payment program under this subpart.

(c) Section 416.2206 describes the basic qualifications for alternate participants.

(e) Sections 416.2210 through 416.2211 describe when an individual has completed a continuous period of SGA and when VR services will be considered to have contributed to that period.

(l) Sections 416.2220 and 416.2221 describe the audits and the prepayment and postpayment validation reviews we will conduct.

3. Section 416.2203 is amended by adding a new definition of "Accept the recipient as a client for VR services" immediately before the definition of "Act" and adding a new definition of "Place the recipient into an extended evaluation process" immediately before the definition of "Secretary" to read as follows:

**§ 416.2203 Definitions.**

*Accept the recipient as a client for VR services* means that the State VR agency determines that the individual is eligible for VR services and places the individual into an active caseload status for development of an individualized written rehabilitation program.

*Place the recipient into an extended evaluation process* means that the State VR agency determines that an extended evaluation of the individual's VR potential is necessary to determine

whether the individual is eligible for VR services and places the individual into an extended evaluation status.

\* \* \* \* \*

4. Section 416.2204 is revised to read as follows:

**§ 416.2204 Participation by State VR agencies or alternate participants.**

(a) *General.* In order to participate in the payment program under this subpart through its VR agency(ies), a State must have a plan which meets the requirements of title I of the Rehabilitation Act of 1973, as amended. An alternate participant must have a similar plan and otherwise qualify under § 416.2206.

(b) *Participation by States.* (1) The opportunity to participate through its VR agency(ies) with respect to disabled or blind recipients in the State will be offered first to the State in accordance with paragraph (c) of this section, unless the State has notified us in advance under paragraph (e)(1) of this section of its decision not to participate or to limit such participation.

(2) A State with one or more approved VR agencies may choose to limit participation of those agencies to a certain class(es) of disabled or blind recipients. For example, a State with separate VR agencies for the blind and disabled may choose to limit participation to the VR agency for the blind. In such a case, we would give the State, through its VR agency for the blind, the opportunity to participate with respect to blind recipients in the State in accordance with paragraph (d) of this section. We would arrange for VR services for disabled recipients in the State through an alternate participant(s). A State that chooses to limit participation of its VR agency(ies) must notify us in advance under paragraph (e)(1) of this section of its decision to limit such participation.

(3) If a State chooses to participate by using a State agency other than a VR agency with a plan for VR services approved under title I of the Rehabilitation Act of 1973, as amended, that State agency may participate only as an alternate participant.

(c) *Opportunity for participation through State VR agencies.* (1) Unless a State has decided not to participate or to limit participation, we will give the State the opportunity to participate through its VR agency(ies) with respect to disabled or blind recipients in the State by referring such recipients first to the State VR agency(ies) for necessary VR services. A State, through its VR agency(ies), may participate with respect to any recipient so referred by accepting the recipient as a client for VR

services or placing the recipient into an extended evaluation process and notifying us under paragraph (c)(2) of this section of such acceptance or placement.

(2)(i) In order for the State to participate with respect to a disabled or blind recipient whom we referred to a State VR agency, the State VR agency must notify the appropriate Regional Commissioner (SSA) in writing or through electronic notification of its decision either to accept the recipient as a client for VR services or to place the recipient into an extended evaluation process. The notice must be received by the appropriate Regional Commissioner (SSA) no later than the close of the fourth month following the month in which we referred the recipient to the State VR agency. If we do not receive such notice with respect to a recipient whom we referred to the State VR agency, we may arrange for VR services for that recipient through an alternate participant.

(ii) In any case in which a State VR agency notifies the appropriate Regional Commissioner (SSA) in writing within the stated time period under paragraph (c)(2)(i) of this section of its decision to place the recipient into an extended evaluation process, the State VR agency also must notify that Regional Commissioner in writing upon completion of the evaluation of its decision whether or not to accept the recipient as a client for VR services. If we receive a notice of a decision by the State VR agency to accept the recipient as a client for VR services following the completion of the extended evaluation, the State may continue to participate with respect to such recipient. If we receive a notice of a decision by the State VR agency not to accept the recipient as a client for VR services following the completion of the extended evaluation, we may arrange for VR services for that recipient through an alternate participant.

(d) *Opportunity for limited participation through State VR agencies.* If a State has decided under paragraph (e)(1) of this section to limit participation of its VR agency(ies) to a certain class(es) of disabled or blind recipients in the State, we will give the State the opportunity to participate with respect to such class(es) of disabled or blind recipients by referring such recipients first to the State VR agency(ies) for necessary VR services. The State, through its VR agency(ies), may participate with respect to any recipient so referred by accepting the recipient as a client for VR services or placing the recipient into an extended evaluation process and notifying us

under paragraph (c)(2) of this section of such acceptance or placement.

(e) *Decision of a State not to participate or to limit participation.* (1) A State may choose not to participate through its VR agency(ies) with respect to any disabled or blind recipients in the State, or it may choose to limit participation of its VR agency(ies) to a certain class(es) of disabled or blind recipients in the State. A State which decides not to participate or to limit participation must provide advance written notice of that decision to the appropriate Regional Commissioner (SSA). Unless a State specifies a later month, a decision not to participate or to limit participation will be effective beginning with the third month following the month in which the notice of the decision is received by the appropriate Regional Commissioner (SSA). The notice of the State decision must be submitted by an official authorized to act for the State for this purpose. A State must provide to the appropriate Regional Commissioner (SSA) an opinion from the State's Attorney General, verifying the authority of the official who sent the notice to act for the State. This opinion will not be necessary if the notice is signed by the Governor of the State.

(2)(i) If a State has decided not to participate through its VR agency(ies), we may arrange for VR services through an alternate participant(s) for disabled or blind recipients in the State.

(ii) If a State has decided to limit participation of its VR agency(ies) to a certain class(es) of disabled or blind recipients, we may arrange for VR services through an alternate participant(s) for the class(es) of disabled or blind recipients in the State excluded from the scope of the State's participation.

(3) A State which has decided not to participate or to limit participation may participate later through its VR agency(ies) in accordance with paragraph (c) of this section, provided that such participation will not conflict with any previous commitment which we may have made to an alternate participant(s) under paragraph (e)(2) of this section. A State which decides to resume participation under paragraph (c) of this section must provide advance written notice of that decision to the appropriate Regional Commissioner (SSA). Unless a commitment to an alternate participant(s) requires otherwise, a decision of a State to resume participation under paragraph (c) of this section will be effective beginning with the third month following the month in which the notice of the decision is received by the

appropriate Regional Commissioner (SSA) or, if later, with a month specified by the State. The notice of the State decision must be submitted by an official authorized to act for the State as explained in paragraph (e)(1) of this section.

(f) *Use of alternate participants.* The Commissioner, by written agreement or contract, may arrange for VR services through an alternate participant(s) for any disabled or blind recipient in the State with respect to whom the State is unwilling to participate through its VR agency(ies). In such a case, we may refer the recipient to such alternate participant for necessary VR services. The Commissioner will find that a State is unwilling to participate with respect to any of the following disabled or blind recipients in that State:

(1) A disabled or blind recipient whom we referred to a State VR agency under paragraph (c) or (d) of this section if we do not receive a notice within the stated time period under paragraph (c)(2)(i) of this section of a decision by the VR agency either to accept the recipient as a client for VR services or to place the recipient into an extended evaluation process;

(2) A disabled or blind recipient with respect to whom we receive a notice under paragraph (c)(2)(ii) of this section of a decision by the VR agency not to accept the recipient as a client for VR services following the completion of the extended evaluation;

(3) The class(es) of disabled or blind recipients excluded from the scope of the State's participation if the State has decided to limit participation of its VR agency(ies); and

(4) All disabled or blind recipients in the State if the State has decided not to participate through its VR agency(ies).

5. A new § 416.2206 is added to read as follows:

**§ 416.2206 Basic qualifications for alternate participants.**

(a) *General.* We may arrange for VR services through an alternate participant by written agreement or contract as explained in § 416.2204(f). An alternate participant may be a public or private agency, organization, institution or individual (that is, any entity whether for-profit or not-for-profit), other than a State VR agency.

(1) An alternate participant must—  
(i) Be licensed, certified, accredited, or registered, as appropriate, to provide VR services in the State in which it provides services; and

(ii) Under the terms of the written contract or agreement, have a plan similar to the State plan described in

§ 416.2204(a) which shall govern the provision of VR services to individuals.

(2) We will not use as an alternate participant any agency, organization, institution, or individual—

(i) Whose license, accreditation, certification, or registration is suspended or revoked for reasons concerning professional competence or conduct or financial integrity;

(ii) Who has surrendered such license, accreditation, certification, or registration pending a final determination of a formal disciplinary proceeding; or

(iii) Who is precluded from Federal procurement or nonprocurement programs.

(b) *Standards for the provision of VR services.* An alternate participant's plan must provide, among other things, that the provision of VR services to individuals will meet certain minimum standards, including, but not limited to, the following:

(1) All medical and related health services furnished will be prescribed by, or provided under the formal supervision of, persons licensed to prescribe or supervise the provision of these services in the State;

(2) Only qualified personnel and rehabilitation facilities will be used to furnish VR services; and

(3) No personnel or rehabilitation facility described in paragraph (a)(2)(i), (ii), or (iii) of this section will be used to provide VR services.

6. Section 416.2208 is amended by redesignating paragraphs (b) through (f) as (c) through (g), by adding a new paragraph (b), and by revising redesignated paragraphs (d) and (f) to read as follows:

**§ 416.2208 Requirements for payment.**

(b) The claim for payment must be in a form prescribed by us and contain the following information:

(1) A description of each service provided;

(2) When the service was provided; and

(3) The cost of the service;

(d) The VR services for which payment is being requested must have been provided under a State plan for VR services approved under title I of the Rehabilitation Act of 1973, as amended, or, in the case of an alternate participant, under a negotiated plan, and must be services that are described in § 416.2214;

(f) The State VR agency or alternate participant must maintain, and provide

as we may require, adequate documentation of all services and costs for all disabled or blind recipients with respect to whom a State VR agency or alternate participant could potentially request payment for services and costs under this subpart; and

7. Section 416.2209 is amended by revising paragraph (c), by removing the word "and" at the end of paragraph (f), by redesignating paragraph (g) as paragraph (h), and by adding a new paragraph (g) to read as follows:

**§ 416.2209 Responsibility for making payment decisions.**

(c) Whether an individual, without good cause, refused to continue to accept VR services or failed to cooperate in a VR program for a month(s) after October 1984, and whether an individual's disability or blindness payment should be suspended;

(g) Whether a VR service is a service described in § 416.2214; and

8. Section 416.2211 is amended by revising the introductory text, by revising paragraphs (a)(1) and (a)(2), and by revising the introductory text of paragraph (b)(1) to read as follows:

**§ 416.2211 Criteria for determining when VR services will be considered to have contributed to a continuous period of 9 months.**

The State VR agency or alternate participant may be paid for VR services if such services contribute to the individual's performance of a continuous 9-month period of SGA. The following criteria apply to individuals who received more than just evaluation services. If a State VR agency or alternate participant claims payment for services to an individual who received only evaluation services, it must establish that the individual's continuous period or medical recovery (if medical recovery occurred before completion of a continuous period) would not have occurred without the services provided. In applying the criteria below, we will consider services described in § 416.2214 that were initiated, coordinated or provided, including services before October 1, 1981.

(1) *One year or less.* Any VR services which significantly motivated or assisted the individual in returning to, or continuing in, SGA will be considered to have contributed to the continuous period.

(2) *More than one year.* (i) If the continuous period was preceded by transitional work activity (employment or self-employment which gradually evolved, with or without periodic interruption, into SGA), and that work activity began less than a year after VR services ended, any VR services which significantly motivated or assisted the individual in returning to, or continuing in, SGA will be considered to have contributed to the continuous period.

(ii) If the continuous period was not preceded by transitional work activity that began less than a year after VR services ended, VR services will be considered to have contributed to the continuous period only if it is reasonable to conclude that the work activity which constitutes a continuous period could not have occurred without the VR services (e.g., training).

(b) *Continuous period with medical recovery occurring before completion.* (1) If an individual medically recovers before a continuous period has been completed, VR services under paragraph (a) of this section will not be payable unless some VR services contributed to the medical recovery. VR services will be considered to have contributed to the medical recovery if—

\* \* \* \* \*

9. Section 416.2213 is revised to read as follows:

**§ 416.2213 Payment for VR services in a case of VR refusal.**

(a) For purposes of this section, *VR refusal* means an individual's refusal to continue to accept VR services or failure to cooperate in such a manner as to preclude the individual's successful rehabilitation.

(b) No later than the 60th day after the State VR agency or alternate participant makes a preliminary finding that an individual refuses to continue to accept VR services or fails to cooperate in a VR program, the State VR agency or alternate participant shall report to the appropriate Regional Commissioner (SSA) in writing such individual's VR refusal so that we may make the determination described in § 416.2209(c).

(c) Payment can be made to a State VR agency or alternate participant for the costs of VR services provided to an individual who, after filing an application with the State VR agency or alternate participant for rehabilitation services, without good cause, refuses to continue to accept VR services or fails to cooperate in such a manner as to preclude the individual's successful rehabilitation. A State VR agency or alternate participant may be paid, subject to the provisions of this subpart,

for the costs of VR services provided to an individual if the individual's monthly disability or blindness payment has been suspended or terminated for a month or months after October 1984 because of VR refusal.

10. Section 416.2214 is revised to read as follows:

**§ 416.2214 Services for which payment may be made.**

(a) *General.* Payment may be made for VR services provided by a State VR agency in accordance with title I of the Rehabilitation Act of 1973, as amended, or by an alternate participant under a negotiated plan, subject to the limitations and conditions in this subpart. VR services for which payment may be made under this subpart include only those services described in paragraph (b) of this section which are—

(1) Necessary to determine an individual's eligibility for VR services or the nature and scope of the services to be provided; or

(2) Provided by a State VR agency under an IWRP, or by an alternate participant under a similar document, but only if the services could reasonably be expected to motivate or assist the individual in returning to, or continuing in, SGA.

(b) *Specific services.* Payment may be made under this subpart only for the following VR services:

(1) An assessment for determining an individual's eligibility for VR services and vocational rehabilitation needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology, and which includes determining—

(i) The nature and extent of the physical or mental impairment(s) and the resultant impact on the individual's employability;

(ii) The likelihood that an individual will benefit from vocational rehabilitation services in terms of employability; and

(iii) An employment goal consistent with the capacities of the individual and employment opportunities;

(2) Counseling and guidance, including personal adjustment counseling, and those referrals and other services necessary to help an individual secure needed services from other agencies;

(3) Physical and mental restoration services necessary to correct or substantially modify a physical or mental condition which is stable or slowly progressive and which constitutes an impediment to suitable employment at or above the SGA level;

(4) Vocational and other training services, including personal and

vocational adjustment, books, tools, and other training materials, except that training or training services in institutions of higher education will be covered under this section only if maximum efforts have been made by the State VR agency or alternate participant to secure grant assistance in whole or in part from other sources;

(5) Maintenance expenses that are extra living expenses over and above the individual's normal living expenses and that are incurred solely because of and while the individual is participating in the VR program and that are necessary in order for the individual to benefit from other necessary VR services;

(6) Travel and related expenses necessary to transport an individual for purpose of enabling the individual's participation in other necessary VR services;

(7) Services to family members of a disabled or blind individual only if necessary to the successful vocational rehabilitation of that individual;

(8) Interpreter services and note-taking services for an individual who is deaf and tactile interpreting for an individual who is deaf and blind;

(9) Reader services, rehabilitation teaching services, note-taking services, and orientation and mobility services for an individual who is blind;

(10) Telecommunications, sensory, and other technological aids and devices;

(11) Work-related placement services to secure suitable employment;

(12) Post-employment services necessary to maintain, regain or advance into suitable employment at or above the SGA level;

(13) Occupational licenses, tools, equipment, initial stocks, and supplies;

(14) Rehabilitation technology services; and

(15) Other goods and services that can reasonably be expected to motivate or assist the individual in returning to, or continuing in, SGA.

11. Section 416.2217 is amended by revising the introductory text and by revising paragraphs (b) and (c) to read as follows:

**§ 416.2217 What costs will be paid.**

In accordance with section 1615(d) of the Social Security Act, the Secretary will pay the State VR agency or alternate participant for the VR services described in § 416.2214 which were provided during the period described in § 416.2215 and which meet the criteria in § 416.2211, § 416.2212, or § 416.2213, but subject to the following limitations:

\* \* \* \* \*

(b) The cost must not have been paid or be payable from some other source.

For this purpose, State VR agencies or alternate participants will be required to seek payment or services from other sources in accordance with the "similar benefit" provisions under 34 CFR part 361, including making maximum efforts to secure grant assistance in whole or part from other sources for training or training services in institutions of higher education. Alternate participants will not be required to consider State VR services a similar benefit.

(c)(1) The cost must be reasonable and necessary, in that it complies with the written cost-containment policies of the State VR agency or, in the case of an alternate participant, it complies with similar written policies established under a negotiated plan. A cost which complies with these policies will be considered necessary only if the cost is for a VR service described in § 416.2214. The State VR agency or alternate participant must maintain and use these cost-containment policies, including any reasonable and appropriate fee schedules, to govern the costs incurred for all VR services, including the rates of payment for all purchased services, for which payment will be requested under this subpart. For the purpose of this subpart, the written cost-containment policies must provide guidelines designed to ensure—

(i) The lowest reasonable cost for such services; and

(ii) Sufficient flexibility so as to allow for an individual's needs.

(2) The State VR agency shall submit to us before the end of the first calendar quarter of each year a written statement certifying that cost-containment policies are in effect and are adhered to in procuring and providing goods and services for which the State VR agency requests payment under this subpart. Such certification must be signed by the State's chief financial official or the head of the VR agency. Each certification must specify the basis upon which it is made, e.g., a recent audit by an authorized State, Federal or private auditor (or other independent compliance review) and the date of such audit (or compliance review). In the case of an alternate participant, these certification requirements shall be incorporated into the negotiated agreement or contract. We may request the State VR agency or alternate participant to submit to us a copy(ies) of its specific written cost-containment policies and procedures (e.g., any guidelines and fee schedules for a given year), if we determine that such additional information is necessary to ensure compliance with the requirements of this subpart. The State VR agency or alternate participant shall

provide such information when requested by us.

\* \* \* \* \*

12. Section 416.2221 is revised to read as follows:

**§ 416.2221 Validation reviews.**

(a) *General.* We will conduct a validation review of a sample of the claims for payment filed by each State VR agency or alternate participant. We will conduct some of these reviews on a prepayment basis and some on a postpayment basis. We may review a specific claim, a sample of the claims, or all the claims filed by any State VR agency or alternate participant, if we determine that such review is necessary to ensure compliance with the requirements of this subpart. For each claim selected for review, the State VR agency or alternate participant must submit such records of the VR services and costs for which payment has been requested or made under this subpart, or copies of such records, as we may require to ensure that the services and costs meet the requirements for payment. For claims for cases described in § 416.2201(a), a clear explanation or existing documentation which demonstrates how the service contributed to the individual's performance of a continuous 9-month period of SGA must be provided. For claims for cases described in § 416.2201(b) or (c), a clear explanation or existing documentation which demonstrates how the service was reasonably expected to motivate or assist the individual to return to or continue in SGA must be provided. If we find in any prepayment validation review that the scope or content of the information is inadequate, we will request additional information and will withhold payment until adequate information has been provided. The State VR agency or alternate participant shall permit us (including duly authorized representatives) access to, and the right to examine, any records relating to such services and costs. Any review performed under this section will not be considered an audit for purposes of this subpart.

(b) *Purpose.* The primary purpose of these reviews is—

(1) To ensure that the VR services and costs meet the requirements for payment under this subpart;

(2) To assess the validity of our documentation requirements; and

(3) To assess the need for additional validation reviews or additional documentation requirements for any State VR agency or alternate participant to ensure compliance with the requirements under this subpart.

(c) *Determinations.* In any validation review, we will determine whether the VR services and costs meet the requirements for payment and determine the amount of payment. We will notify in writing the State VR agency or alternate participant of our determination. If we find in any postpayment validation review that more or less than the correct amount of payment was made for a claim, we will determine that an overpayment or underpayment has occurred and will notify the State VR agency or alternate participant that we will make the appropriate adjustment.

(d) *Appeals.* If the State VR agency or alternate participant disagrees with our determination under this section, it may appeal that determination in accordance with § 416.2227. For purposes of this section, an appeal must be filed within 60 days after receiving the notice of our determination.

[FR Doc. 94-5849 Filed 3-14-94; 8:45 am]

BILLING CODE 4190-29-P

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Parts 1 and 602**

[TD 8528]

RIN 1545-AS12

**Certain Elections for Intangible Property**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Temporary regulations.

**SUMMARY:** This document contains temporary regulations relating to the procedures for making elections under the intangibles provisions of the Omnibus Budget Reconciliation Act of 1993 (OBRA '93). The regulations affect electing taxpayers that acquired intangible property after July 25, 1991, or acquired intangibles under a written, binding contract that was in effect on August 10, 1993. The text of these temporary regulations also serves as the text of the proposed regulations set forth in the notice of proposed rulemaking on this subject in the Proposed Rules section of this issue of the **Federal Register**.

**EFFECTIVE DATE:** These regulations are effective March 15, 1994.

**FOR FURTHER INFORMATION CONTACT:** John Huffman, (202) 622-3110 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:****Paperwork Reduction Act**

These regulations are being issued without prior notice and public procedure pursuant to the Administrative Procedure Act (5 U.S.C. 553). For this reason, the collection of information contained in these regulations has been reviewed and, pending receipt and evaluation of public comments, approved by the Office of Management and Budget under control number 1545-1425. The estimated annual burden per respondent varies from 30 minutes to 75 minutes, depending on individual circumstances, with an estimated average of 1 hour.

For further information concerning this collection of information, and where to submit comments on this collection of information, the accuracy of the estimated burden, and suggestions for reducing this burden, please refer to the preamble to the cross-referencing notice of proposed rulemaking published in the Proposed Rules section of this issue of the Federal Register.

**Background**

This document contains amendments to the Income Tax Regulations (26 CFR part 1) under sections 197 and 167(f). The amendments reflect changes made by section 13261 of OBRA '93.

**Explanation of Provisions**

Section 13261 of OBRA '93 contains provisions affecting the tax treatment of intangible property acquired after August 10, 1993 (the date of enactment of OBRA '93). The temporary regulations provide guidance on how to make the section 13261(g)(2) election to apply the intangibles provisions of OBRA '93 to property acquired after July 25, 1991, and on or before August 10, 1993 (retroactive election). Once made, the election applies to all property acquired during this period by the taxpayer or a taxpayer under common control with the electing taxpayer. Common control exists if the two taxpayers are treated as a single taxpayer under section 41(f)(1) (A) or (B) at any time after August 2, 1993, and on or before the election date as defined under these regulations.

If a corporation is a former member of a consolidated group and the common parent of that group makes the retroactive election, the intangibles provisions of OBRA '93 will apply to property that was acquired by the former member after July 25, 1991, while it was a member of the consolidated group.

The regulations provide special rules for partnerships for which a section 754 election was in effect. In these situations, a partner that obtains an increased basis in intangibles held through the partnership as a result of either section 734(b) or 743(b) will be treated as if the increased basis were attributable to the partner's acquisition of a new intangible asset on the date of the transaction that results in the basis increase.

The regulations also provide guidance on how a taxpayer may make the section 13261(g)(3) election to apply prior law to intangibles acquired after August 10, 1993, pursuant to a written binding contract in effect on August 10, 1993, and at all times thereafter before the acquisition (binding contract election). Only taxpayers that have not elected the retroactive election may make the binding contract election.

The elections provided for in these regulations generally must be made on the taxpayer's timely filed (including extensions) income tax return for the taxable year that includes August 10, 1993. Transition rules are provided, however for taxpayers that have filed tax returns for the taxable year that includes August 10, 1993, prior to April 14, 1994.

The taxpayer must make the desired election by following the election requirements under the regulations. An attempted election made other than at the time and in the manner prescribed by the regulations is not valid.

Taxpayers making the retroactive election must conform all affected prior years' returns to reflect the application of the intangibles provisions of OBRA '93.

The regulations also provide special rules for transfers of intangibles in certain tax-free transactions. Under these rules, a transferee is bound by a transferor's retroactive election with respect to any transferred intangibles. In cases where the transferor does not make the retroactive election, the transferee may make the election. In these cases, the transferor is not required to apply the intangibles provisions of OBRA '93 to the transferred intangibles (unless those provisions are otherwise applicable), and the transferee must take into account an adjustment with respect to the transferred intangibles on account of any interim period during which the intangibles provisions of OBRA '93 did not apply to the transferred intangibles. The adjustment, which is taken into account in the taxable year of the acquisition, is equal to the difference, as of the date of the transfer, between the sum of the depreciation, amortization,

or other cost recovery deductions that would have been permitted for the transferred intangibles had the intangibles provisions of OBRA '93 applied to the property during the interim period, and the sum of the depreciation, amortization, or other cost recovery deductions claimed with respect to the intangibles during the interim period. The transferee must also make any corresponding basis adjustments to the transferred intangibles.

Principles and adjustments similar to those described in the preceding paragraph (in the case of a retroactive election by the transferee where no election is made by the transferor) are also applied in certain circumstances with respect to an electing former member of a non-electing consolidated group.

Finally, in order for the retroactive or binding contract elections to be valid, the regulations prescribe certain notice requirements and require that certain information be included in a written election statement filed with the election year return and any affected amended returns.

**Special Analyses**

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, these temporary regulations will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

**Drafting Information**

The principal author of these regulations is John Huffman, Office of Assistant Chief Counsel (Passthroughs and Special Industries). However, other personnel from the IRS and Treasury Department participated in their development.

**List of Subjects****26 CFR Part 1**

Income taxes, Reporting and recordkeeping requirements.

**26 CFR Part 602**

Reporting and recordkeeping requirements.

## Adoption of Amendments to the Regulations

Accordingly, 26 CFR parts 1 and 602 are amended as follows:

### PART 1—INCOME TAXES

**Paragraph 1.** The authority citation for part 1 is amended by adding an entry in numerical order to read as follows:

**Authority:** 26 U.S.C. 7805 \* \* \*

Section 1.197-1T also issued under 26 U.S.C. 197(g).

**Par. 2.** Section 1.167(a)-13T is added to read as follows:

#### § 1.167(a)-13T Certain elections for intangible property (temporary).

For rules applying the elections under section 13261(g) (2) and (3) of the Omnibus Budget Reconciliation Act of 1993 to intangible property described in section 167(f), see § 1.197-1T.

**Par. 3.** Section 1.197-1T is added under the heading "Itemized Deductions for Individuals and Corporations" to read as follows:

#### § 1.197-1T Certain elections for intangible property (temporary).

(a) *In general.* This section provides rules for making the two elections under section 13261 of the Omnibus Budget Reconciliation Act of 1993 (OBRA '93). Paragraph (c) of this section provides rules for making the section 13261(g)(2) election (the retroactive election) to apply the intangibles provisions of OBRA '93 to property acquired after July 25, 1991, and on or before August 10, 1993 (the date of enactment of OBRA '93). Paragraph (d) of this section provides rules for making the section 13261(g)(3) election (binding contract election) to apply prior law to property acquired pursuant to a written binding contract in effect on August 10, 1993, and at all times thereafter before the date of acquisition. The provisions of this section apply only to property for which an election is made under paragraph (c) or (d) of this section.

(b) *Definitions and special rules—(1) Intangibles provisions of OBRA '93.* The intangibles provisions of OBRA '93 are sections 167(f) and 197 of the Internal Revenue Code (Code) and all other pertinent provisions of section 13261 of OBRA '93 (e.g., the amendment of section 1253 in the case of a franchise, trademark, or trade name).

(2) *Transition period property.* The transition period property of a taxpayer is any property that was acquired by the taxpayer after July 25, 1991, and on or before August 10, 1993.

(3) *Eligible section 197 intangibles.* The eligible section 197 intangibles of a

taxpayer are any section 197 intangibles that—

(i) Are transition period property; and  
(ii) Qualify as amortizable section 197 intangibles (within the meaning of section 197(c)) if an election under section 13261(g)(2) of OBRA '93 applies.

(4) *Election date.* The election date is the date (determined after application of section 7502(a)) on which the taxpayer files the original or amended return to which the election statement described in paragraph (e) of this section is attached.

(5) *Election year.* The election year is the taxable year of the taxpayer that includes August 10, 1993.

(6) *Common control.* A taxpayer is under common control with the electing taxpayer if, at any time after August 2, 1993, and on or before the election date (as defined in paragraph (b)(4) of this section), the two taxpayers would be treated as a single taxpayer under section 41(f)(1) (A) or (B).

(7) *Applicable convention for sections 197 and 167(f) intangibles.* For purposes of computing the depreciation or amortization deduction allowable with respect to transition period property described in section 167(f) (1) or (3) or with respect to eligible section 197 intangibles—

(i) Property acquired at any time during the month is treated as acquired as of the first day of the month and is eligible for depreciation or amortization during the month; and

(ii) Property is not eligible for depreciation or amortization in the month of disposition.

(8) *Application to adjustment to basis of partnership property under section 734(b) or 743(b).* Any increase in the basis of partnership property under section 734(b) (relating to the optional adjustment to basis of undistributed partnership property) or section 743(b) (relating to the optional adjustment to the basis of partnership property) will be taken into account under this section by a partner as if the increased portion of the basis were attributable to the partner's acquisition of the underlying partnership property on the date the distribution or transfer occurs. For example, if a section 754 election is in effect and, as a result of its acquisition of a partnership interest, a taxpayer obtains an increased basis in an intangible held through the partnership, the increased portion of the basis in the intangible will be treated as an intangible asset newly acquired by that taxpayer on the date of the transaction.

(9) *Former member.* A former member of a consolidated group is a corporation that was a member of the consolidated group at any time after July 25, 1991,

and on or before August 2, 1993, but that is not under common control with the common parent of the group for purposes of paragraph (c)(1)(ii) of this section.

(c) *Retroactive election—(1) Effect of election—(i) On taxpayer.* Except as provided in paragraph (c)(1)(v) of this section, if a taxpayer makes the retroactive election, the intangibles provisions of OBRA '93 will apply to all the taxpayer's transition period property. Thus, for example, section 197 will apply to all the taxpayer's eligible section 197 intangibles.

(ii) *On taxpayers under common control.* If a taxpayer makes the retroactive election, the election applies to each taxpayer that is under common control with the electing taxpayer. If the retroactive election applies to a taxpayer under common control, the intangibles provisions of OBRA '93 apply to that taxpayer's transition period property in the same manner as if that taxpayer had itself made the retroactive election. However, a retroactive election that applies to a non-electing taxpayer under common control is not treated as an election by that taxpayer for purposes of re-applying the rule of this paragraph (c)(1)(ii) to any other taxpayer.

(iii) *On former members of consolidated group.* A retroactive election by the common parent of a consolidated group applies to transition period property acquired by a former member while it was a member of the consolidated group and continues to apply to that property in each subsequent consolidated or separate return year of the former member.

(iv) *On transferred assets—(A) In general.* If property is transferred in a transaction described in paragraph (c)(1)(iv)(C) of this section and the intangibles provisions of OBRA '93 applied to such property in the hands of the transferor, the property remains subject to the intangibles provisions of OBRA '93 with respect to so much of its adjusted basis in the hands of the transferee as does not exceed its adjusted basis in the hands of the transferor. The transferee is not required to apply the intangibles provisions of OBRA '93 to any other transition period property that it owns, however, unless such provisions are otherwise applicable under the rules of this paragraph (c)(1).

(B) *Transferee election.* If property is transferred in a transaction described in paragraph (c)(1)(iv)(C)(1) of this section and the transferee makes the retroactive election, the transferor is not required to apply the intangibles provisions of OBRA '93 to any of its transition period property (including the property

transferred to the transferee in the transaction described in paragraph (c)(1)(iv)(C)(1) of this section), unless such provisions are otherwise applicable under the rules of this paragraph (c)(1).

(C) *Transactions covered.* This paragraph (c)(1)(iv) applies to—

(1) Any transaction described in section 332, 351, 361, 721, 731, 1031, or 1033; and

(2) Any transaction between corporations that are members of the same consolidated group immediately after the transaction.

(D) *Exchanged basis property.* In the case of a transaction involving exchanged basis property (e.g., a transaction subject to section 1031 or 1033)—

(1) Paragraph (c)(1)(iv)(A) of this section shall not apply; and

(2) If the intangibles provisions of OBRA '93 applied to the property by reference to which the exchanged basis is determined (the predecessor property), the exchanged basis property becomes subject to the intangibles provisions of OBRA '93 with respect to so much of its basis as does not exceed the predecessor property's basis.

(E) *Acquisition date.* For purposes of paragraph (b)(2) of this section (definition of transition period property), property (other than exchanged basis property) acquired in a transaction described in paragraph (c)(1)(iv)(C)(1) of this section generally is treated as acquired when the transferor acquired (or was treated as acquiring) the property (or predecessor property). However, if the adjusted basis of the property in the hands of the transferee exceeds the adjusted basis of the property in the hands of the transferor, the property, with respect to that excess basis, is treated as acquired at the time of the transfer. The time at which exchanged basis property is considered acquired is determined by applying similar principles to the transferee's acquisition of predecessor property.

(v) *Special rule for property of former member of consolidated group—(A) Intangibles provisions inapplicable for certain periods.* If a former member of a consolidated group makes a retroactive election pursuant to paragraph (c)(1)(i) of this section or if an election applies to the former member under the common control rule of paragraph (c)(1)(ii) of this section, the intangibles provisions of OBRA '93 generally apply to all transition period property of the former member. The intangibles provisions of OBRA '93 do not apply, however, to the transition period property of a former member

(including a former member that makes or is bound by a retroactive election) during the period beginning immediately after July 25, 1991, and ending immediately before the earlier of—

(1) The first day after July 25, 1991, that the former member was not a member of a consolidated group; or

(2) The first day after July 25, 1991, that the former member was a member of a consolidated group that is otherwise required to apply the intangibles provisions of OBRA '93 to its transition period property (e.g., because the common control election under paragraph (c)(1)(ii) of this section applies to the group).

(B) *Subsequent adjustments.* See paragraph (c)(5) of this section for adjustments when the intangibles provisions of OBRA '93 first apply to the transition period property of the former member after the property is acquired.

(2) *Making the election—(i) Partnerships, S corporations, estates, and trusts.* Except as provided in paragraph (c)(2)(ii) of this section, in the case of transition period property of a partnership, S corporation, estate, or trust, only the entity may make the retroactive election for purposes of paragraph (c)(1)(i) of this section.

(ii) *Partnerships for which a section 754 election is in effect.* In the case of increased basis that is treated as transition period property of a partner under paragraph (b)(8) of this section, only that partner may make the retroactive election for purposes of paragraph (c)(1)(i) of this section.

(iii) *Consolidated groups.* An election by the common parent of a consolidated group applies to members and former members as described in paragraphs (c)(1)(ii) and (iii) of this section. Further, for purposes of paragraph (c)(1)(ii) of this section, an election by the common parent is not treated as an election by any subsidiary member. A retroactive election cannot be made by a corporation that is a subsidiary member of a consolidated group on August 10, 1993, but an election can be made on behalf of the subsidiary member under paragraph (c)(1)(ii) of this section (e.g., by the common parent of the group). See paragraph (c)(1)(iii) of this section for rules concerning the effect of the common parent's election on transition period property of a former member.

(3) *Time and manner of election—(i) Time.* In general, the retroactive election must be made by the due date (including extensions of time) of the electing taxpayer's Federal income tax return for the election year. If, however, the taxpayer's original Federal income

tax return for the election year is filed before April 14, 1994, the election may be made by amending that return no later than September 12, 1994.

(ii) *Manner.* The retroactive election is made by attaching the election statement described in paragraph (e) of this section to the taxpayer's original or amended income tax return for the election year. In addition, the taxpayer must—

(A) Amend any previously filed return when required to do so under paragraph (c)(4) of this section; and

(B) Satisfy the notification requirements of paragraph (c)(6) of this section.

(iii) *Effect of nonconforming elections.* An attempted election that does not satisfy the requirements of this paragraph (c)(3) (including an attempted election made on a return for a taxable year prior to the election year) is not valid.

(4) *Amended return requirements—(i) Requirements.* A taxpayer subject to this paragraph (c)(4) must amend all previously filed income tax returns as necessary to conform the taxpayer's treatment of transition period property to the treatment required under the intangibles provisions of OBRA '93. See paragraph (c)(5) of this section for certain adjustments that may be required on the amended returns required under this paragraph (c)(4) in the case of certain consolidated group member dispositions and tax-free transactions.

(ii) *Applicability.* This paragraph (c)(4) applies to a taxpayer if—

(A) The taxpayer makes the retroactive election; or

(B) Another person's retroactive election applies to the taxpayer or to any property acquired by the taxpayer.

(5) *Adjustment required with respect to certain consolidated group member dispositions and tax-free transactions—(i) Application.* This paragraph (c)(5) applies to transition period property if the intangibles provisions of OBRA '93 first apply to the property while it is held by the taxpayer but do not apply to the property for some period (the "interim period") after the property is acquired (or considered acquired) by the taxpayer. For example, this paragraph (c)(5) may apply to transition period property held by a former member of a consolidated group if a retroactive election is made by or on behalf of the former member but is not made by the consolidated group. See paragraph (c)(1)(v) of this section.

(ii) *Required adjustment to income.* If this paragraph (c)(5) applies, an adjustment must be taken into account in computing taxable income of the

taxpayer for the taxable year in which the intangibles provisions of OBRA '93 first apply to the property. The amount of the adjustment is equal to the difference for the transition period property between—

(A) The sum of the depreciation, amortization, or other cost recovery deductions that the taxpayer (and its predecessors) would have been permitted if the intangibles provisions of OBRA '93 applied to the property during the interim period; and

(B) The sum of the depreciation, amortization, or other cost recovery deductions that the taxpayer (and its predecessors) claimed during that interim period.

(iii) *Required adjustment to basis.* The taxpayer also must make a corresponding adjustment to the basis of its transition period property to reflect any adjustment to taxable income with respect to the property under this paragraph (c)(5).

(6) *Notification requirements—(i) Notification of commonly controlled taxpayers.* A taxpayer that makes the retroactive election must provide written notification of the retroactive election (on or before the election date) to each taxpayer that is under common control with the electing taxpayer.

(ii) *Notification of certain former members, former consolidated groups, and transferees.* This paragraph (c)(6)(ii) applies to a common parent of a consolidated group that makes or is notified of a retroactive election that applies to transition period property of a former member, a corporation that makes or is notified of a retroactive election that affects any consolidated group of which the corporation is a former member, or a taxpayer that makes or is notified of a retroactive election that applies to transition period property the taxpayer transfers in a transaction described in paragraph (c)(1)(iv)(C) of this section. Such common parent, former member, or transferor must provide written notification of the retroactive election to any affected former member, consolidated group, or transferee. The written notification must be provided on or before the election date in the case of an election by the common parent, former member, or transferor, and within 30 days of the election date in the case of an election by a person other than the common parent, former member, or transferor.

(7) *Revocation.* Once made, the retroactive election may be revoked only with the consent of the Commissioner.

(8) *Examples.* The following examples illustrate the application of this paragraph (c).

*Example 1.* (i) X is a partnership with 5 equal partners, A through E. X acquires in 1989, as its sole asset, intangible asset M. X has a section 754 election in effect for all relevant years. F, an unrelated individual, purchases A's entire interest in the X partnership in January 1993 for \$700. At the time of F's purchase, X's inside basis for M is \$2,000, and its fair market value is \$3,500.

(ii) Under section 743(b), X makes an adjustment to increase F's basis in asset M by \$300, the difference between the allocated purchase price and M's inside basis (\$700 - \$400 = \$300). Under paragraphs (b)(8) and (c)(2)(ii) of this section, if F makes the retroactive election, the section 743(b) basis increase of \$300 in M is an amortizable section 197 intangible even though asset M is not an amortizable section 197 intangible in the hands of X. F's increase in the basis of asset M is amortizable over 15 years beginning with the month of F's acquisition of the partnership interest. With respect to the remaining \$400 of basis, F is treated as stepping into A's shoes and continues A's amortization (if any) in asset M. F's retroactive election applies to all other intangibles acquired by F or a taxpayer under common control with F.

*Example 2.* A, a calendar year taxpayer, is under common control with B, a June 30 fiscal year taxpayer. A files its original election year Federal income tax return on March 15, 1994, and does not make either the retroactive election or the binding contract election. B files its election year tax return on September 15, 1994, and makes the retroactive election. B is required by paragraph (c)(6)(i) of this section to notify A of its election. Even though A had already filed its election year return, A is bound by B's retroactive election under the common control rules. Additionally, if A had made a binding contract election, it would have been negated by B's retroactive election. Because of B's retroactive election, A must comply with the requirements of this paragraph (c), and file amended returns for the election year and any affected prior years as necessary to conform the treatment of transition period property to the treatment required under the intangibles provisions of OBRA '93.

*Example 3.* (i) P and Y, calendar year taxpayers, are the common parents of unrelated calendar year consolidated groups. On August 15, 1991, S, a subsidiary member of the P group, acquires a section 197 intangible with an unadjusted basis of \$180. Under prior law, no amortization or depreciation was allowed with respect to the acquired intangible. On November 1, 1992, a member of the Y group acquires the S stock in a taxable transaction. On the P group's 1993 consolidated return, P makes the retroactive election. The P group also files amended returns for its affected prior years. Y does not make the retroactive election for the Y group.

(ii) Under paragraph (c)(1)(iii) of this section, a retroactive election by the common parent of a consolidated group applies to all transition period property acquired by a former member while it was a member of the group. The section 197 intangible acquired by S is transition period property that S, a former member of the P group, acquired

while a member of the P group. Thus, P's election applies to the acquired asset. P must notify S of the election pursuant to paragraph (c)(6)(ii) of this section.

(iii) S amortizes the unadjusted basis of its eligible section 197 intangible (\$180) over the 15-year amortization period using the applicable convention beginning as of the first day of the month of acquisition (August 1, 1991). Thus, the P group amends its 1991 consolidated tax return to take into account \$5 of amortization (\$180/15 years × 5/12 year = \$5) for S.

(iv) For 1992, S is entitled to \$12 of amortization (\$180/15). Assume that under § 1.1502-76, \$10 of S's amortization for 1992 is allocated to the P group's consolidated return and \$2 is allocated to the Y group's return. The P group amends its 1992 consolidated tax return to reflect the \$10 deduction for S. The Y group must amend its 1992 return to reflect the \$2 deduction for S.

*Example 4.* (i) The facts are the same as in Example 3, except that the retroactive election is made for the Y group, not for the P group.

(ii) The Y group amends its 1992 consolidated return to claim a section 197 deduction of \$2 (\$180/15 years × 2/12 year = \$2) for S.

(iii) Under paragraph (c)(1)(ii) of this section, the retroactive election by Y applies to all transition period property acquired by S. However, under paragraph (c)(1)(v)(A) of this section, the intangibles provisions of OBRA '93 do not apply to S's transition period property during the period when it held such property as a member of P group. Instead, these provisions become applicable to S's transition period property beginning on November 1, 1992, when S becomes a member of Y group.

(iv) Because the P group did not make the retroactive election, there is an interim period during which the intangibles provisions of OBRA '93 do not apply to the asset acquired by S. Thus, under paragraph (c)(5) of this section, the Y group must take into account in computing taxable income in 1992 an adjustment equal to the difference between the section 197 deduction that would have been permitted if the intangibles provisions of OBRA '93 applied to the property for the interim period (i.e., the period for which S was included in the P group's 1991 and 1992 consolidated returns) and any amortization or depreciation deductions claimed by S for the transferred intangible for that period. The retroactive election does not affect the P group, and the P group is not required to amend its returns.

*Example 5.* The facts are the same as in Example 3, except that both P and Y make the retroactive election. P must notify S of its election pursuant to paragraph (c)(6)(ii) of this section. Further, both the P and Y groups must file amended returns for affected prior years. Because there is no period of time during which the intangibles provisions of OBRA '93 do not apply to the asset acquired by S, the Y group is permitted no adjustment under paragraph (c)(5) of this section for the asset.

(d) *Binding contract election—(1) General rule—(i) Effect of election.* If a taxpayer acquires property pursuant to

a written binding contract in effect on August 10, 1993, and at all times thereafter before the acquisition (an eligible acquisition) and makes the binding contract election with respect to the contract, the law in effect prior to the enactment of OBRA '93 will apply to all property acquired pursuant to the contract. A separate binding contract election must be made with respect to each eligible acquisition to which the law in effect prior to the enactment of OBRA '93 is to apply.

(ii) *Taxpayers subject to retroactive election.* A taxpayer may not make the binding contract election if the taxpayer or a person under common control with the taxpayer makes the retroactive election under paragraph (c) of this section.

(iii) *Revocation.* A binding contract election, once made, may be revoked only with the consent of the Commissioner.

(2) *Time and manner of election—(i) Time.* In general, the binding contract election must be made by the due date (including extensions of time) of the electing taxpayer's Federal income tax return for the election year. If, however, the taxpayer's original Federal income tax return for the election year is filed before April 14, 1994, the election may be made by amending that return no later than September 12, 1994.

(ii) *Manner.* The binding contract election is made by attaching the election statement described in paragraph (e) of this section to the taxpayer's original or amended income tax return for the election year.

(iii) *Effect of nonconforming election.* An attempted election that does not satisfy the requirements of this paragraph (d)(2) is not valid.

(e) *Election statement—(1) Filing requirements.* For an election under paragraph (c) or (d) of this section to be valid, the electing taxpayer must:

(i) File (with its Federal income tax return for the election year and with any affected amended returns required under paragraph (c)(4) of this section) a written election statement, as an attachment to Form 4562 (Depreciation and Amortization), that satisfies the requirements of paragraph (e)(2) of this section; and

(ii) Forward a copy of the election statement to the Statistics Branch (QAM:S:6111), IRS Ogdens Service Center, ATTN: Chief, Statistics Branch, P.O. Box 9941, Ogdens, UT 84409.

(2) *Content of the election statement.* The written election statement must include the information in paragraphs (e)(2) (i) through (vi) and (ix) of this section in the case of a retroactive election, and the information in

paragraphs (e)(2) (i) and (vii) through (ix) of this section in the case of a binding contract election. The required information should be arranged and identified in accordance with the following order and numbering system—

(i) The name, address and taxpayer identification number (TIN) of the electing taxpayer (and the common parent if a consolidated return is filed).

(ii) A statement that the taxpayer is making the retroactive election.

(iii) Identification of the transition period property affected by the retroactive election, the name and TIN of the person from which the property was acquired, the manner and date of acquisition, the basis at which the property was acquired, and the amount of depreciation, amortization, or other cost recovery under section 167 or any other provision of the Code claimed with respect to the property.

(iv) Identification of each taxpayer under common control (as defined in paragraph (b)(6) of this section) with the electing taxpayer by name, TIN, and Internal Revenue Service Center where the taxpayer's income tax return is filed.

(v) If any persons are required to be notified of the retroactive election under paragraph (c)(6) of this section, identification of such persons and certification that written notification of the election has been provided to such persons.

(vi) A statement that the transition period property being amortized under section 197 is not subject to the anti-churning rules of section 197(f)(9).

(vii) A statement that the taxpayer is making the binding contract election.

(viii) Identification of the property affected by the binding contract election, the name and TIN of the person from which the property was acquired, the manner and date of acquisition, the basis at which the property was acquired, and whether any of the property is subject to depreciation under section 167 or to amortization or other cost recovery under any other provision of the Code.

(ix) The signature of the taxpayer or an individual authorized to sign the taxpayer's Federal income tax return.

(f) *Effective date.* These regulations are effective March 15, 1994.

#### PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

**Par. 4.** The authority citation for part 602 continues to read as follows:

*Authority:* 26 U.S.C. 7805.

#### § 602.101(c) [Amended]

**Par. 5.** Section 602.101(c) is amended by adding an entry numerical order to the table to read as follows:

"1.197-1T . . . 1545-1425".

Dated: March 2, 1994.

**Margaret Milner Richardson,**  
*Commissioner of Internal Revenue.*

Approved:

**Leslie Samuels,**  
*Assistant Secretary of the Treasury.*  
[FR Doc. 94-5984 Filed 3-10-94; 3:04 pm]

BILLING CODE 4830-01-P

#### PENSION BENEFIT GUARANTY CORPORATION

##### 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 and Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal. The former regulation contains the interest assumptions that the PBGC uses to value benefits under terminating single-employer plans. The latter regulation contains the interest assumptions of 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 April 1994, and to multiemployer plans with valuation dates in April 1994. The effect of these amendments is to advise the public of the adoption of these assumptions.

**EFFECTIVE DATE:** April 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 April 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 April 1994 and multiemployer plans that have undergone mass withdrawal and have valuation dates during April 1994.

For annuity benefits, the interest rates will be 6.20% 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 4.75% 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 provide 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.) The above annuity interest assumptions represent an increase (from those in effect for March 1994) of .40 percent for the first 25 year following the valuation date are otherwise unchanged; the lump sum interest assumptions represent an increase (from those in effect for March 1994) of .25 percent of the period during which benefits are in pay status and are otherwise unchanged.

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 that 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 April 1994, and in multiemployer plans that have undergone mass withdrawal and have valuation dates during April 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 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 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, and Pensions.

##### 29 CFR Part 2676

Employee benefit plans and 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 6 is added to Table I, and a new entry is added to Table II, as set forth below. The introductory text of Table I is amended by revising both references to "2619.43" to read "2619.49", and the introductory text of both tables is republished for the convenience of the reader.

#### 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  $v^y$  (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 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  $i_1$  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		$i_1$	$i_2$	$i_3$	$n_1$	$n_2$
6	4-1-94	5-1-94	4.75	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 values 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  $i_1, i_2, \dots$ , 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:					
	$i_1$	for $t=$	$i_2$	for $t=$	$i_3$	for $t=$
April 1994	.0620	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 6 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		$i_1$	$i_2$	$i_3$	$n_1$	$n_2$
6	4-1-94	5-1-94	4.75	4.00	4.00	4.00	7	8

**Annuity Valuations**

In determining the value of interest factors of the form  $v^{(i)}$  (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 values of  $i$ , 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  $i_1, i_2, \dots$ , and referred to

generally as  $I$ ) 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 $i$ , are:					
	$i_1$	for $t=$	$i_1$	for $t=$	$i_1$	for $t=$
April 1994 .....	.0620	1-25	.0525	>25	N/A	N/A

Issued in Washington, DC, on this 10th day of March 1994.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 94-5968 Filed 3-14-94; 8:45 am]

BILLING CODE 7708-01-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 934

#### North Dakota Permanent Regulatory Program

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

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** OSM is approving a proposed amendment to the North Dakota permanent regulatory program (hereinafter referred to as the "North Dakota program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment consists of changes to provisions of North Dakota's rules concerning permit application requirements, permit application approval, transportation facility plans, performance standards regarding impoundment stability, bald and golden eagles, and coal mine waste impoundments. The amendment is intended to revise the North Dakota program to be consistent with the corresponding Federal regulations.

**EFFECTIVE DATE:** March 15, 1994.

**FOR FURTHER INFORMATION CONTACT:**

Guy Padgett, telephone (307) 261-5776.

#### SUPPLEMENTARY INFORMATION:

##### I. Background on the North Dakota Program

On December 15, 1980, the Secretary of the Interior conditionally approved the North Dakota program as administered by the Public Service Commission and Industrial Commission. General background information on the North Dakota program, including the Secretary's findings, the disposition of comments, and conditions of approval of the North Dakota program can be found in the December 15, 1980 *Federal Register* (45 FR 82214). Subsequent actions concerning North Dakota's program and program amendments can be found at 30 CFR 934.15 and 934.16.

##### II. Proposed Amendment

By letter dated April 21, 1993 (Administrative Record No. ND-P-01), North Dakota submitted a proposed amendment ("Amendment XVII") to its permanent program pursuant to SMCRA. North Dakota proposed this amendment: (1) In response to program amendments required at 30 CFR Part 934.16 (m), (o), (p), (q), (r), (s), (t), & (v), codified in the January 9, 1992, *Federal Register* (57 FR 827); (2) to provide minor editorial revisions, and (3) to propose a State initiative to delete a requirement that the Commission approve subsoil respreading prior to the redistribution of topsoil by the operator.

OSM published a proposed rule in the May 19, 1993, *Federal Register* (58 FR 29153) announcing receipt of the amendment and inviting public comment on its adequacy (Administrative Record No. ND-P-7). The public comment period ended June 18, 1993. No substantive comments were received. The public hearing, scheduled for June 14, 1993, was not held because no one requested an opportunity to testify.

During its review of the amendment, OSM identified concerns relating to the proposed provisions of the North Dakota Administrative Code (NDAC) 69-05.2-10-03(1) regarding permit denial for unpaid civil penalties for certain violations. OSM notified North Dakota of the concerns by letter dated October 6, 1993 (Administrative Record No. ND-P-10). North Dakota responded in a letter dated November 23, 1993, by submitting revisions to its proposed program amendment at NDAC 69-05.2-10-03(1)(a) (Administrative Record No. ND-P-11) that would require that the Commission not issue a permit if there are delinquent civil penalties under the North Dakota Century Code (NDCC) sections 38-14.1-32 and 38-12.1-08, SMCRA, or any law or rule in any state enacted under federal law or regulation pertaining to air or water environmental protection, incurred in connection with any surface coal mining and reclamation operation. OSM then reopened the public comment period in the December 8, 1993, *Federal Register* (58 FR 64528); Administrative Record No. ND-P-12). The public comment period closed on December 23, 1993.

##### III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed North Dakota program amendment as submitted on April 21, 1993, and revised on November 23, 1993.

###### 1. Provisions Not Discussed

North Dakota proposes a few non-substantive editorial revisions to certain of its rules. Because these proposed revisions to its previously approved rules are non-substantive in nature, the Director finds that these proposed

revisions are not inconsistent with or less effective than the Federal regulations, and is approving the proposed non-substantive editorial revisions.

## 2. Permit Applications: List of Violation Notices

At NDAC 69-05.2-06-02(3), North Dakota proposes to revise the requirement that each permit application contain a "violation list" as required by NDCC 38-14.1-14(1)(g) (for a discussion of the referenced statutory provision, see 57 FR 807, 811 (January 9, 1992)). Under the proposed revision to NDAC 69-05.2-06-02(3), the phrase "violation list" will be replaced by the phrase "list of all violation notices."

In a previous rulemaking action concerning the North Dakota program (57 FR 807, 812, January 9, 1992), OSM had noted the term "violation notice" is broader than and encompasses the term "notice of violation" (NOV). For instance, the term "violation notice," as defined in the Federal and the North Dakota program, includes cessation orders, notices of noncompliance, and other citations, regardless of terminology, in addition to NOV's (see citation above). OSM thus found that the existing language at NDAC 69-05.2-06-02(3), by referencing the requirement of NDCC 38-14.1-14(1)(g) for a list of "notices of violation," was not as inclusive as the Federal regulation language at 30 CFR 778.14(c), which requires a "list of all violation notices." North Dakota now proposes to revise the existing phrase so that it is substantively the same as the corresponding phrase in the Federal requirement; i.e., the proposed revision would interpret the statutory provision to encompass the broader term "violation notice," just as the Federal regulation interprets SMCRA. The Director therefore finds that the proposed phrase "list of all violation notices" is no less effective than the Federal regulation requirement, and is approving the proposed revision. For a discussion of the remainder of this North Dakota provision, the reader is directed to the earlier OSM rulemaking action (57 FR 807, 811; January 9, 1992; Finding No. 6).

The Director notes that the approval of this proposed revision satisfies the required amendment at 30 CFR 934.16(m) that was placed on the North Dakota program in the earlier rulemaking action (57 FR 807, 812, January 9, 1992), and is herewith removing that requirement.

## 3. Permit Applications: Plans for Support Facilities

North Dakota proposes to revise NDAC 69-05.2-09-01(4) to require that plans for support facilities be sufficient to demonstrate compliance with either section 69-05.2-24-08 or section 69-05.2-24-09, as applicable. Section 69-05.2-24-08 contains the performance standards for transportation facilities other than roads, while section 69-05.2-24-09 contains the performance standards for support facilities and utility installations.

The corresponding Federal requirement at 30 CFR 780.38 requires that plans for support facilities be sufficient to demonstrate compliance with 30 CFR 816.181. This latter section contains the performance standards for support facilities, which, under the Federal provisions, includes all transportation facilities other than roads (see 53 FR 45190, 45197, November 8, 1988). Thus, North Dakota's proposal would require plans in permit applications to demonstrate compliance with the equivalent performance standards as those required by the Federal rule. The Director finds that the proposed revision to NDAC 69-05.2-09-01(4) is no less effective than the Federal regulation in meeting SMCRA's requirements and is approving the proposed change.

The Director notes that the approval of this provision satisfies the required amendment at 30 CFR 934.16(o) that was placed on the North Dakota program in a January 9, 1992, rulemaking action (57 FR 807, 814), and is herewith removing that requirement.

## 4. Permit Approval/Denial: Review of Violations

### a. Proposed Subsection (1)—Applicable Laws

North Dakota proposes to revise NDAC 69-05.2-10-03 (1) so that it would provide as follows:

1. The Commission will not issue the permit if any surface coal mining and reclamation operation owned or controlled by either the applicant or by any person who owns or controls the applicant is currently in violation of any law or rule of this state, [SMCRA], or any law or rule in any state enacted under Federal law or regulation pertaining to air or water environmental protection, incurred in connection with any surface coal mining and reclamation operation, or if any of the following are outstanding:

a. Delinquent civil penalties under [NDCC] sections 38-14.1-32 and 38-12.1-06, [SMCRA], or any law or rule in any state enacted under federal law or regulation pertaining to air or water environmental protection, incurred in connection with any

surface coal mining and reclamation operation.

\* \* \* \* \*

d. Unabated violations of federal and state laws, rules, and regulations pertaining to air or water environmental protection incurred in connection with any surface coal mining and reclamation operation.

\* \* \* \* \*

In this amendment, the State proposed changes to subsections (1) and (1)(a).

The Federal rules at 30 CFR 773.15(b)(1) require that the regulatory authority deny a permit if any surface coal mining and reclamation operation owned or controlled by the applicant or by any person who owns or controls the applicant is currently in violation of "the Act or any other law, rule or regulation referred to in this paragraph," as indicated by any available information, including the list of violation notices submitted in the permit application. Among the specified violations are:

Federal and State failure-to-abate cessation orders, unabated Federal and State imminent harm cessation orders, delinquent civil penalties issued pursuant to section 518 of the Act, bond forfeitures where violations upon which the forfeitures were based have not been corrected, delinquent abandoned mine reclamation fees, and unabated violations of Federal and State laws, rules, and regulations pertaining to air or water environmental protection incurred in connection with any surface coal mining operation \* \* \*.

The reference to "the Act" in section 510(c) of SMCRA and 30 CFR 773.15(b)(1) includes SMCRA, its implementing regulations, and all State and Federal programs approved under SMCRA (see 48 FR 44344, 44389 (September 28, 1983); 53 FR 38868, 38882-38883 (October 3, 1988); see also 45 FR 82214, 82223 (December 15, 1980) (conditional approval of North Dakota program); 57 FR 807, 816 (January 9, 1992)). Similarly, the reference in proposed NDAC 69-05.2-10-03, subsection (1), to violations of SMCRA is interpreted to mean violations of SMCRA, its implementing regulations, and any State or Federal program approved pursuant to SMCRA.

Regarding other environmental laws and rules, the State proposal at NDAC 69-05.2-10-03, subsection (1), prohibits permit issuance for current violations of "any law or rule in any state \* \* \* pertaining to air or water environmental protection \* \* \*" (emphasis added). The Federal regulation cited above prohibits permit issuance if any surface coal mining and reclamation operation owned or controlled by the applicant or by any person who owns or controls the

applicant has "unabated violations of Federal and State laws, rules, and regulations pertaining to air or water environmental protection \* \* \*." Thus the Federal provision, unlike the State proposal, encompasses Federal as well as State laws, rules, and regulations. However, OSM notes that existing NDAC 69-05.2-10-03(1)(d), which is not proposed for revision and which is quoted above, prohibits the Commission from issuing a permit if there are outstanding " \* \* \* [u]nabated violations of Federal and State laws, rules, and regulations pertaining to air or water environmental protection \* \* \*" (emphasis added). As a result, even though the proposed revision at NDAC 69-05.2-10-03(1) is less inclusive than the Federal regulation requirement at 30 CFR 773.15(b)(1), the North Dakota program as proposed would nevertheless contain the same requirements for prohibiting permit issuance for current violations of Federal and State laws, rules, and regulations pertaining to air or water environmental protection. Therefore the Director finds the proposed revision to NDAC 69-05.2-10-03(1) to be no less effective than the Federal regulation requirements, and is approving the proposed revision.

#### b. Proposed Subsection (1)(a)— Delinquent Civil Penalties

At NDAC 69-05.2-10-03, subsection (1)(a), North Dakota proposes revisions that would require that the Commission deny a permit if there are outstanding delinquent civil penalties under NDCC sections 38-14.1-32 and 38-12.1-08, SMCRA, or any law or rule in any State, enacted under Federal law or regulation, pertaining to air or water environmental protection, if incurred in connection with a surface coal mining and reclamation operation.

The Federal rule at 30 CFR 773.15(b)(1) requires that the regulatory authority deny a permit if, among other circumstances, "civil penalties issued pursuant to section 518 of the Act" are delinquent. The reference to "the Act" includes SMCRA, its implementing regulations, and all State and Federal programs approved under SMCRA (see 48 FR 44344, 44389 (September 28, 1983); see also 53 FR 38868, 38882-38883 (October 3, 1988)). Accordingly, the reference in the State proposal at NDAC 69-05.2-03, subsection (1)(a), to delinquent civil penalties under SMCRA is interpreted to encompass civil penalties under SMCRA, its implementing regulations, and all State and Federal programs approved under SMCRA.

The State proposal at NDAC 69-05.2-03, subsection (1)(a), would also require permit denial if civil penalties under "any law or rule in any State enacted under Federal law or regulation pertaining to air or water environmental protection . . ." are delinquent. In the preamble to the Federal rule at 30 CFR 773.15(b)(1), OSM stated:

OSMRE intends to construe references to civil penalties in final § 773.15(b)(1) as referring only to those civil penalties that arise from violations of the Act, its implementing regulations and approved State or Federal programs \* \* \*. Whether failure to pay civil penalties arising under other laws is covered depends upon whether such failure constitutes an unabated violation of other law pertaining to air or water environmental protection.

53 FR 38868, 38882-38883 (October 3, 1988)

North Dakota's proposal would thus require permit denial for at least the same delinquencies as would be required by the Federal regulation; and it could be interpreted to require permit denial for additional delinquencies beyond those required by the Federal regulation. In accordance with section 505(b) of SMCRA and 30 CFR 730.11(b), the State regulatory authority has the discretion to impose land use and environmental controls and regulations of surface coal mining and reclamation operations that are more stringent than those imposed under SMCRA and the Federal regulations.

Moreover, the State regulatory authority has the discretion to impose land use and environmental controls and regulations of surface coal mining and reclamation operations for which no Federal counterpart provision exists. Section 505(b) of SMCRA and 30 CFR 730.11 dictate that such State provisions shall not be construed to be inconsistent with the Federal program. Therefore the Director finds that North Dakota's proposed revision to NDAC 69-05.2-10-03(1)(a) is not inconsistent with the Federal program requirements and is approving the proposed revision.

The Director notes that the approval of the proposed provisions at NDAC 69-05.2-10-03 (1) and (1)(a) (discussed in Finding Nos. 4a and 4b above) satisfy the requirement amendment at 30 CFR 934.16(q) that was placed on the North Dakota program in a January 9, 1992, rulemaking action (57 FR 807, 817), and is herewith removing that requirement.

#### 5. Permit Approval/Denial: Patterns of Violations

North Dakota proposes to revise NDAC 69-05.2-10-03, subsection (4), so that it would provide, in part, as follows:

The Commission will not issue a permit if it finds the applicant, anyone who owns or controls the applicant, or the operator specified in the application, controls or has controlled surface mining and reclamation operations with a demonstrated pattern of willful violations of any law or rule of this state, [SMCRA], or any state or federal program approved under [SMCRA], of such nature and duration, and with resulting irreparable damage to the environment as to indicate an intent not to comply with those laws, rules or programs.

The Federal regulation at 30 CFR 773.15(b)(3) requires that the regulatory authority deny a permit if it finds a demonstrated pattern of willful violations of "the Act." As discussed in Finding No. 4a above, the reference to "the Act" in section 510(c) of SMCRA and 30 CFR 773.15(b)(3) includes SMCRA, its implementing regulations, and all State and Federal programs approved under SMCRA.

Similarly, the reference in proposed NDAC 69-05.2-10-03(4) to violations of SMCRA is interpreted to mean violations of SMCRA, its implementing regulations, and any State or Federal program approved pursuant to SMCRA. When so interpreted, the proposed language actually addresses violations of State and Federal programs twice, since proposed NDAC 69-05.2-10-03(4) refers to violations of both "[SMCRA]" and "any State or Federal program approved under [SMCRA]". OSM finds that the additional language clarifies the implicit requirement.

In addition, North Dakota's proposal would include violations of North Dakota laws and rules outside its SMCRA-approved program. Therefore, the North Dakota proposal would encompass more violations than those encompassed by the Federal regulation at 30 CFR 773.15(b)(3). In accordance with section 505(b) of SMCRA and 30 CFR 730.11(b), the State regulatory authority has the discretion to impose land use and environmental controls and regulations of surface coal mining and reclamation operations that are more stringent than those imposed under SMCRA and the Federal regulations. Moreover, the State regulatory authority has the discretion to impose land use and environmental controls and regulations of surface coal mining and reclamation operations for which no Federal counterpart provision exists. Section 505(b) of SMCRA and 30 CFR 730.11 dictate that such State provisions shall not be construed to be inconsistent with the Federal program. Therefore the Director finds that North Dakota's proposed revisions at NDAC 69-05.2-10-03(4) are not inconsistent with the Federal program and is approving them.

The Director notes that the approval of the proposal satisfies the required amendment at 30 CFR 934.16(r) that was placed on the North Dakota program in a January 9, 1992, rulemaking action (57 FR 807, 817-818), and is herewith removing that requirement.

Note regarding applicable persons in violation: NDAC 69-05.2-10-3, subsection (4), as it was previously proposed by North Dakota (November 20, 1990; Administrative Record No. ND-L-01) and approved by OSM (57 FR 807, 817, January 9, 1992) applied the requirement for permit denial based upon a pattern of willful violations to "the applicant, anyone who owns or controls the applicant, or the operator specified in the application \* \* \*." In this current proposal (April 21, 1993; Administrative Record No. ND-P-01), the clause referring to anyone who owns or controls the applicant has been omitted. On January 31, 1994, OSM contacted North Dakota by telephone to determine whether this language was intended to be deleted or whether its omission was an editorial error. North Dakota responded that the clause was not intended to be deleted but rather its omission from the submission was an editorial error, and that the clause will be restored when the revision is promulgated (Administrative Record No. ND-P-14). The Director's approval of proposed NDAC 69-05.2-10-03(4) is based on this understanding.

#### 6. Permit Revisions, Approval/Denial: Violation Review

At NDAC 69-05.2-11-02(5)(d) [approval/denial of permit revisions], North Dakota proposes to revise a reference to "subsection 3 of section 69-05.2-10-03 [permit approval/denial, review of violations]" to "subsection 6 of section 69-05.2-10-03." This revision corrects the reference to reflect a recodification of that subsection that was approved by OSM in a previous rulemaking action (57 FR 807, January 9, 1992). The Director finds that the revision references the correct subsection and is approving the revision.

The Director notes that the approval of the proposal satisfies the required amendment at 30 CFR 934.16(s) that was placed on the North Dakota program in the January 9, 1992, rulemaking action (57 FR 807, 817-818), and is herewith removing that requirement.

#### 7. Annual Maps: Acreage Listing

Under the North Dakota program at NDAC 69-05.2-13-02, a permittee is required to submit two copies of an annual map to the Commission for all

permit areas by each February fifteenth. North Dakota proposes to revise subsection (4)(e) of the provision to require that the required annual map must clearly show, among other things, a tabular listing of acreage within the permit area where bond has been totally released. There are no Federal requirements regarding the submission of annual maps of permit areas. In accordance with section 505(b) and 30 CFR 730.11(b), the State regulatory authority has the discretion to impose land use and environmental controls and regulations of surface coal mining and reclamation operations that are more stringent than those imposed under SMCRA and the Federal regulations. Moreover, the State regulatory authority has the discretion to impose land use and environmental controls and regulations of surface coal mining and reclamation operations for which no Federal counterpart provision exists. Section 505(b) of SMCRA and 30 CFR 730.11 dictate that such State provisions shall not be construed to be inconsistent with the Federal program. Therefore, the Director finds that the State proposal at NDAC 69-05.2-13-02(4)(e) is not inconsistent with the Federal requirements and is approving the proposal.

#### 8. Protection of Bald and Golden Eagles

North Dakota proposes to revise NDAC 69-05.2-13-08(3) by adding a new sentence requiring that no surface mining activity may be conducted in a manner that would result in the unlawful taking of any bald or golden eagle or nests or eggs thereof. North Dakota further proposes to add a new subsection (4) to NDAC 69-05.2-13-08 to add a specific requirement that nothing in NDAC Article 69-05.2 authorizes the taking of endangered or threatened species, or a bald or golden eagle, its nest, or any of its eggs, in violation of the Endangered Species Act or the Bald Eagle Protection Act. The proposed new sentence in subsection (3) is substantively the same as the corresponding Federal requirement at 30 CFR 816.97(c)(first sentence); and the proposed new subsection (4) is substantively the same as the corresponding Federal requirement at 30 CFR 816.97(d). Therefore the Director finds that the proposed revisions at NDAC 69-05.2-13-08(3) and (4) are no less effective than the Federal regulations in meeting SMCRA's requirements and is approving the proposed revisions.

The Director notes that the approval of the proposal satisfies the required amendment at 30 CFR 934.16(t) that was placed on the North Dakota program in

the January 9, 1992, rulemaking action (57 FR 807, 819), and is herewith removing that requirement.

#### 9. Subsoil and Topsoil Redistribution

At NDAC 69-05.2-15-04(3), North Dakota proposes to delete the requirement that the Commission approve the respreading of subsoil prior to topsoil redistribution.

The Federal program does not impose any requirement for regulatory authority approval of subsoil respreading prior to topsoil redistribution. Additionally, North Dakota's proposal would not conflict with any other program requirement, and the operator would still be required to replace the full required subsoil and topsoil depths in order to meet the bond release requirements of NDCC 38-14.1-17(7)(b) and NDAC 69-05.2-12-12(6). Therefore, the Director finds that the proposal is not inconsistent with any Federal requirements and will assist in the administration of the North Dakota program, and is approving the proposal.

#### 10. Sedimentation Ponds: Design Standards and Stability Requirements

North Dakota proposes to revise certain sediment pond performance standards at NDAC 69-05.2-16-09(13) and (16). Subsection (13) as proposed would require that the upstream slope of a settled embankment not be steeper than 3h:1v and that the downstream slope not be steeper than 2h:1v. One proposed revision to subsection (16) would require that embankment fill adjacent to structures, pipe conduits, and drainfill or antiseep collars be compacted to the density of the surrounding fill by hand tamping or by using manually directed power tampers or plate vibrators. A second revision to subsection (16) would allow the operator, in lieu of the specific design requirements of subsections (11) through (16), to demonstrate that the structure's design has a minimum static safety factor (SSF) of 1.3 for a normal pool with steady state seepage saturation conditions. OSM notes that there exist in the North Dakota program additional requirements for large or hazardous impoundments, specified in subsection (17).

The Federal requirements for sediment ponds at 30 CFR 816.49 do not contain specific design standards. However, 30 CFR 816.49(a)(3)(ii) requires that small and nonhazardous ponds either have a minimum SSF of 1.3 for a normal pool with steady-state seepage saturation conditions, or meet the requirements of 30 CFR 780.25(c)(3). This latter section allows, in lieu of engineering tests to demonstrate

compliance with the minimum 1.3 SSF, engineering design standards to be established by regulatory authorities, through the State program approval process, that ensure stability comparable to a 1.3 minimum SSF.

OSM has reviewed North Dakota's existing and proposed design standards at NDAC 69-05.2-16-09 subsections (11) through (16). These include, among other things, minimum 5% height increase to allow for settlement, minimum top widths (based in part on embankment height), maximum side slopes (as described above), foundation clearing and scarification, requirements for fill materials, and compaction requirements. Based on this review, OSM is satisfied that these design standards would ensure embankment stability comparable to a 1.3 SSF.

Further, the proposed provision in NDAC 69-05.2-16-09(16) that would allow the use of other design parameters if a minimum 1.3 SSF is demonstrated is substantively the same as the provision in the Federal requirement at 30 CFR 816.49(a)(3)(ii) that allows impoundments to have a minimum 1.3 SSF as an alternative to meeting specific design standards approved in accordance with 30 CFR 780.25(c)(3). Therefore the Director finds that North Dakota's proposed revisions to NDAC 69-05.2-16-09(13) and (16) are no less effective than the Federal program requirements and is approving the proposed revisions.

The Director notes that the approval of the proposal satisfies that required amendment at 30 CFR 934.16(p) that was placed on the North Dakota program in the January 9, 1992, rulemaking action (57 FR 807, 815), and is herewith removing that requirement.

#### 11. Coal Processing Waste Impoundments: Dewatering

North Dakota proposes to revise NDAC 69-05.2-20-03(3) to require that dams or embankments constructed of or impounding waste materials be designed so that at least ninety percent of the water stored during the design precipitation event can be removed within a ten-day period. North Dakota also proposes to add a new subsection (4) to NDAC 69-05.2-20-03 that would require that for such dams and embankments, at least ninety percent of the water stored during the design precipitation event be removed within the ten-day period following such an event. The proposal is substantively identical to the Federal requirements at 30 CFR 816.84 (e) and (f). Therefore the Director finds that North Dakota's proposed revisions to NDAC 69-05.2-20-03 (3) and (4) are no less effective

than the Federal program requirements and is approving the proposed revisions.

The Director notes that the approval of the proposal satisfies the required amendment at 30 CFR 934.16(v) that was placed in the North Dakota program in the January 9, 1992, rulemaking action (57 FR 807, 821), and is herewith removing that requirement.

### IV. Summary and Disposition of Comments

#### 1. Public Comments

The Director solicited public comments and provided an opportunity for a public hearing on the proposed amendment. No public comments were received, and because no one requested an opportunity to testify at a public hearing, no hearing was held.

#### 2. Agency Comments

Pursuant to section 503(b) of SMCRA and implementing regulations at 30 CFR 732.17(h)(11)(i), comments were solicited from various Federal agencies with an actual or potential interest in the North Dakota program. A summary of the comments, and the Director's responses to them, appear below.

a. The State Conservationist of the Soil Conservation Service (U.S. Department of Agriculture) and the Bureau of Mines (U.S. Department of the Interior) responded that they had no comments (Administrative Record Nos. ND-P-8b and ND-P-8a).

b. The Mine Safety and Health Administration (U.S. Department of Labor) (MSHA) responded that the proposed amendment would not affect MSHA's mandate and that it thus had no comments (Administrative Record No. ND-P-9).

c. The U.S. Army Corps of Engineers (Corps) responded with a technical comment on the proposed static safety factor for small and nonhazardous impoundments at NDAC 69-05.2-16-09(16) (Administrative Record No. ND-P-13). The Corps noted that there are many methods for stability analysis, and that each can produce a different safety factor for the same design and data. The Corps stated that where no particular method of analysis is specified, the minimum SSF for seepage conditions should not be less than 1.5.

The Federal regulations at 30 CFR 816/817.49(a)(3)(ii) specify only the minimum 1.3 SSF for small, non-hazardous impoundments; they do not specify methods of stability analysis. OSM's duty in reviewing State program amendments (SPA's) like the one under consideration here is limited to determining whether the SPA is "in

accordance with" and "consistent with" SMCRA and its implementing regulations (see sections 503(a)(1) and (a)(7) of SMCRA; see also 30 CFR 730.5). OSM does not have the authority to require standards in excess of the Federal regulations that implement SMCRA, and therefore cannot require that North Dakota adopt the Corp's recommendation.

OSM also notes that under NDAC 69-05.2-09-09(1)(h), the plan for each impoundment must be certified as meeting the requirements of the North Dakota program using current, prudent engineering practices and any design requirements established by the Commission. Further, under NDCC 38-14.1-21(3)(a), the Commission may not approve a permit unless the application affirmatively demonstrates, and the Commission finds in writing, that the application is accurate and complete and that all requirements of the North Dakota program, including the 1.3 minimum SSF, have been complied with.

#### 3. Environmental Protection Agency (EPA) Concurrence

Pursuant to 30 CFR 732.17 (h)(11)(ii), OSM solicited the written concurrence of the Administrator of the EPA with respect to those provisions of the proposed program amendment which relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*) (Administrative Record No. ND-P-6).

No response was received from the EPA, Washington, DC office, and their concurrence is not required on the proposed amendment, since it did not address any requirements that would impact the Clean Water or Clean Air Acts.

#### 4. State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Pursuant to 30 CFR 732.17(h)(4), the Director provided the proposed amendments to the SHPO and ACHP for comment. Neither SHPO nor ACHP provided any comments to OSM.

### V. Director's Decision

Based on the above findings, the Director approves North Dakota's proposed program amendment as submitted on April 21, 1993, and subsequently revised on November 23, 1993.

The Director has determined that the previously-required program amendments, discussed in the Findings as follows: have been satisfied, and is

removing those requirements: Finding No. 2, 30 CFR 934.16(m) [lists of violation notices]; Finding No. 3, § 934.16(o) [support facility plans]; Finding Nos. 4a and 4b, § 934.16(q) [permit approval/denial, review of violations]; Finding No. 5, § 934.16(r) [permit approval/denial, patterns of violations]; Finding No. 6, § 934.16(s) [permit revisions, violation review]; Finding No. 8, § 934.16(t) [protection of eagles]; Finding No. 10, § 934.16(p) [sediment pond design standards and stability]; and Finding No. 11, § 934.16(v) [dewatering of coal processing waste impoundments].

The Federal regulations at 30 CFR part 934, codifying decisions concerning the North Dakota program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

#### VI. Procedural Determinations

##### *Compliance With Executive Order 12866*

This final rule is exempted from review by the Office of Management and Budget under Executive Order 12866 (Regulatory Planning and Review).

##### *Compliance With Executive Order 12778*

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsection (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 12550) and Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the requirements of 30 CFR parts 730, 731, and 732 have been met.

##### *Compliance With the National Environmental Policy Act*

No environmental impact statement is required for this rule since section

702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State Regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

##### *Paperwork Reduction Act*

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

##### *Compliance With the Regulatory Flexibility Act*

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Hence, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

##### **List of Subjects in 30 CFR 934**

Intergovernmental relations, Surface mining, Underground mining.

Dated: March 8, 1994.

**Raymond L. Lowrie,**

*Assistant Director Western Support Center.*

For the reasons set out in the preamble, title 30, chapter VII, subchapter T, of the Code of Federal Regulations is amended as set forth below.

#### **PART 934—NORTH DAKOTA**

1. The authority citation for part 934 continues to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*

2. Section 934.15 is amended by adding paragraph (q) to read as follows:

##### **§ 934.15 Approval of regulatory program amendments.**

\* \* \* \* \*

(q) The following provisions of the North Dakota Administrative Code, as submitted on April 21, 1993

(Amendment XVII), and revised on November 23, 1993, are approved effective March 15, 1994: 69-05.2-06-02(3) (permit applications, violation information); 69-05.2-09-01(4) (permit applications, support facility plans); 69-05.2-10-03 (1), (1)(a), & (4) (permit approval/denial, violation review); 69-05.2-13-02(4)(e) (annual maps/information); 69-05.2-13-08 (3) through (6) (protection of eagles and recodification); 69-05.2-15-04(3) (re-soiling); 69-05.2-16-09 (13), (14), & (16) (sediment ponds, performance & design standards); and 69-05.2-20-03 (3) & (4) (coal processing waste impoundments, dewatering).

##### **§ 934.16 [Amended]**

3. Section 934.16 is amended by removing and reserving paragraphs (m), (o) through (t), and (v).

[FR Doc. 94-5974 Filed 3-14-94; 8:45 am]

BILLING CODE 4310-05-M

#### **DEPARTMENT OF DEFENSE**

##### **General Services Administration**

##### **National Aeronautics and Space Administration**

##### **48 CFR Part 53**

##### **[FAC 90-20 Addendum]**

##### **Federal Acquisition Regulation; Optional Form 333**

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council have agreed on a final rule to amend a Federal Acquisition Regulation (FAR) on the use of Optional Form 333. Optional Form 333 was revised in FAC 90-16 and published at 57 FR 60570, December 21, 1992. In FAC 90-20, it was republished because it has been authorized for local reproduction indefinitely.

**EFFECTIVE DATE:** March 10, 1994.

##### **FOR FURTHER INFORMATION CONTACT:**

Ms. Beverly Fayson at (202) 501-4755 in reference to this technical amendment.

##### **List of Subjects in 48 CFR Part 53**

Government procurement.

Dated March 8, 1994.

Albert A. Vicchiolla,  
Director, Office of Federal Acquisition Policy.

Therefore, 48 CFR part 53 is amended as set forth below:

#### PART 53—FORMS

1. The authority citation for 48 CFR part 53 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Paragraph 53.203(b) is revised to read as follows:

**53.203 Improper business practices and personal conflicts of interest.**

\* \* \* \* \*

(b) *OF 333 (Rev. 10/92), Procurement Integrity Certification for Procurement Officials.* OF 333 is prescribed for use, as specified in 3.104-12(a)(3). OF 333 is authorized for local reproduction and a copy is furnished for this purpose in part 53 of the looseleaf edition of the FAR.

[FR Doc. 94-5833 Filed 3-14-94; 8:45 am]

BILLING CODE 8320-34-M

#### DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

#### 50 CFR Part 625

[Docket No. 920543-4030; I.D. 112493C]

#### Summer Flounder Fishery

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Interim final rule.

**SUMMARY:** NMFS issues this interim final rule to amend the regulations implementing the Fishery Management Plan for the Summer Flounder Fishery (FMP). This rule requires Federally permitted summer flounder dealers to submit weekly reports even if no fish are received during a particular week, and owners of vessels having summer flounder moratorium permits to maintain accurate daily fishing logs and submit them each month regardless of species fished for or taken. Other minor language changes are made to the regulations regarding dealer and vessel reporting to clarify intent. The intended effect of this rule is to achieve consistency and effectiveness by standardizing the reporting requirements for all Federally managed fisheries in the Northeast Region.

**DATES:** Effective on April 13, 1994.

Written comments must be received on or before April 13, 1994.

**ADDRESSES:** Written comments should be mailed to Richard B. Roe, Regional Director, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on Summer Flounder Negative Reporting". Copies of the Regulatory Impact Review, Initial Regulatory Flexibility Analysis, and Environmental Impact Statement for Amendment 2 may be obtained from David R. Keifer, Mid-Atlantic Fishery Management Council, room 2115 Federal Building, 300 South New Street, Dover, DE 19901-6790.

Comments regarding the burden-hour estimates or any other aspect of the collection-of-information requirements contained in this rule should be sent to Richard B. Roe at the address listed above for the Northeast Regional Office, and the Office of Management and Budget (Attention: NOAA Desk Officer), Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Hannah Goodale, Fishery Policy Analyst, (508-281-9101).

**SUPPLEMENTARY INFORMATION:** A final rule implementing Amendment 2 to the FMP published December 4, 1992, required summer flounder dealer reporting effective on January 1, 1993. A final rule implementing a resubmitted portion of Amendment 2 required vessel fishing log reports to be submitted beginning January 1, 1994 (58 FR 35891, July 2, 1993).

Existing regulations at § 625.6(a) require dealers to report, on a weekly basis, information concerning purchases from vessels that land summer flounder. Under the current regulations, a dealer is required to submit a report only if summer flounder are purchased. As a result, it is impossible to determine whether a dealer report was not submitted because summer flounder were not purchased or because of a disregard for the regulations. Although negative reporting is not explicitly discussed in Amendment 2, the Council has requested that NMFS revise the reporting requirements at § 625.6(a) to require negative reporting. The Council's request reflects the intent of Amendment 2 that all summer flounder purchased by Federally permitted dealers be accurately reported. This is essential for maintaining the integrity of the annual quota.

Also at the Council's request, § 625.6(b) is revised to clarify that vessels with moratorium permits must maintain and submit accurate daily fishing log reports for all fishing trips

regardless of species fished for or taken. This change makes clear to owners and operators that all species taken by the vessel must be recorded even if the vessel is not directing, or has unsuccessfully directed, its effort toward harvesting summer flounder.

Section 625.6(c), which specifies reporting requirements pertaining to vessels issued a summer flounder party or charter permit, is also revised to make clear that if a vessel also has been issued a moratorium permit, it must report all trips regardless of whether summer flounder are retained. Thus, all vessels issued a moratorium permit are subject to the same reporting requirements. Vessel which are issued a party or charter permit, but which are not issued a moratorium permit, must report a trip only if summer flounder are landed. This clarification is needed to prevent confusion in the industry since some vessels hold permits for both commercial and party/charters activities.

Standardized requirements are desirable for several reasons. The dealer and vessel reporting requirements of the FMP are only a part of the Northeast Region Mandatory Data Reporting System. Amendments to the Fishery Management Plans for Northeast Multispecies and Atlantic Sea Scallops contain reporting requirements that are expected to be implemented early in 1994. Both the New England and Mid-Atlantic Fishery Management Councils are likely to add mandatory reporting requirements to other FMPs.

Because it is common for fishermen and dealers holding Federal permits to participate in one or more of the fisheries that are, or will be, subject to the reporting requirements, uniform reporting requirements should minimize reporting burdens and confusion. NMFS believes that its uniform requirements are the least complicated, most convenient for the industry, and most effective way for the Council and NMFS to collect the information necessary to manage Northeast Region fisheries. Implementation of these regulations will further the goal of a uniform standardized system by providing consistency among the reporting requirements of the summer flounder, multispecies, and scallop fishery management plans.

A provision is added to § 625.8 (Prohibitions) to make it a violation for vessel owners, operators, and dealers not to comply with recordkeeping and reporting requirements.

#### Classification

The Assistant Administrator for Fisheries, NOAA (AA), has initially determined that this interim final rule is

necessary for the conservation and management of the summer flounder fishery and is consistent with the Magnuson Act and other applicable law.

This rule is subject to the requirements of the Paperwork Reduction Act. The requirement in § 625.6(a)(1) for dealers to provide negative reports has been approved by the Office of Management and Budget (OMB) under control number 0648-0229. A response is estimated to take 2 minutes. Section 625.6(a)(2) contains an annual reporting requirement that dealers complete the "Employment Data" section of the processed product report. A response is estimated to take 2 minutes.

The logbook requirement in § 625.6(b)(1) is a clarification of a requirement approved by OMB under control number 0648-0212. A response is estimated to take 5 minutes. Send comments regarding this burden estimate or any other aspect of these collection-of-information requirements, including suggestions for reducing the burden, to Richard B. Roe, NMFS, and to OMB (see ADDRESSES).

The AA finds there is good cause to waive prior notice and opportunity for comment under 5 U.S.C. 553(b). The AA finds that providing prior notice and opportunity for comment is unnecessary and not in the public interest. To the extent that this rule clarifies the intent of existing reporting requirements, opportunity for comment would serve no purpose. The other changes are necessary to prevent confusion in the fishing industry with reporting requirements in Amendment 4 to the FMP for Sea Scallops and Amendment 5 to the FMP for Northeast Multispecies that are expected to be implemented early in 1994 and to provide for the effective management of the summer flounder fishery. However, because this rule changes some of the reporting requirements previously applicable, the AA is not waiving the 30-day delay in effective date required by 5 U.S.C. 553(d) in order for all in the fishery to come into compliance. Opportunity for post issuance comment is being provided, and comments received will be considered in issuing a final rule.

#### List of Subjects in 50 CFR Part 625

Fisheries, Reporting and recordkeeping requirements.

Dated: March 9, 1994.

Charles Karnella,

Acting Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 625 is amended as follows:

#### PART 625—SUMMER FLOUNDER FISHERY

1. The authority citation for part 625 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. Section 625.6 is amended by revising paragraphs (a)(1) through (a)(4), redesignating paragraph (a)(5) as (a)(6), adding a new paragraph (a)(5), revising paragraphs (b) and (c) to read as follows:

#### § 625.6 Recordkeeping and reporting requirements.

(a) *Dealers.* (1) *Weekly report.* Dealers must send by mail to the Regional Director, or official designee, on a weekly basis on forms supplied by or approved by the Regional Director, a report on fish purchases. If authorized in writing by the Regional Director, dealers may submit reports electronically or through other media. The following information and any other information required by the Regional Director, must be provided in the report: Name and mailing address of dealer; dealer number; name and permit number of the vessels from which fish are landed or received; dates of purchases; pounds by species; price by species; and port landed. If no fish are purchased during the week, a report so stating must be submitted.

(2) *Annual report.* All persons required to submit reports under paragraph (a)(1) of this section are required to complete the "Employment Data" section of the Annual Processed Products Reports; completion of other sections on that form is voluntary. Required data are the number of employees handling fishery products by month. Reports for a given calendar year must be submitted to: NMFS Statistics, 166 Water Street, Woods Hole, MA 02543, and must be postmarked by February 10 of the following year.

(3) *Inspection.* Upon the request of an authorized officer, or by an employee of NMFS designated by the Regional Director to make such inspections, the dealer must make immediately available for inspection copies of the required reports that have been submitted, or should have been submitted, and the records upon which the reports were based.

(4) *Record retention.* Copies of reports, and records upon which the reports were based, must be retained and be available for review for 1 year after the date of the last entry on the report. The dealer must retain such reports and records at its principal place of business.

(5) *Submitting reports.* Reports must be received or postmarked, if mailed, within 3 days after the end of each

reporting week. Each dealer will be sent forms and instructions, including the address to which to submit reports, shortly after receipt of a dealer permit. If no fish were purchased during a week, a report so stating must be submitted.

\* \* \* \* \*

(b) *Vessel owners issued a moratorium permit.* (1) *Fishing log reports.* The owner of any vessel issued a moratorium permit under § 625.4 must maintain on board the vessel, and submit, an accurate daily fishing log report for all fishing trips regardless of species fished for or taken, on forms supplied by or approved by the Regional Director. If authorized in writing by the Regional Director, vessel owners may submit reports electronically, for example by using a vessel tracking system or other media. At least the following information, and any other information required by the Regional Director, must be provided: Vessel name, U.S. Coast Guard (USCG) documentation number (or state registration number if undocumented); permit number; date/time sailed; date/time landed; trip type; number of crew; gear fished; quantity and size of gear; mesh/ring size; chart area fished; average depth; latitude/longitude (or loran station and bearings); total hauls per area fished; average tow time duration; pounds by species of all species landed or discarded; dealer permit number; dealer name; date sold; port and state landed; and vessel operator's name, signature, and operator permit number (if applicable).

(2) *When to fill in the log.* Such log reports must be filled in, except for information required but not yet ascertainable, before offloading has begun. All information in paragraph (b)(1) of this section must be filled in for each fishing trip before starting the next fishing trip.

(3) *Inspection.* Upon the request of an authorized officer, or an employee of NMFS designated by the Regional Director to make such inspections, at any time during or after a trip, owners and operators must make immediately available for inspection, the fishing log reports currently in use, or to be submitted.

(4) *Record retention.* Copies of the fishing log reports must be retained and available for review for 1 year after the date of the last entry on the log.

(5) *Submitting reports.* Fishing log reports must be received or postmarked, if mailed, within 15 days after the end of the reporting month. Each owner will be sent forms and instructions, including the address to which to

submit reports, shortly after receipt of a Federal Fisheries Permit. If no fishing trip is made during a month, a report so stating must be submitted.

(c) *Owners of party and charter boats.*

(1) *Fishing log reports.* The owner of any party or charter boat issued a moratorium permit under § 625.4 and carrying passengers for hire shall maintain on board the vessel, and submit, an accurate daily fishing log report for each charter or party fishing trip, even if no summer flounder is retained, on forms supplied by or approved by the Regional Director. The owner of any party or charter boat issued a summer flounder permit other than a moratorium permit and carrying passengers for hire shall maintain on board the vessel, and submit, an accurate daily fishing log report for each charter or party fishing trip which lands summer flounder. If authorized in writing by the Regional Director, vessel owners may submit reports electronically, for example, by using a vessel tracking system or other media. At least the following information, and any other information required by the Regional Director, must be provided:

Vessel name, U.S. Coast Guard (USGC) documentation number (or state registration number if undocumented); permit number; date/time sailed; date/time landed; trip type; number of crew; number of anglers, quantity and size of gear; chart area fished; average depth; latitude/longitude (or loran station and bearings); average tow time duration; count by species of all species landed or discarded; port and state landed; and vessel operator's name, signature, and operator permit number (if applicable).

(2) *When to fill in the log.* Such log reports must be filled in before offloading has begun. All information required in paragraph (c)(1) of this section must be filled in for each fishing trip by the end of each fishing trip.

(3) *Inspection.* Upon the request of an authorized officer, or an employee of NMFS designated by the Regional Director to make such inspections, at any time during or after a trip, owners and operators must make immediately available for inspection the fishing log reports currently in use, or to be submitted.

(4) *Record retention.* Copies of the fishing log reports must be retained and

available for review for 1 year after the date of the last entry on the log.

(5) *Submitting reports.* Fishing log reports must be received or postmarked, if mailed, within 15 days after the end of the reporting month. Each owner will be sent forms and instructions, including the address to which to submit reports, shortly after receipt of a Federal Fisheries Permit. If no summer flounder is landed or no fishing trip is made during a month, a report so stating must be submitted.

3. Section 625.8, paragraph (c)(2) is revised to read as follows:

§ 625.8 Prohibitions.

\* \* \* \* \*

(c) \* \* \*

(2) If subject to the permitting requirements in § 625.4 or § 625.5, to offload, cause to be offloaded, sell or buy, whether on land or at sea, as an owner, operator, dealer, buyer or receiver, without accurately preparing and submitting in a timely fashion the documents required by § 625.6.

\* \* \* \* \*

[FR Doc. 94-5925 Filed 3-14-94; 8:45 am]  
BILLING CODE 3510-22-M

# Proposed Rules

Federal Register

Vol. 59, No. 50

Tuesday, March 15, 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.

## NATIONAL CREDIT UNION ADMINISTRATION

### 12 CFR Part 701

#### Organization and Operations of Federal Credit Unions

AGENCY: National Credit Union Administration.

ACTION: Request for comment.

**SUMMARY:** Under National Credit Union Administration (NCUA) Rules and Regulations, federally insured credit unions are prohibited from providing incentive pay plans to certain employees related to the credit union's lending activities. NCUA is soliciting public comment on whether this prohibition should be changed. NCUA also invites comment on other changes to its lending regulations that would facilitate increased lending and improved loan-to-share ratios in credit unions. Information from interested parties will assist NCUA in determining whether to issue proposed amendments to its lending regulations.

**DATES:** Comments must be postmarked by May 16, 1994.

**ADDRESSES:** Send comments to Becky Baker, Secretary of the Board, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428.

**FOR FURTHER INFORMATION CONTACT:** Lisa Henderson, Staff Attorney, (703) 518-6561, at the above address.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 701.21(c)(8) of the NCUA Rules and Regulations, 12 CFR 701.21(c)(8), prohibits federal credit unions from making any loan or extending any line of credit if, either directly or indirectly, and commission, fee, or other compensation is to be received by the credit union's directors, committee members, senior management employees, loan officers, or any immediate family members of such individuals, in connection with

underwriting, insuring, servicing, or collecting the loan or line of credit. For the purposes of the provision, "senior management employees" means the credit union's chief executive officer, any assistant chief executive officers, and the chief financial officer, and "immediate family member" means a spouse or other family member living in the same household. The regulation does not restrict the payment of non-commission salary to employees. Through the insurance provisions at § 741.3(a) of the Regulations, 12 CFR 741.3(a), the § 701.21(c)(8) prohibition applies to federally insured state-chartered credit unions.

The purpose of § 701.21(c)(8) is to ensure that an individual who is in a position of authority in a credit union does not put self-interest ahead of the credit union's interest in making good loans and providing good service to its members. The provision prohibits compensation from third parties and from the credit union itself, in the form of commissions, incentive pay, or bonuses.

Under the regulation, a "loan officer" is an individual who has the authority to approve a loan. A loan officer may or may not be involved in taking and processing loan applications. "Underwriting the loan" means approving or disapproving it. It does not mean processing the loan. Thus, the prohibition against a federal credit union making a loan if a commission or fee is to be received by a loan officer in connection with underwriting the loan means that an individual may not receive incentive pay if he or she has any part in finally approving the loan. Individuals who are involved in processing loans, but who have no role in their approval or disapproval, may receive incentive pay.

The prohibition against making a loan if a commission or fee is to be received by a loan officer in connection with insuring the loan means, for example, that the individual who has the authority to approve a loan may not receive an incentives for selling credit life or disability insurance on it.

##### Amending the Regulation

It has come to NCUA's attention that credit union management is increasingly interested in implementing incentive pay programs that, among other things, provide incentives to loan officers for underwriting and insuring

loans. In this period of soft loan demand and historically low loan-to-share ratios, concerns have been expressed that credit unions are losing market share to lenders that can reward employees for working extra hard to close a loan. Some interested parties have suggested that with sufficient controls, incentive pay programs can benefit credit unions. However, others fear that providing loan officers with an incentive to generate loans will lead to poor quality loans, threatening the safety and soundness of the credit union.

To assist in the resolution of this issue, NCUA seeks comment on the general question of whether the regulation should be amended to permit loan officers to receive incentive pay for underwriting and insuring loans. Comments from individuals who have had experience with incentive plans would be particularly helpful.

The NCUA Board notes that while the receipt of incentive pay by loan officers is the primary focus of the debate, the issue is not limited to loan officers. Under the regulation, a federal credit union may not make a loan if a commission or fee is to be received by a senior management employee in connection with underwriting or insuring the loan. Thus, for example, a credit union's vice president for lending may not receive compensation based on the volume of loans generated by the loan department. The NCUA Board seeks comment on whether the regulation should be amended to permit senior management employees to receive incentive pay based on loan activities. The Board notes that it is wary of making such a change, however, because of concern that if senior management is allowed to receive loan-related incentive pay, control over the activities of loan officers and other non-senior employees could be compromised.

The NCUA Board also notes that while a vice president for lending may not receive compensation tied to the performance of the loan department, the agency has taken the position that a chief executive officer's compensation may be tied to the overall performance of the credit union, part of which is based on its loan activities. The rationale for the distinction is that compensation tied to the overall performance of the credit union takes into account so many factors that it

cannot be said to be "in connection with" the underwriting, insuring, servicing, or collecting of a loan.

#### How the Regulation Should Be Amended

There are many ways the regulation could be amended. For example, the term "loan officers" could simply be deleted from the provision. This would preserve the prohibition for directors, committee members, and senior management employees, but allow credit unions to design any type of incentive program for loan officers. With such authority, a credit union could implement a plan in which loan officers receive a certain dollar amount for each loan closed, regardless of the ultimate performance of the loan. If the regulation were amended in this manner, it would be up to the business judgment of a credit union's management to design an incentive program that contains the necessary controls. Through the supervision process, NCUA could take exception to programs without such controls.

Amending the regulation in such a manner might reach beyond its intended effect, however, and present serious safety and soundness concerns. For example, it would remove the prohibition against a loan officer receiving compensation from third parties for activities relating to underwriting, insuring, servicing, or collecting a loan made by the credit union. Thus, for example, a loan officer could have an ownership interest in a collection company used by the credit union or receive a payment from a real estate agent for approving a loan on property sold by the agent.

A loan officer in a federal credit union would still be subject to Article XIX, Section 4, of the Federal Credit Union Bylaws, which provides that no director, committee member, officer, agent or employee of a credit union shall participate in the deliberation upon or the determination of any question affecting his pecuniary interest or the pecuniary interest of any corporation, partnership, or association in which he or she is interested. While the bylaw would prohibit a loan officer from approving a loan if he were to receive a momentary benefit from that decision, bylaws serve as a contract between the members and the credit union and their enforcement is generally left up to the members. NCUA action is predicated on a violation of law, regulation, Board order, or safety and soundness. Accordingly, the NCUA Board would be concerned about the implications of simply deleting "loan officers" from the regulation.

As an alternative to simply deleting the term "loan officer," the Board could insert language to clarify that loan production personnel may receive incentive pay (from the credit union) so long as they are not involved in the credit granting decision. This would preserve the integrity of the rule—those who make the loan decision do not get extra pay for saying yes—while eliminating a possible misunderstanding that may be preventing credit unions from implementing incentive plans that are permissible under the current rule.

As another alternative, the regulation could be amended by adding language permitting incentive pay plans and instructing credit unions on the kinds of controls that must be in place for a plan to be permissible. These controls could include: (1) Requiring the credit union to have written policies and procedures to ensure that personnel making final decisions to approve or disapprove loans are accountable for making safe and sound decisions for the credit union; (2) permitting loan officers to receive incentive pay only when underwriting standards are firm; (3) requiring two loan officers' signatures on any loan where incentives are involved; (4) excluding business loans and loans to officials or family members; (5) requiring that a sample of each loan officer's loans be reviewed as part of the credit union's internal audit; (6) requiring the loan officer's adherence to performance standards be documented; (7) requiring that incentives be tied to loan quality, rather than quantity; and (8) requiring that loan officer incentives be part of an overall employee incentive program. NCUA could continue to take exception to specific plans based on safety and soundness concerns.

The above controls have been suggested by NCUA staff and some members of the credit union community. It is by no means an exclusive list. From those commenters who believe the regulation should be amended, NCUA seeks suggestions on how it should be done and whether and what kinds of controls should be imposed. In addition to the incentive pay issue, NCUA welcomes comment on any other changes to its lending regulations that would facilitate increased lending and improved loan-to-share ratios without compromising safety and soundness.

By the National Credit Union Administration Board on March 9, 1994.

Becky Baker,

Secretary of the Board.

[FR Doc. 94-5949 Filed 3-14-94; 8:45 am]

BILLING CODE 7535-01-M

## SMALL BUSINESS ADMINISTRATION

### 13 CFR Part 121

#### Small Business Size Standards; Waiver of the Nonmanufacturer Rule

AGENCY: Small Business Administration.

ACTION: Notice of intent to waive the nonmanufacturer rule for copiers/duplicating equipment.

**SUMMARY:** The Small Business Administration (SBA) is considering a waiver of the Nonmanufacturer Rule for copiers/duplicating equipment. The basis for waivers is that no small business manufacturers are supplying this class of products to the Federal government. The effect of a waiver would be to allow otherwise qualified regular dealers to supply the products of any domestic manufacturer on a Federal contract set aside for small businesses or awarded through the SBA 8(a) Program. The purpose of this notice is to solicit comments and source information from interested parties.

**DATES:** Comments and sources must be submitted on or before March 30, 1994.

**ADDRESSES:** Comments should be addressed to: Robert J. Moffitt, Associate Administrator for Procurement Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Washington DC, 20416, Tel: (202) 205-6460.

**FOR FURTHER INFORMATION CONTACT:** James Parker, Procurement Analyst, Tel: (202) 205-6465.

**SUPPLEMENTARY INFORMATION:** Public Law 100-656, enacted on November 15, 1988, incorporated into the Small Business Act the previously existing regulation that recipients of Federal contracts set aside for small businesses or SBA 8(a) Program procurement must provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor. This requirement is commonly referred to as the Nonmanufacturer Rule. The SBA regulations imposing this requirement are found at 13 CFR 121.906(b) and 121.1106(b). Section 303(h) of the law provides for waiver of this requirement by SBA for any "class of products" for which there are no small business manufacturers or processors available to

participate in the Federal market. To be considered available to participate in the Federal market on a class of products, the small business must have been awarded or have performed on a contract or contracts to supply a product within a specific class of products to the Federal government within the past 24 months from the date of request for waiver, either directly or through a dealer, or who have offered on a solicitation for that class of products within that time frame. The SBA defines "class of products" based on two coding systems. The first is the Office of Management and Budget Standard Industrial Classification Manual. The second is the Product and Service Code established by the Federal Procurement Data System.

This notice proposes to waive the Nonmanufacturer Rule for copiers/duplicating equipment (SIC code 3579, PSC code 3610).

In an effort to identify small business sources for this class of products, SBA has searched its Procurement Automated Source System (PASS) and the Thomas Register and has contacted the General Services Administration. SBA will also publish a notice in the Commerce Business Daily. To date, these efforts have identified no small business sources. The public is invited to comment or provide source information to SBA on the proposed waiver of the nonmanufacturer rule for this class of products.

Dated: March 7, 1994.

Robert J. Moffitt,

Associate Administrator for Procurement Assistance.

[FR Doc. 94-5999 Filed 3-14-94; 8:45 am]

BILLING CODE 8025-01-W

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 94-NM-18-AD]

#### Airworthiness Directives; Beech Model 400A and 400T (Military T-1A) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Beech Model 400A and 400T (military T-1A) airplanes. This proposal would require an inspection of certain

flap roller retention components to detect discrepant or missing parts, and replacement of discrepant or missing parts; and installation of new washers on the roller attach bolts. This proposal is prompted by reports of undersized tabs on some lock washers, and tabs or inner tangs missing from the washers installed on the flap roller bolts. Such discrepancies defeat the locking function of the tab washer, and could result in loss of the nut and flap roller. The actions specified by the proposed AD are intended to prevent loss of the main or aft flap surface and subsequent reduced controllability of the airplane.

**DATES:** Comments must be received by May 9, 1994.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 94-NM-18-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas.

**FOR FURTHER INFORMATION CONTACT:** Larry Engler, Aerospace Engineer, Airframe Branch, ACE-120W, FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4122; fax (316) 946-4407.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 94-NM-18-AD." The postcard will be date stamped and returned to the commenter.

#### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 94-NM-18-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

#### Discussion

The FAA has received a report that, during investigation of flap roll problems on Beech Model 400T (military T-1A) airplanes, lock washer inner tabs were missing from the washers installed on the flap roller bolts. Subsequent investigation of production aircraft revealed that, in addition to missing tabs, undersized inner tabs were found on some lock washers. In addition, the FAA has received a report that the locking tab washers may be missing an inner tang, which is designed to engage the keyway in the bolt. Absence of this tang defeats the locking function of the tab washer, and could result in loss of the nut and flap roller. This condition, if not corrected, could result in loss of the main or aft flap surface and subsequent reduced controllability of the airplane.

Model 400A airplanes are similar in design to Model 400T (military T-1A) airplanes and, therefore, also are subject to the addressed unsafe condition.

The FAA has reviewed and approved Beech Service Bulletin No. 2522, dated January 1994, that describes procedures for an inspection of certain flap roller retention components to detect discrepant or missing parts, and replacement of discrepant or missing parts with new or serviceable parts; and installation of new washers, tab washers, and flat washers on the roller attach bolts. Installation of these new components will ensure the locking

function of the tab washer and the structural integrity of the flap roller.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require an inspection of certain flap roller retention components to detect discrepant or missing parts, and replacement of discrepant or missing parts with new or serviceable parts; and installation of new washers, tab washers, and flat washers on the roller attach bolts. The actions would be required to be accomplished in accordance with the service bulletin described previously.

There are approximately 122 Model Beech 400A and 400T (military T-1A) airplanes of the affected design in the worldwide fleet. The FAA estimates that 102 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 8 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$55 per work hour. Required parts would cost approximately \$100 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$55,080, or \$540 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

**Beech Aircraft Corporation:** Docket 94-NM-18-AD.

*Applicability:* Model 400A airplanes, serial numbers RK-1 through RK-79 inclusive; and Model 400T (military T-1A) airplanes, serial numbers TT-1 through TT-42 inclusive, and TT-44; certificated in any category.

*Compliance:* Required as indicated, unless accomplished previously.

To prevent loss of the main or aft flap surface and subsequent reduced controllability of the airplane, accomplish the following:

(a) Within 200 hours time-in-service after the effective date of this AD, accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD in accordance with Beech Service Bulletin No. 2522, dated January 1994.

(1) Perform an inspection of the flap roller retention components to detect discrepant or missing parts; and, prior to further flight, replace any discrepant or missing part with a new or serviceable part.

(2) Install new washers, new tab washers, and new flat washers on the roller attach bolts.

(b) As of the effective date of this AD, no person shall install a bolt, part number 45A97115-1 or 45A97115-51; or a tab washer, part number 168AS-06-2; on any airplane unless the requirements of paragraph (a)(1) of this AD have been accomplished on that bolt or tab washer.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Wichita Aircraft Certification Office (ACO), FAA, Small Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

*Note:* Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(d) Special flight permits may be issued in accordance with Federal Aviation

Regulations (FAR) 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 9, 1994.

**Darrell M. Pederson,**

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.  
[FR Doc. 94-5936 Filed 3-14-94; 8:45 am]  
BILLING CODE 4910-13-U

#### 14 CFR Part 39

[Docket No. 93-NM-106-AD]

#### Airworthiness Directives; Boeing Model 747-100, -200, -300, and -400 Series Airplanes Equipped With BFGoodrich Evacuation Ramp/Slides

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Supplemental notice of proposed rulemaking; reopening of comment period.

**SUMMARY:** This document revises an earlier proposed airworthiness directive (AD), applicable to certain Boeing Model 747-100, -200, -300, and -400 series airplanes, that would have required various modifications of certain evacuation ramp/slides. That proposal was prompted by reports of several evacuation ramp/slide malfunctions. This action revises the proposed rule by adding requirements for additional modifications of the ramp/slides. The actions specified by this proposed AD are intended to prevent delayed inflation of evacuation ramp/slides, which could delay or impede the evacuation of passengers during an emergency.

**DATES:** Comments must be received by April 25, 1994.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 93-NM-106-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from the BFGoodrich Company, Aircraft Evacuation Systems, Sustaining Engineering, D/7916, Phoenix, AZ 85040. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft

Certification Office, 3229 East Spring Street, Long Beach, California.

**FOR FURTHER INFORMATION CONTACT:** Andrew Gfrerer, Aerospace Engineer, Systems and Equipment Branch, ANM-131L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (310) 988-5338; fax (310) 988-5210.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93-NM-106-AD." The postcard will be date stamped and returned to the commenter.

##### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 93-NM-106-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

##### Discussion

A proposal to amend part 39 of the Federal Aviation Regulations to add an airworthiness directive (AD), applicable to certain Boeing Model 747-100, -200, -300, and -400 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the Federal Register on September 8, 1993 (58 FR 47224). That NPRM would have

required various modifications of certain evacuation ramp/slides. That NPRM was prompted by reports of several evacuation ramp/slide malfunctions. That condition, if not corrected, could result in delayed inflation of evacuation ramp/slides, which could delay or impede the evacuation of passengers during an emergency.

Two commenters to the proposal, Boeing and BFGoodrich, request that the proposed rule be revised to require modification of the packboard and girt. This modification is described in paragraph 2.C. of the Accomplishment Instructions of BFGoodrich Service Bulletin 7A1418-25-253, dated April 28, 1993; that service bulletin is cited in the NPRM. The commenters explain that accomplishment of the modifications proposed in the NPRM will lower the force required to activate the slide inflation bottle by a significant amount. Therefore, in order to prevent accidental inflations during handling, the commenters state that it is also necessary to modify the packboard and girt.

The FAA concurs. Paragraph 2.C. of the Accomplishment Instructions of BFGoodrich service bulletin references Boeing Service Bulletin 747-25-2885 as the appropriate source of service information for modification of the packboard and girt. The modification involves updating the later-style packboards to include a locking device for the firing lanyard, adding a firing lanyard with a provision for a packboard lock, and modifying the girt for use with the new firing lanyard. At the time the NPRM was issued, the FAA planned to issue a separate AD to address the Boeing service bulletin referenced in paragraph 2.C. of the Accomplishment Instructions of BFGoodrich service bulletin. Therefore, the actions described in that paragraph were excluded from the proposed requirements of the NPRM. However, since the issuance of the NPRM, the FAA has determined that the modification requirement specified in that paragraph should be included in this supplemental NPRM, rather than addressing that modification in a separate rulemaking action.

In addition, at the time the NPRM was issued, the FAA considered certain other modifications described in the BFGoodrich service bulletin to be product improvements. Those modifications are specified in paragraph 2.G. of the service bulletin, and included adding chafe patches to the forward end and installing velcro patches between the girt plies on the units, and adding safety pin locating

decals to the regulator actuator assembly and a protective patch to a clevis/pin assembly. Since the issuance of the NPRM, the FAA has determined that these modifications are necessary in order to positively address the unsafe condition and to enhance the safety and reliability of the evacuation ramp/slides.

In light of these changes, the FAA has revised paragraph (a) of this proposed rule to require accomplishment of all paragraphs specified in the Accomplishment Instructions of BFGoodrich Service Bulletin 7A1418-25-253, dated April 28, 1993. In addition, "Note 1" has been added to this proposal to inform operators that modification of certain reservoir assemblies, as specified in paragraph 2.D.(1) of the service bulletin, is required currently by AD 91-25-02, Amendment 39-8103 (56 FR 63629, December 5, 1991).

Since these changes expand the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

There are approximately 1,100 BFGoodrich ramp/slides of the affected design installed on Boeing Model 747-100, -200, -300, and -400 series airplanes in the worldwide fleet. The FAA estimates that 300 of these subject ramp/slides are installed on Boeing Model 747-100, -200, -300, and -400 series airplanes of U.S. registry, and would be affected by this proposed AD. It would take approximately 22 work hours per ramp/slide to accomplish the proposed actions, at an average labor rate of \$55 per work hour. Required parts would be provided by the ramp/slide manufacturer at no cost to operators. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$363,000, or \$1,210 per ramp/slide.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

#### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 93-NM-106-AD.

**Applicability:** Model 747-100, -200, -300, and -400 series airplanes equipped with BFGoodrich evacuation ramp/slides; as listed in BFGoodrich Service Bulletin 7A1418-25-253, dated April 28, 1993; certificated in any category.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent delayed inflation of evacuation ramp/slides, which could delay or impede the evacuation of passengers during an emergency, accomplish the following:

(a) Within 24 months after the effective date of this AD, modify the door 3 offwing evacuation ramp/slide, part number 7A1418- ( ), in accordance with the Accomplishment Instructions of BFGoodrich Service Bulletin 7A1418-25-253, dated April 28, 1993, as applicable.

**Note 1:** Modification of the reservoir assembly (part number 4A3416-1) to the part number 4A3416-3 configuration, as specified in paragraph 2.D.(1) of the service bulletin, is required currently by AD 91-25-02, Amendment 39-8103 (56 FR 63629, December 5, 1991).

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(c) Special flight permits may be issued in accordance with Federal Aviation Regulations (FAR) 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 9, 1994.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 94-5937 Filed 3-14-94; 8:45 am]

BILLING CODE 4910-13-U

#### 14 CFR Part 39

[Docket No. 93-ANE-79]

#### Airworthiness Directives; Pratt & Whitney JT8D Series Turbofan Engines

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the superseding of an existing airworthiness directive (AD), applicable to Pratt & Whitney JT8D series turbofan engines, that currently requires repetitive inspections of the combustion chamber outer case (CCOC). This action would reduce the rear flange inspection interval for CCOC's when only the aft face of the rear flange has been inspected and introduce an improved ultrasonic probe assembly. This proposal is prompted by reports of rupture of CCOC's that had only the aft face of the rear flange inspected in accordance with the current AD. The CCOC's ruptured due to cracks on the forward face of the rear flange that were not detected during this inspection and had propagated to critical lengths within the inspection interval required by the current AD. The actions specified by the proposed AD are intended to prevent CCOC flange cracks that could result in uncontained engine failure, inflight engine shutdown, engine cowl release, and airframe damage.

**DATES:** Comments must be received by May 16, 1994.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93-ANE-79, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may be inspected at this location between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Pratt & Whitney, 400 Main Street, East Hartford, CT 06108. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA.

**FOR FURTHER INFORMATION CONTACT:** Mark A. Rumizen, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7137, fax (617) 238-7199.

#### SUPPLEMENTARY INFORMATION:

#### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93-ANE-79." The postcard will be date stamped and returned to the commenter.

**Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93-ANE-79, 12 New England Executive Park, Burlington, MA 01803-5299.

**Discussion**

On October 3, 1989, the Federal Aviation Administration (FAA) issued airworthiness directive (AD) 87-11-07 R1, Amendment 39-6360 (54 FR 46045, November 1, 1989), applicable to Pratt & Whitney (PW) JT8D series turbofan engines, to require repetitive eddy current, fluorescent penetrant, fluorescent magnetic penetrant, or visual inspections for cracks in the rear flange, and ultrasonic, fluorescent penetrant, or fluorescent magnetic penetrant inspections for cracks in the PS4 boss, and drain bosses of the combustion chamber outer case (CCOC). That action was prompted by reports of uncontained rupture of the CCOC. That condition, if not corrected, could result in CCOC flange cracks that if undetected could result in uncontained engine failure, inflight engine shutdown, engine cowl release, and airframe damage.

Since the issuance of that AD, the FAA has received reports of rupture of CCOC's that had only the aft face of the rear flange inspected in accordance with the current AD. The CCOC's ruptured due to cracks on the forward face of the rear flange that were not detected during this inspection and propagated to critical lengths within the inspection interval required by the current AD. The FAA has determined that a reduced inspection interval is required if only the aft face of the rear flange is inspected and the forward face is not inspected. The proposed AD maintains the rear flange inspection, but specifies this reduced interval if only the aft face of the rear flange is inspected.

The requirement in the current AD to inspect the CCOC at every shop visit, in addition to the specified cyclic intervals, is maintained in this proposed AD. This inspection requirement is necessary to meet safety of flight criteria based on the statistical forecasting models utilized to assess this problem. The proposed AD also requires reporting of CCOC inspection results to the FAA for the purpose of updating these statistical forecasting models.

The current AD requires more frequent inspection of the PS4 boss and drain bosses that have been weld repaired. This requirement is maintained in the proposed AD and was

based on analytical studies and component tests that revealed a greater propensity for these weld repaired bosses to develop cracks.

The FAA has reviewed and approved the technical contents of PW Alert Service Bulletin (ASB) No. 5676, Revision 8, dated November 5, 1993, that describes procedures for initial and repetitive inspections of the CCOC for cracks.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 87-11-07 R1 to reduce the inspection interval for CCOC's that have had only the aft face of the rear flange inspected and introduce an improved ultrasonic probe assembly.

The FAA estimates that 6,815 engines installed on aircraft of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours per engine to accomplish the proposed actions, and that the average labor rate is \$55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$1,499,300.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation

Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

**PART 39—AIRWORTHINESS DIRECTIVES**

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

**§ 39.13 [Amended]**

2. Section 39.13 is amended by removing amendment 39-6360 (54 FR 46045, November 1, 1989) and by adding a new airworthiness directive to read as follows:

**Pratt & Whitney:** Docket No. 93-ANE-79. Supersedes AD 87-11-07 R1, Amendment 39-6360 and AD 87-11-07, Amendment 39-5619.

**Applicability:** Pratt & Whitney (PW) Models JT8D-1, -1A, -1B, -7, -7A, -7B, -9, -9A, -11, -15, -15A, -17, -17A, -17R, and -17AR turbofan engines, installed on but not limited to Boeing 727 and 737 series aircraft, and McDonnell Douglas DC-9 series aircraft.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent combustion chamber outer case (CCOC) flange cracks that could result in uncontained engine failure, inflight engine shutdown, engine cowl release, and airframe damage, accomplish the following:

(a) Ultrasonic, eddy current, fluorescent penetrant, fluorescent magnetic penetrant, or visually inspect the CCOC PS4 boss, drain boss, and rear flange for cracks at each engine shop visit after the effective date of this AD, in accordance with paragraph 2.B.(3) of PW Alert Service Bulletin (ASB) No. 5676, Revision 8, dated November 5, 1993.

(b) Ultrasonic, fluorescent penetrant, fluorescent magnetic penetrant, or visually inspect the CCOC PS4 boss and drain boss, which have not been weld repaired, for cracks at the initial and repetitive intervals specified in paragraph 1.E.(1) and Table 1 of PW ASB No. 5676, Revision 8, dated November 5, 1993, in accordance with the Accomplishment Instructions of paragraph 2 and Table 3 of PW ASB No. 5676, Revision 8, dated November 5, 1993.

(c) Eddy current, fluorescent penetrant, fluorescent magnetic penetrant, or visually inspect the CCOC rear flange for cracks at the initial and repetitive intervals specified in paragraph 1.E.(1) and Table 1 of PW ASB No. 5676, Revision 8, dated November 5, 1993, in accordance with the Accomplishment Instructions of paragraph 2 and Table 3 of PW ASB No. 5676, Revision 8, dated November 5, 1993.

(d) Ultrasonic, fluorescent penetrant, fluorescent magnetic penetrant, or visually inspect the CCOC PS4 boss and drain boss, which have been weld repaired, for cracks at the interval specified in paragraph 1.E.(1) and Table 1 of PW ASB No. 5676, Revision 8, dated November 5, 1993, in accordance with the Accomplishment Instructions of paragraph 2 and Table 3 of PW ASB No. 5676, Revision 8, dated November 5, 1993.

(e) CCOC's inspected in accordance with paragraphs (a), (b), (c), and (d) of this AD that are found cracked must be removed from service prior to further flight and replaced with a serviceable part.

(f) For the purpose of this AD, a shop visit is defined as an engine removal to perform engine maintenance that cannot be performed on-wing, that entails separation of pairs of mating engine lettered flanges or the removal of a compressor disk, hub, or spool, or removal of a turbine disk.

(g) Report the following information in writing, if a case is found cracked, within 30 days of the inspection, to the Manager, Engine Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, FAA, 12 New England Executive Park, Burlington, MA 01803-05299; Telex Number 949301 FAANE BURL; fax (617) 238-7199:

- (1) Engine Serial Number
- (2) Inspection date
- (3) Case Part Number and Serial Number
- (4) Case total time in service and cycles in service (if estimate, so note)
- (5) Case time in service and cycles in service since last inspection
- (6) Method of inspection used
- (7) Crack location and size

The reporting requirements of this proposed AD terminate one year from the effective date of the AD.

(h) Information collection requirements contained in this proposed regulation have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB control number 2120-0056.

(i) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

**Note:** Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

(j) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on March 8, 1994.

Jay J. Pardee,

Manager, Engine and Propeller Directorate,  
Aircraft Certification Service.

[FR Doc. 94-5941 Filed 3-14-94; 8:45 am]

BILLING CODE 4910-13-P

## 14 CFR Part 39

[Docket No. 93-ANE-78]

### Airworthiness Directives; Turbomeca Arriel 1 Series Turboshaft Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the superseding of an existing airworthiness directive (AD), applicable to Turbomeca Arriel 1 series turboshaft engines, that currently requires a gearbox chip detector inspection prior to further flight, subsequent inspection at designated intervals, and if necessary, removal of the gearbox, and also requires modification of the gearbox if not accomplished previously. This action would require modification to the intermediate gear that would constitute terminating action to the repetitive chip detector inspections. On certain engines this proposal would require immediate modification of the intermediate gear prior to further flight. This proposal is prompted by the availability of design improvements to the intermediate gear. The actions specified by the proposed AD are intended to prevent damage to the aircraft resulting from engine debris following an uncontained engine failure.

**DATES:** Comments must be received by May 16, 1994.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93-ANE-78, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may be inspected at this location between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Turbomeca Engine Corporation, 2709 Forum Drive, Grand Prairie, TX 75051. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA.

**FOR FURTHER INFORMATION CONTACT:** Mark A. Rumizen, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (617) 238-7137, fax (617) 238-7199.

## SUPPLEMENTARY INFORMATION:

### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93-ANE-78." The postcard will be date stamped and returned to the commenter.

### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 93-ANE-78, 12 New England Executive Park, Burlington, MA 01803-5299.

### Discussion

The Direction Generale de L'aviation Civile (DGAC), which is the airworthiness authority of France, notified the Federal Aviation Administration (FAA) that an unsafe condition may exist on Turbomeca Arriel 1B, 1D, 1D1, 1A with TU13, and 1A1 with TU13, turboshaft engines. The DGAC advises that they have received reports of seven inflight engine shutdowns and three uncontained failures of the power turbine disk. The DGAC also advises that these failures were caused by failure of the reduction gearbox intermediate gear.

This engine model is manufactured in France and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal

Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

On June 25, 1992, the FAA issued telegraphic airworthiness directive (TAD) T92-13-52 to require a gearbox chip detector inspection prior to further flight, subsequent inspection at intervals not to exceed 5 hours time in service since the last inspection, and if necessary, removal of the gearbox. The FAA determined after review of the results of the investigation and analysis performed by the manufacturer that these failures are due to high cycle fatigue that initiates from vibration induced by gear teeth wear. Failure of the intermediate gear can result in an overspeed condition and possible failure of the power turbine disk. That condition, if not corrected, can result in damage to the aircraft resulting from engine debris following an uncontained engine failure.

On October 26, 1992, the FAA issued AD 92-24-08, Amendment 39-8413 (57 FR 54293, November 18, 1992), to supersede AD T92-13-52. That action requires gearbox chip detector inspection at intervals not to exceed 8 hours time in service on TU39 modified gearboxes, and requires modification of the reduction gearbox to standard TU39, if not already modified to standard TU39.

Since the issuance of that AD, the manufacturer has developed a modification to the intermediate gear that will inhibit the gear teeth wear and consequent vibration-induced high cycle fatigue.

Turbomeca has issued Service Bulletin (SB) No. 292 72 0157, Update No. 2, dated July 30, 1993, that describes procedures for a gearbox chip detector inspection to find evidence of metal chips that may indicate impending gear failure, prohibits further operation of gearboxes that have not been modified to the TU39 standard, and defines suspect gearboxes that require rework of the gear train components to prevent failure. Turbomeca has also issued SB No. 292 72 0169, dated July 12, 1993, that describes procedures for modification (TU232) of the intermediate gear.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would

supersede AD 92-24-08 to remove gearboxes that were overhauled prior to June 1, 1992, within 30 days after the effective date of this AD. Those gearboxes have intermediate gears that are prone to gear teeth wear due to mixing of used gear train components with new components. This proposed AD would also require immediate modification of certain engines to the TU39 which introduces a thicker web intermediate gear that is more resistant to HCF failure. Finally, this proposed AD would also continue to require repetitive inspections of the chip detector for evidence of metal chips until installation of modification TU232 to the intermediate gear at the next overhaul or repair of the reduction gearbox. Installation of modification TU232 would constitute terminating action to the inspection requirements of this AD.

The FAA estimates that 270 engines installed on aircraft of U.S. registry would be affected by this proposed AD, that it would take approximately 80 work hours per engine to accomplish the proposed actions, and that the average labor rate is \$55 per work hour. Turbomeca has advised the FAA that required parts would be provided at no cost to the operator. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$1,188,000.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

#### § 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-8413 (57 FR 54293, November 18, 1992) and by adding a new airworthiness directive to read as follows:

Turbomeca: Docket No. 93-ANE-78.

Supersedes AD 92-24-08, Amendment 39-8413.

Applicability: Turbomeca Arriel Model 1B, 1D, 1D1, 1A with TU13, and 1A1 with TU13, turboshaft engines installed on but not limited to Aerospatiale AS-350B helicopters.

Compliance: Required as indicated, unless accomplished previously.

To prevent damage to the aircraft resulting from engine debris following an uncontained engine failure, accomplish the following:

(a) For the following Turbomeca Arriel engine models: 1D not modified to TU232, 1D1 not modified to TU232, 1B modified to TU39 but not modified to TU232, 1A with TU13 modified to TU39 but not modified to TU232, and 1A1 with TU13 modified to TU39 but not modified to TU232, accomplish the following:

(1) Except for those engines that have been inspected in accordance with AD 92-24-08 within 8 hours time in service (TIS) prior to the effective date of this AD, prior to further flight remove and inspect the reduction gearbox chip detector for evidence of metal chips in accordance with Turbomeca Service Bulletin (SB) No. 292 72 0157, Update No. 2, dated July 30, 1993.

(2) Remove from service reduction gearbox modules that do not meet the return to service criteria described in Turbomeca SB No. 292 72 0157, Update No. 2, dated July 30, 1993, and replace with a serviceable part.

(3) Thereafter, at intervals not to exceed 8 hours TIS since the last inspection, accomplish the following:

(i) Remove and inspect the reduction gearbox chip detector in accordance with paragraph (a)(1) of this AD.

(ii) Remove from service, if necessary, the reduction gearbox module in accordance with paragraph (a)(2) of this AD, and replace with a serviceable part.

(4) At the next overhaul or repair of the reduction gearbox module after the effective

date of this AD, incorporate modification TU232 in accordance with Turbomeca SB No. 292 72 0169, dated July 12, 1993. Incorporation of modification TU232 constitutes terminating action to the inspections, and replacement, if necessary, required in paragraphs (a)(1), (a)(2), and (a)(3) of this AD.

(b) For the following Turbomeca Arriel engine models: 1B not modified to TU39, 1A with TU13 not modified to TU39, and 1A1 with TU13 not modified to TU39, prior to further flight replace reduction gearbox module No. 5 with a reduction gearbox module No. 5 modified to standard TU39.

(c) For the following Turbomeca Arriel engine models: 1B, 1A with TU13, and 1A1 with TU13; with reduction gearbox modules identified by serial numbers specified in paragraph C.(c) of Turbomeca SB No. 292 72 0157, Update No. 2, dated July 30, 1993, that were overhauled prior to June 1, 1992, but not overhauled between that date and the effective date of this AD, and with less than 200 hours TIS since overhaul, remove from service and return for overhaul within 30 days after the effective date of this AD, in accordance with Turbomeca Service Bulletin (SB) No. 292 72 0157, Update No. 2, dated July 30, 1993.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

(e) Except for engines specified in paragraph (b) of this AD, special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the aircraft to a location where the requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on March 8, 1994.

Jay J. Pardee,

Manager, Engine and Propeller Directorate,  
Aircraft Certification Service.

[FR Doc. 94-5942 Filed 3-14-94; 8:45 am]

BILLING CODE 4910-13-P

#### 14 CFR Part 39

[Docket No. 93-NM-218-AD]

#### Airworthiness Directives; Boeing Model 767 Series Airplanes Equipped With Carbon Brakes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness

directive (AD) that is applicable to certain Boeing Model 767 series airplanes. This proposal would require inspections to detect cracking, corrosion, and wear of various components of the main landing gear (MLG) brake assembly, and correction of discrepancies. This proposal is prompted by reports indicating that components in the MLG assembly have been damaged due to the consequences of vibration. The actions specified by the proposed AD are intended to prevent failure of components of the MLG, which could severely affect the braking capability of the airplane while on the ground.

DATES: Comments must be received by May 9, 1994.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 93-NM-218-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington. FOR FURTHER INFORMATION CONTACT: Kristin Larson, Aerospace Engineer, Systems & Equipment Branch, ANM-130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-1760; fax (206) 227-1181.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before

and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 93-NM-218-AD." The postcard will be date stamped and returned to the commenter.

##### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 93-NM-218-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

##### Discussion

The FAA has received several reports indicating that Boeing Model 767 series airplanes equipped with carbon brakes have experienced certain vibratory conditions that have resulted in damage to or failure of components of the main landing gear (MLG) assembly. Such damage has included cracked and worn bushings on the brake load path, deformation of the brake rod lugs, and missing chrome or heat damage of the brake attach pins. Failure of these components due to the damage caused by the vibratory phenomenon could result in the loss of one or two brakes, depending upon the location of the failure. In fact, there have been reports of at least 14 incidents of single brake failure and 2 incidents of two-brake failure related to these problems. This condition, if not corrected, could severely affect the braking capability of the airplane.

The FAA has reviewed and approved Boeing Service Bulletin 767-32-0128, dated November 11, 1993, that describes procedures for conducting repetitive visual, fluorescent magnetic particle, and fluorescent penetrant inspections to detect cracks and corrosion of the pin that attaches the brake rod to the brake housing, and replacement of the pin, if necessary. It also contains procedures for conducting visual inspections to detect cracking and wear of the brake torque arm bushing, and to detect cracking of the brake rod bushings; and repair or replacement of parts, if necessary. Also included are procedures for conducting repetitive visual inspections to detect corrosion or damage of the bulkhead, keeper pin, and the bore and face of the brake

attachment pin; and replacement of parts, if necessary.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require repetitive inspections to detect corrosion and cracking of the pin that attaches the brake rod to the brake housing, the brake torque arm bushing, the brake rod bushings, the keeper pin, and the bore and face of the brake attach pin. Any discrepant parts would be required to be replaced or repaired, as applicable. The actions would be required to be accomplished in accordance with the service bulletin described previously.

There are approximately 289 Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 71 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 10 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$55 per work hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$39,050, or \$550 per airplane, per inspection cycle.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

##### § 9.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 93-NM-218-AD.

*Applicability:* Model 767 series airplanes equipped with carbon brakes, certificated in any category.

*Compliance:* Required as indicated, unless accomplished previously.

To prevent the failure of components of the main landing gear, which could severely affect the braking capability of the airplane while on the ground, accomplish the following:

(a) Within 1,500 hours time-in-service after the effective date of this AD, and thereafter at intervals not to exceed 1,500 hours time-in-service, conduct inspections to detect cracking and corrosion of the pin that attaches the brake rod to the brake housing; to detect cracking of the brake torque arm bushings; and to detect wear of the brake rod bushings; in accordance with Part 1 of Boeing Service Bulletin 767-32-0128, dated November 11, 1993. If any discrepancy is detected in any part, replace or repair the part in accordance with the compliance schedule specified in Figure 1 or Figure 2 of the service bulletin, as applicable.

(b) Within 6 months after the effective date of this AD, and thereafter at intervals not to exceed 6 months, conduct a visual inspection to detect corrosion and damage of the bulkhead, the keeper pin, and the bore and face of the brake attach pin, in accordance with Part 2 of Boeing Service Bulletin 767-32-0128, dated November 11, 1993. If any corrosion or damage is found on any part, prior to further flight, replace the part in accordance with the service bulletin.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

**Note:** Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the Seattle ACO.

(d) Special flight permits may be issued in accordance with Federal Aviation Regulations (FAR) 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 9, 1994.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 94-5935 Filed 3-14-94; 8:45 am]

BILLING CODE 4910-13-U

#### 14 CFR Part 39

[Docket No. 94-NM-15-AD]

#### Airworthiness Directives; Jetstream Aircraft Limited Model 4101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Jetstream Model 4101 airplanes. This proposal would require modification of the mounting structure of the elevator controls on the rear pressure bulkhead. This proposal is prompted by the results of a structural analysis which indicate that certain structure in the elevator control system may be subject to deformation when maximum load is exerted by the pilot(s) in the event of a jam in the elevator control cables. The actions specified by the proposed AD are intended to prevent reduced controllability of the airplane due to structural deformation in the elevator control system.

**DATES:** Comments must be received by April 25, 1994.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 94-NM-15-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Jetstream Aircraft, Incorporated, P.O. Box 16029, Dulles International Airport, Washington, DC 20041-6029. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:**  
William Schroeder, Aerospace Engineer,  
Standardization Branch, ANM-113,  
FAA, Transport Airplane Directorate,  
1601 Lind Avenue, SW., Renton,  
Washington 98055-4056; telephone  
(206) 227-2148; fax (206) 227-1320.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this changed light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 94-NM-15-AD." The postcard will be date stamped and returned to the commenter.

**Availability of NPRMs**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 94-NM-15-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

**Discussion**

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on all Jetstream Model 4101 airplanes. The CAA advises that the results of a structural analysis revealed that the mounting structure on the elevator controls may be subject to deformation when maximum load is exerted by the pilot(s) in the event of a jam in the elevator control cables. This condition, if not corrected, could result in reduced controllability of the

airplane due to structural deformation in the elevator control system.

Jetstream has issued Service Bulletin J41-53-012, dated November 30, 1993, that describes procedures for modification of the mounting structure of the elevator controls on the rear pressure bulkhead. This modification entails installing thicker support brackets and additional stiffening to the mounting structure of the upper and lower pulley installations of the elevator and rudder cables aft of the rear pressure bulkhead. The CAA classified this service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require modification of the mounting structure of the elevator control components on the rear pressure bulkhead. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 8 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 16.5 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$55 per work hour. Required parts would be provided at no cost to the operator. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$7,260, or \$907.50 per airplane.

The total cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of

power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES."

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**The Proposed Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

**PART 39—AIRWORTHINESS DIRECTIVES**

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

**§ 39.13 [Amended]**

2. Section 39.13 is amended by adding the following new airworthiness directive:

**Jetstream Aircraft Limited:** Docket 94-NM-15-AD.

Applicability: All Model 4101 airplanes, certificated in any category.  
Compliance: Required as indicated, unless accomplished previously.

To prevent reduced controllability of the airplane due to structural deformation in the elevator control system, accomplish the following:

(a) Within 6 months after the effective date of this AD, modify the mounting structure of the elevator controls on the rear pressure bulkhead in accordance with Jetstream Service Bulletin J41-53-012, dated November 30, 1993.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager,

Standardization Branch, ANM-113.

Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

**Note:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

(c) Special flight permits may be issued in accordance with Federal Aviation Regulations (FAR) 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on March 9, 1994.

**Darrell M. Pederson,**

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 94-5934 Filed 3-14-94; 8:45 am]

BILLING CODE 4910-13-U

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Social Security Administration

20 CFR Parts 404 and 416

RIN 0960-AD22

### Federal Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled; Representative Payment Under Title II and Title XVI of the Social Security Act

AGENCY: Social Security Administration, HHS.

ACTION: Proposed rules.

**SUMMARY:** We propose to amend our regulations on payment of Social Security and supplemental security income (SSI) benefits under title II and title XVI of the Social Security Act (the Act). The proposed regulations reflect the provisions of section 5105(a) (1) and (2), and (c) of the Omnibus Budget Reconciliation Act of 1990 (OBRA 90). Section 5105 amended sections 205(j) and 1631(a)(2) of the Act and made numerous modifications and additions to the representative payee provisions of the Act intended to provide additional safeguards and protection for beneficiaries who need representative payees. These modifications and additions include procedures for investigating representative payee applicants, identifying unsuitable representative payee applicants, making direct payment to some beneficiaries while we try to find a payee, providing advance notice of determinations to make representative payment and

selections of representative payees, providing all affected beneficiaries with the opportunity to appeal our determination to make representative payment or to select a particular representative payee, and making restitution in some instances to beneficiaries of benefits misused by representative payees.

**DATES:** To be sure your comments are considered, we must receive them no later than May 16, 1994.

**ADDRESSES:** Comments should be submitted in writing to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, MD 21235, or delivered to the Office of Regulations, Social Security Administration, 3-B-1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, between 8 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

**FOR FURTHER INFORMATION CONTACT:** Philip Berge, Legal Assistant, 3-B-1 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965-1769.

#### SUPPLEMENTARY INFORMATION:

##### Background

Subpart U of part 404 and Subpart F of part 416 of our regulations explain the principles and procedures that we follow in determining whether to make representative payment and in selecting a representative payee. These subparts also describe the responsibilities of a representative payee regarding the use of funds the payee receives on behalf of the beneficiary. Under the authority provided in sections 205(j) and 1631(a)(2) of the Act and these regulations, we will select a representative payee for a person receiving Social Security or supplemental security income benefits under title II or title XVI of the Act if we believe that representative payment rather than direct payment of benefits would be in the interest of that person.

In selecting a representative payee, we select the person, agency, or organization that we believe will best serve the interest of a beneficiary. Any person or organization chosen as a representative payee must use benefits and accept responsibilities as required under the Act and our regulations.

Section 5105 of OBRA 90 amended sections 205(j) and 1631(a)(2) of the Act to:

1. Mandate prompt revocation or termination of payment to a

representative payee, and allow certification of payment to an alternative payee or directly to the beneficiary if we, or a court of competent jurisdiction, determine that the representative payee misused the beneficiary's benefits.

2. Authorize exemptions on a case-by-case basis to the prohibition on payment to a payee applicant who previously served as a representative payee and had certification of payment of benefits revoked or terminated by reason of misuse, if appointing the payee applicant would be in the best interest of an individual.

3. Require that any determination that payment of benefits be made to a particular representative payee be made on the basis of an investigation conducted in advance of the appointment of the payee, including a face-to-face interview with the payee applicant when practicable.

4. Prohibit, with certain exceptions, payment to a payee applicant who is a creditor of the beneficiary providing the beneficiary with goods or services for monetary consideration. Previously, we had no regulations on this subject.

5. Require a determination whether a payee applicant who would ordinarily be precluded from being selected as a representative payee because he or she is a creditor of an individual receiving benefits would be acceptable to serve as a representative payee.

6. Require a finding that direct payment of monthly benefits can be expected to cause substantial harm to the beneficiary before we suspend or defer benefits to the beneficiary until a suitable representative payee is selected.

In such cases delay of benefits will not exceed 1 month except if the individual is, as of the date of our determination, legally incompetent, under age 15, or an SSI beneficiary eligible for benefits based on disability and medically determined to be a drug addict or alcoholic. For beneficiaries residing in California, we will continue to follow the immediate direct payment requirement as explained in *Briggs v. Sullivan*, No. CV-89-0203 EJC (E.D. Cal. March 23, 1990). Under the *Briggs* court order, we may not refuse to pay directly or withhold the Social Security or SSI benefits of any California beneficiary, 18 years or older, who has been determined to need, but does not have a representative payee. The court order does not apply to individuals who are eligible for SSI disability payments and who have been medically determined to be drug addicts or alcoholics or to individuals who have been declared legally incompetent by a court. Members of the *Briggs* class will

be paid directly and will not be subject to deferral or suspension of benefits based on a substantial harm determination. Payment of any benefits which are delayed pending selection of a representative payee shall be made to the individual or the representative payee as a single sum or over such period of time as we determine is in the best interest of the individual entitled to such benefits.

7. Require that we provide, in advance of certification of payment, written notice to the beneficiary of our determination to certify payment of benefits to a representative payee and the right to appeal that determination. If, however, the beneficiary is under the age of 15, an unemancipated minor under the age of 18, or legally incompetent, the notice will be provided solely to the beneficiary's legal guardian or legal representative.

Present regulations (§§ 404.2030 and 416.630) generally require that we notify the beneficiary, or the individual acting on his or her behalf, whenever we intend to make representative payment and appoint a payee. We must also ask an individual to contact us if he or she objects to either proposed action. Sections 404.902(o) and 416.1402(d) of the regulations currently indicate that a decision to make representative payment is an initial determination, which is appealable, unless the beneficiary is under age 18, legally incompetent or in the case of title XVI only, an SSI beneficiary eligible on the basis of disability and medically determined to be a drug addict or alcoholic.

8. Provide that when our negligent failure to investigate or monitor a representative payee results in misuse of benefits by the representative payee, we shall make payment to the beneficiary or the beneficiary's new representative payee in an amount equal to such misused benefits.

9. Provide that we shall make a good faith effort to obtain restitution from the representative payee who misused benefits.

Current regulations (§§ 404.2041 and 416.641) explain that our obligation to the beneficiary is completely discharged when we make a correct payment to a representative payee on behalf of the beneficiary and that the representative payee may be liable if the payee misuses the beneficiary's benefits.

#### Proposed Regulations

We propose to make the following changes in our regulations to reflect the pertinent amendments to sections 205(j) and 1631(a)(2) of the Act made by

sections 5105(a) (1) and (2), and (c) of OBRA 90.

- Amend §§ 404.902 and 416.1402 to include a determination on restitution as an initial determination subject to the administrative review process. This change reflects our conclusion that our determination regarding a person's right to restitution is a decision covered by the provisions of section 205(b)(1) or 1631(c)(1) of the Act, and accordingly, an initial determination subject to the administrative review process.

- Amend §§ 404.2001(b)(3) and 416.601(b)(3) to add a parenthetical statement at the end of each advising that §§ 404.2011 and 416.611, respectively, should be referenced if continued direct payment would cause substantial harm to the beneficiary. This proposed regulatory change results from the amendments to sections 205(j)(2)(D)(i) and 1631(a)(2)(B)(vii) of the Act made by section 5105(a)(2) of OBRA 90 which reflect the prohibition against deferring or suspending payment of benefits unless direct payment to the beneficiary would cause substantial harm to the beneficiary.

- Add new §§ 404.2011 and 416.611 to explain the following:

—We will pay monthly benefits directly to a beneficiary who we determine should have a representative payee until a suitable representative payee is selected unless we determine that direct payment of benefits to the beneficiary would result in substantial harm to the beneficiary.

—Findings of substantial harm will be made on a case-by-case basis. When the direct receipt of benefits can be expected to result in physical or mental injury to the beneficiary (such as instances when the beneficiary cannot deal with the stress associated with handling his or her own financial affairs), substantial harm will be found to exist. Substantial harm will also be found to exist when the beneficiary is legally incompetent, or under age 15, unless there is evidence to the contrary regarding substantial harm, or when the beneficiary is an SSI recipient eligible based on a disability and is medically determined to be a drug addict or alcoholic. We believe that Congress did not intend that these categories of beneficiaries should receive direct payment. Therefore, we believe it is reasonable to consider that direct payment would result in substantial harm to these categories of beneficiaries and to delay payment of benefits to these beneficiaries for more than 1 month until an appropriate payee is selected and appointed. However, with respect only to individuals adjudged legally incompetent and children under age 15, we will allow the individual to provide evidence that substantial harm does not exist, and if we find upon review of this evidence that direct payment would not result in substantial harm, then we will make direct payment to the individual. Every effort will be made to select and appoint a payee expeditiously.

—Findings of substantial harm will not be considered initial determinations subject to appeal rights. This is because a finding of substantial harm will not materially affect the beneficiary's payment since delay or suspension of direct payment may not exceed 1 month unless the beneficiary is: legally incompetent, under age 15, or an SSI recipient eligible based on a disability and is medically determined to be a drug addict or alcoholic. Beneficiaries who have had their benefits temporarily suspended can also avail themselves of additional administrative remedies in that they can challenge the determination to make representative payment (§§ 404.902(o) and 416.1402(d)) and/or challenge the appointment of a particular person to be their representative payee (§§ 404.902(p) and 416.1402(e)). A finding of substantial harm is closely associated with a determination to make representative payment or to change representative payee and can be raised in connection with the appeal of those determinations.

—If we find that direct payment to an individual would cause substantial harm, we may delay or suspend benefits up to 1 month. If the beneficiary is legally incompetent, under age 15, or is eligible for SSI benefits based on a disability and is medically determined to be a drug addict or alcoholic, we may delay payments for more than 1 month.

—Payment of any benefits which were deferred or suspended pending selection of a representative payee shall be made to the beneficiary or the representative payee as a single sum or over such period of time as we determine is in the best interest of the beneficiary.

- Add new §§ 404.2022 and 416.622 to explain that:

—A payee applicant who has been convicted of a violation under section 208 or section 1632 of the Act may never be appointed as a representative payee. This provision was in section 208 of the Act prior to enactment of section 5105(a)(2) of OBRA 90 but was never included in our regulations.

—A payee applicant who receives Social Security or SSI benefits through a representative payee may not serve as a representative payee. Such individuals have already been determined to be incapable of handling financial affairs.

—A payee applicant whose prior certification or appointment as representative payee was revoked or terminated by reason of misuse of title II or title XVI benefits may not be appointed as a representative payee. We may make an exception to this prohibition on a case-by-case basis if direct payment is not possible and payment to the payee applicant would serve the best interest of the beneficiary. An exception may be granted if no suitable alternative payee is available and the information indicates the applicant is now suitable to serve as payee. If the applicant is appointed, evaluation(s) of the applicant's performance as payee will be conducted as our field offices determine are necessary.

—Payment will not be certified to a payee applicant who is a creditor of the beneficiary.

i.e., someone who provides the beneficiary with goods or services for monetary consideration, unless the creditor is:

- (1) A relative of the beneficiary living in the same household as the beneficiary;
- (2) A legal guardian or legal representative of the beneficiary;
- (3) A facility that is licensed or certified as a care facility under State or local law, or an administrator, owner, or employee of such a facility, if the beneficiary resides in the facility and the selection of the facility or such person is made only after we have attempted to locate an alternative representative payee who would better serve the interests of the beneficiary;
- (4) An individual whom we determine, based on written findings and under procedures prescribed in our regulations to be acceptable to serve as a representative payee. The individual must establish that he or she poses no risk to the beneficiary, that the financial relationship of the applicant to the beneficiary poses no substantial conflict of interest, and a more suitable payee cannot be found; or
- (5) A qualified organization authorized to collect a monthly fee from the beneficiary for expenses incurred by the organization in providing services performed as the individual's representative payee. (This regulatory provision and implementing regulations separately published on June 1, 1992 (57 FR 23054), apply only as long as the payment for services provisions set out in sections 205(j)(4) and 1631(a)(2)(D) of the Act, currently scheduled to lapse on July 1, 1994, are in effect.)

• Add new §§ 404.2024 and 416.624 to explain that before certifying payment to a representative payee applicant, we will conduct an investigation of a payee applicant to determine the applicant's suitability. A face-to-face interview will be included as part of the investigation unless it is impracticable to do so. A face-to-face interview will be considered impracticable if it would cause the payee applicant undue hardship such as when the applicant cannot reasonably make arrangements to visit the Social Security field office.

During the investigation we will:

- Require the payee applicant to submit documented proof of identity, unless such information has been submitted with an application for title II or title XVI benefits;
- Verify the payee applicant's Social Security account number or employer identification number;
- Determine whether the payee applicant has been convicted of a violation of section 208 or section 1632 of the Act; and
- Determine whether the payee applicant previously served as a representative payee and had his or her certification revoked or terminated by reason of misuse of title II or title XVI benefits.

• Amend existing §§ 404.2025 and 416.625 to change the title of the sections to "Information to be submitted by a representative payee after a

representative payee has been selected," moving existing paragraph (a) of these sections with minor revisions to new §§ 404.2024 and 416.624 as new paragraph (c) and keeping existing paragraph (b) as an undesignated paragraph under §§ 404.2025 and 416.625.

• Amend existing §§ 404.2030 and 416.630 to explain that whenever we intend to make representative payment or to appoint a payee, we will provide written notice to the beneficiary (or the legal guardian or the legal representative of the beneficiary) in advance of the certification of payment. The advance notice will:

- Be clearly written in language that is easily understandable to the reader;
- Identify the person to be designated as representative payee;
- Explain the right of the beneficiary (or the legal guardian or legal representative of the beneficiary) to appeal our determination that a representative payee is necessary; and
- Explain the right to appeal the designation of a particular person to serve as the representative payee of the beneficiary and to review the evidence upon which such designation is based and submit additional evidence.

If the beneficiary or his or her legal guardian or legal representative appeals and the appeal is received before the effectuation of the payee appointment, the payee appointment will not be processed until the appeal has been resolved in accordance with Subpart J of part 404 or Subpart N of part 416. Current monthly benefits will be paid directly to the beneficiary, where appropriate, in accordance with proposed §§ 404.2011 and 416.611, until we have selected a payee. Also, we are proposing to amend §§ 404.902(o) and 416.1402(d) to include as an initial determination whether representative payment will be made. This will afford the right to request review to all beneficiaries for whom we propose representative payment including beneficiaries who are under age 18, who are legally incompetent, or who receive SSI disability benefits and are medically determined to be drug addicts or alcoholics.

• Amend existing §§ 404.2041 and 416.641 to explain that:

- The representative payee is liable for misuse of the beneficiary's benefits and is responsible for paying back misused benefits to us. Restitution will always be sought from a payee who misused benefits;
- We will be liable for repayment of misused benefits when our negligent failure to investigate or monitor a representative payee resulted in misuse;
- If we determine that repayment of misused benefits is appropriate, we will certify for payment to the beneficiary or the

beneficiary's new representative payee an amount equal to such misused benefits;

—The term "negligent failure" as used in the proposed regulations means that we failed to investigate or monitor a representative payee or that we did investigate or monitor a representative payee but were negligent in that effort; and

—We will make every effort to obtain the return of misused funds from the terminated representative payee.

—Section 416.641 will also explain that for title XVI purposes, when we find that our negligent failure to investigate or monitor a representative payee results in misuse of SSI benefits which involve federally administered State supplementary payments, our repayment of misused funds will include any portion of misused SSI benefits which are State supplementary payments. We believe that Congress intended that beneficiaries should be made whole in cases where restitution is appropriate. Therefore, we have determined that State funds which are Federally administered and which are involved in restitution cases will be reissued as appropriate. The replacement State supplementary payment will constitute a State liability under existing Federal-State agreements.

• Amend §§ 404.2050 and 416.650 to reflect the changes made by section 5105(a)(1) of OBRA 90 requiring that we will promptly stop payment to a representative payee and make payment directly to the beneficiary or to a new payee if we, or a court of competent jurisdiction, determine that the representative payee has misused the beneficiary's benefits.

## Regulatory Procedures

### Executive Order 12291

The Secretary has determined that this is not a major rule under Executive Order 12291 because it will result in negligible administrative costs and savings. Therefore, a regulatory impact analysis is not required.

### Regulatory Flexibility Act

We certify that these regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities because these rules will primarily affect only individuals. Therefore, a regulatory flexibility analysis as provided in Public Law 96-354, the Regulatory Flexibility Act, is not required.

### Paperwork Reduction Act

These regulations contain reporting requirements in §§ 404.2024 and 416.624. We would normally seek approval of these requirements (under the Paperwork Reduction Act) from the Office of Management and Budget (OMB). We are not doing so in this situation because we have already obtained clearance from OMB to collect

this information using form SSA-11 BK, OMB No. 0960-0014.

(Catalog of Federal Domestic Assistance Program Nos. 93.802-93.805 Social Security; and 93.807 Supplemental Security Income.)

#### List of Subjects

##### 20 CFR Part 404

Administrative Practice and Procedure; Aged, Blind, Death benefits; Disability Insurance benefits; Old-Age, Survivors, and Disability Insurance; Reporting and recordkeeping requirements, Social Security.

##### 20 CFR Part 416

Administrative Practice and Procedure; Aged, Blind, Disability benefits; Medicaid, Reporting and recordkeeping requirements; Supplemental Security Income (SSI).

**Editorial Note:** This document was received at the Office of the Federal Register on March 9, 1994.

Dated: May 25, 1993.

Louis D. Enoff,

Principal Deputy Commissioner of Social Security.

Approved: August 26, 1993.

Donna E. Shalala,

Secretary of Health and Human Services.

For the reasons set out in the preamble, subparts U and J of part 404 and subparts F and N of part 416 of 20 CFR chapter III are amended as follows:

#### PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950—)

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

**Authority:** Secs. 201(j), 205(a), (b) and (d)-(h), 221(d), and 1102 of the Social Security Act; 31 U.S.C. 3720A; 42 U.S.C. 401(j), 405(a), (b) and (d)-(h), 421(d), and 1302.

2. Section 404.902 is amended by revising paragraph (o), by removing the "and" after paragraph (t), by removing the period after paragraph (u) and replacing it with "; and" and by adding new paragraph (v) after paragraph (u) to read as follows:

**§ 404.902 Administrative actions that are initial determinations.**

\* \* \* \* \*

(o) Whether the payment of your benefits will be made, on your behalf, to a representative payee;

\* \* \* \* \*

(v) Restitution of misused benefits.

3. The authority citation for Subpart U of part 404 continues to read as follows:

**Authority:** Secs. 205 (a), (j), and (k), and 1102 of the Social Security Act; 42 U.S.C. 405(a), (j), and (k), and 1302.

#### § 404.2001 [Amended]

4. Section 404.2001 is amended by adding the following parenthetical statement after the last sentence of paragraph (b)(3):

#### § 404.200 Introduction.

\* \* \* \* \*

(b) \* \* \*

(3) \* \* \* (See § 404.2011 if direct payment of benefits would cause substantial harm to the beneficiary.)

5. New § 404.2011 is added to subpart U to read as follows:

**§ 404.2011 When a beneficiary will be paid directly pending selection of a suitable representative payee.**

(a) We will pay current monthly benefits directly to the beneficiary until we have selected a representative payee except as explained in paragraphs (b), (c), (d) and (e) of this section.

(b) We may delay (in the case of initial entitlement to benefits) or suspend (in the case of existing entitlement to benefits) payment to a beneficiary while we try to find a suitable representative payee if we determine that direct payment would cause substantial harm to the beneficiary.

(c) We will make findings of substantial harm on a case-by-case basis, taking into consideration all matters that may affect the ability of the beneficiary to handle his or her affairs in his or her interest. When the direct receipt of benefits can be expected to cause physical or mental injury to the beneficiary, we will consider substantial harm to exist. We will also consider direct payment to cause substantial harm when the beneficiary is legally incompetent or under age 15, unless there is evidence to the contrary which establishes that substantial harm to the beneficiary will not result if direct payment is made.

(d) If we find that direct payment will cause substantial harm to the beneficiary, we may delay payment for a period not to exceed 1 month. If the beneficiary is legally incompetent, or under age 15, payments will be withheld until we appoint a representative payee.

*Example 1: Substantial Harm Does Not Exist.* A claim is approved for a title II claimant who suffers from a combination of mental impairments but who is not legally incompetent. We determine that the beneficiary needs assistance in managing benefits; however, a representative payee has not been found when we are ready to pay benefits. Although we believe that the beneficiary may not use the money wisely, there is no indication that the direct receipt of funds would cause physical or mental injury. Benefits must be paid directly to the

beneficiary while we locate a suitable representative payee.

*Example 2: Substantial Harm Exists.* We are unable to find a representative payee for a title II beneficiary who suffers from alcoholism and has been determined to need assistance in managing funds. There is evidence that the beneficiary has had repeated and recent hospitalizations due to acute problems caused by excessive drinking. We may delay payment based on the substantial harm rule while we locate a suitable representative payee. If a representative payee is not found in 1 month, we must make direct payment while we continue to make every reasonable effort to locate a suitable payee.

(e) Payment of any benefits which were deferred or suspended pending appointment of a representative payee shall be made to the beneficiary or the representative payee as a single sum or over such period of time as we determine is in the best interest of the beneficiary.

6. New § 404.2022 is added to Subpart U to read as follows:

**§ 404.2022 Persons who may not serve as representative payees.**

(a) A payee applicant who has been convicted of a violation under section 208 or section 1832 of the Social Security Act may not serve as a representative payee.

(b) A payee applicant who receives Social Security or SSI benefits through a representative payee may not serve as a representative payee.

(c)(1) A payee applicant who previously served as a representative payee and was found by us, or a court of competent jurisdiction, to have misused title II or title XVI benefits will not be selected to be a representative payee. However, we may grant an exception to this prohibition on a case-by-case basis if direct payment of benefits to the beneficiary is not feasible, and selection of the payee applicant as representative payee would be in the interest of the beneficiary. Such a payee applicant may be appointed as a representative payee if—

(i) No suitable alternative payee is available, and

(ii) The information we have indicates the applicant is now suitable to serve as a representative payee.

(2) If the payee applicant is appointed, we will evaluate the applicant's performance as payee at such intervals as the local field office determines are necessary.

(d) A payee applicant who is a creditor, i.e., someone who provides the beneficiary with goods or services for monetary consideration, will not be selected to be a representative payee unless the creditor is—

(1) A relative of the beneficiary living in the same household as the beneficiary;

(2) A legal guardian or legal representative of the beneficiary;

(3) A facility that is licensed or certified as a care facility under the law of a State or a political subdivision of a State, or a person who is an administrator, owner, or employee of the facility, if the beneficiary resides in such facility, and we are unable to locate an alternative representative payee;

(4) An individual who establishes that he or she poses no risk to the beneficiary and that his or her financial relationship to the beneficiary poses no substantial conflict of interest. We will investigate each case to ensure that such individual poses no risk to the beneficiary and presents no substantial conflict of interest. Our determination will be based on written findings and will be made when a more suitable payee cannot be found under procedures set out in this subpart on the selection of representative payees; or

(5) A qualified organization authorized to collect a monthly fee from the beneficiary for expenses incurred by the organization in providing services performed as the individual's representative payee, under § 404.2040a.

#### Example 1

An individual applies to be representative payee for a beneficiary who has been determined to need assistance in managing benefits. The payee applicant has been renting a room to the beneficiary for several years and assists the beneficiary with his other financial obligations, as needed. He charges the beneficiary a reasonable amount of rent. The beneficiary has no other family or friends willing to help manage his benefits or to act as representative payee. The payee applicant has demonstrated that his interest in and concern for the beneficiary goes beyond his desire to collect the rent each month. In this instance, the applicant may be selected as a representative payee because a more suitable payee is not available, the applicant appears to pose no risk to the beneficiary, and there is minimal conflict of interest.

#### Example 2

In a situation similar to the one above, the beneficiary's landlord indicates that he is applying to be payee only to ensure receipt of his rent, and will give the balance of the benefit funds remaining after payment of the rent directly to the beneficiary. In this situation the applicant will not be considered suitable because of the apparent conflict of interest.

7. New § 404.2024 is added to Subpart U to read as follows:

#### § 404.2024 Investigation of representative payee applicant.

(a) We will conduct an investigation of a payee applicant before selecting the applicant as a payee. We will include a face-to-face interview with the payee applicant as part of the investigation unless it is impracticable to do so. As part of the investigation we will—

(1) Require the payee applicant to submit documented proof of identity, unless such information has been previously submitted with an application for title II or title XVI benefits;

(2) Verify the payee applicant's Social Security account number or employer identification number;

(3) Determine whether the payee applicant has been convicted of a violation of section 208 or section 1632 of the Social Security Act;

(4) Determine whether the payee applicant has previously served as a representative payee and has had a previous appointment as payee revoked or terminated by reason of misuse of title II or title XVI benefits;

(5) Use our records to verify the payee applicant's employment and/or direct receipt of Social Security or SSI benefits;

(6) Corroborate the payee applicant's concern for the beneficiary with the beneficiary's custodian; and

(7) Determine whether the payee applicant is a creditor of the beneficiary (see § 404.2022(d)).

(b) A face-to-face interview will be considered impracticable if it would cause the payee applicant undue hardship (e.g., the payee applicant cares for children or disabled individuals in the home and no alternative caregiver is available, or is employed and cannot arrange for time off from work or would have to travel a great distance to the field office). In this situation, we will conduct the investigation to determine the payee applicant's suitability to serve as a representative payee without a face-to-face interview.

(c) Before we select a representative payee, the payee applicant also must give us adequate information showing his or her relationship to the beneficiary and demonstrating his or her responsibility for the care of the beneficiary.

8. Section 404.2025 is revised to read as follows:

#### § 404.2025 Information to be submitted by a representative payee after a representative payee has been selected.

Anytime after we have selected a payee, we may ask the payee to give us information showing a continuing relationship with the beneficiary and a

continuing responsibility for the care of the beneficiary. If the payee does not give us the requested information within a reasonable period of time, we may stop paying the payee unless we determine that the payee had a satisfactory reason for not complying with our request and we receive the information requested. We will consider paying the beneficiary directly in accordance with § 404.2011 in instances when we decide to stop paying the representative payee.

9. Section 404.2030 is revised to read as follows:

#### § 404.2030 Advance notice of the determination to make representative payment.

(a) We will provide written notice to the beneficiary of our determination to make representative payment in advance of certification of payment of the beneficiary's benefits to a representative payee. We will also advise the beneficiary that we have determined that representative payment would be in the interest of the beneficiary, and we will provide the name of the representative payee we expect to select. If the beneficiary is under age 15, is an unemancipated minor under the age of 18, or is legally incompetent, the written notice will be provided to the legal guardian or legal representative of the beneficiary. The advance notice will—

(1) Be clearly written in language that is easily understandable by the reader;

(2) Identify the person to be designated as representative payee;

(3) Explain the right of the beneficiary (or the legal guardian or legal representative of the beneficiary) to appeal a determination, in accordance with subpart J of this part, that a representative payee is necessary for the beneficiary; and

(4) Explain the right of the beneficiary, legal guardian or legal representative to appeal, in accordance with subpart J of this part, the designation of a particular person to serve as the representative payee of the beneficiary and to review the evidence upon which such designation is based and submit additional evidence.

(b) If the beneficiary or his or her legal guardian or legal representative objects to representative payment or to the designated payee, and the objection is received before the effectuation of the payee appointment, we will resolve the objection in the same manner as we resolve other objections to initial determinations in accordance with subpart J of this part before the payee appointment is processed.

10. Section 404.2041 is revised to read as follows:

**§ 404.2041 Restitution of misused benefit payments.**

(a) We will repay benefits in cases when we determine that a representative payee misused benefits and the misuse resulted from our negligent failure to investigate or monitor a representative payee. When we make restitution, we will pay to the beneficiary or the beneficiary's alternative representative payee an amount equal to the misused benefits.

(b) The representative payee who misuses the beneficiary's benefits is responsible for paying back misused benefits to us. Restitution of misused benefits will always be sought from the payee who misused the benefits.

(c) The term "negligent failure" as used in this subpart means that we failed to investigate or monitor a representative payee or that we did investigate or monitor a representative payee but were negligent in our investigation or monitoring. Examples of SSA's negligent failure include, but are not limited, to the following. We did not—

(1) Follow our established procedures in this subpart when investigating, appointing, or monitoring a representative payee;

(2) Investigate timely a reported allegation of misuse; or

(3) Take the steps necessary to prevent the issuance of payments to the payee after it was determined that the payee misused benefits.

(d) Our repayment of misused benefits under these provisions does not alter the payee's liability and responsibility as described in paragraph (b) of this section. Therefore, we will make every reasonable effort to obtain the return of misused benefits from the payee who misused the benefits.

11. Section 404.2050 is amended by revising the introductory paragraph, and paragraph (a) to read as follows:

**§ 404.2050 When a new representative payee will be selected.**

When we learn that the interest of a beneficiary is not served by continuing payment to the present payee or that the present payee is no longer able or willing to carry out payee responsibilities, we will promptly stop payment to the payee and make payment directly to the beneficiary or to an alternative payee until we find a suitable payee. We will terminate payment of benefits to the payee and find a new payee if the present payee:

(a) Has been determined to have misused the beneficiary's benefits as

found by us or a court of competent jurisdiction;

\* \* \* \* \*

**PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED**

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

Authority: Secs. 1102 and 1631(a)(2) and (d)(1) of the Social Security Act; 42 U.S.C. 1302 and 1383 (a)(2) and (d)(1).

**§ 416.601 [Amended]**

2. Section 416.601 is amended by adding the following parenthetical statement after the last sentence of paragraph (b)(3):

**§ 416.601 Introduction.**

\* \* \* \* \*

(b) \* \* \*  
(3) \* \* \* (See § 416.611 if direct payment of benefits would cause substantial harm to the beneficiary.)

3. New § 416.611 is added to subpart F to read as follows:

**§ 416.611 When a beneficiary will be paid directly pending selection of a suitable representative payee.**

(a) We will pay current monthly benefits directly to the beneficiary until we have selected a representative payee except as explained in paragraphs (b), (c), (d) and (e) of this section.

(b) We may delay (in the case of initial eligibility for benefits) or suspend (in case of existing eligibility for benefits) payment to a beneficiary while we try to find a suitable representative payee if we determine that direct payment would cause substantial harm to the beneficiary.

(c) We will make findings of substantial harm on a case-by-case basis, taking into consideration all matters that may affect the ability of the beneficiary to handle his or her affairs in his or her interest. When the direct receipt of benefits can be expected to cause physical or mental injury to the beneficiary, we will consider substantial harm to exist. We will also consider direct payment to cause substantial harm when the beneficiary is legally incompetent or under age 15, unless there is evidence to the contrary which establishes that substantial harm to the beneficiary will not result if direct payment is made. We will always consider direct payment to cause substantial harm when the beneficiary is eligible for SSI benefits based on a disability and is medically determined to be a drug addict or alcoholic.

(d) If we find that direct payment will cause substantial harm to the beneficiary, we may delay payment for

a period not to exceed 1 month. If the beneficiary is legally incompetent, under age 15, or is an SSI beneficiary eligible for payment based on a disability and is medically determined to be a drug addict or alcoholic, payment will be withheld until we appoint a representative payee.

*Example 1 Substantial Harm Does Not Exist.* A claim is approved for a title XVI claimant who suffers from a combination of mental impairments but who is not legally incompetent. We determine that the beneficiary needs assistance in managing benefits; however, a representative payee has not been found when we are ready to pay benefits. Although we believe that the beneficiary may not use the money wisely, there is no indication that the direct receipt of funds would cause physical or mental injury. Benefits must be paid directly to the beneficiary while we locate a suitable representative payee.

*Example 2: Substantial Harm Exists.* We are unable to find a representative payee for a title XVI beneficiary who has been determined to need assistance in managing funds but who is not legally incompetent. There is evidence that handling money in the past has resulted in uncontrollable stress, self-inflicted injury and hospitalization. We may delay payment based on the substantial harm rule while we locate a suitable representative payee. If a representative payee is not found in 1 month, we must make direct payment while we continue to make every reasonable effort to locate a suitable payee.

(e) Payment of any benefits which were deferred or suspended pending appointment of a representative payee shall be made to the beneficiary or the representative payee as a single sum or over such period of time as we determine is in the best interest of the beneficiary.

4. New § 416.622 is added to subpart F to read as follows:

**§ 416.622 Persons who may not serve as representative payees.**

(a) A payee applicant who has been convicted of a violation under section 208 or section 1632 of the Social Security Act may not serve as a representative payee.

(b) A payee applicant who receives Social Security or SSI benefits through a representative payee may not serve as a representative payee.

(c)(1) A payee applicant who previously served as a representative payee and was found by us, or a court of competent jurisdiction, to have misused title II or title XVI benefits will not be selected to be a representative payee. However, we may grant an exception to this prohibition on a case-by-case basis if direct payment of benefits to the beneficiary is not feasible, and selection of the payee

applicant as representative payee would be in the interest of the beneficiary.

Such a payee applicant may be appointed as a representative payee if—

(i) No suitable alternative payee is available, and

(ii) The information we have indicates the applicant is now suitable to serve as a representative payee.

(2) If the payee applicant is appointed, we will evaluate the applicant's performance at such intervals as the local field office determines are necessary.

(d) A payee applicant who is a creditor, i.e., someone who provides the beneficiary with goods or services for monetary consideration, will not be selected to be a representative payee unless the creditor is—

(1) A relative of the beneficiary living in the same household as the beneficiary;

(2) A legal guardian or legal representative of the beneficiary;

(3) A facility that is licensed or certified as a care facility under the law of a State or a political subdivision of a State, or a person who is an administrator, owner, or employee of the facility, if the beneficiary resides in such facility, and we are unable to locate an alternative representative payee;

(4) An individual who establishes that he or she poses no risk to the beneficiary and that his or her financial relationship to the beneficiary poses no substantial conflict of interest. We will investigate each case to ensure that such individual poses no risk to the beneficiary and presents no substantial conflict of interest. Our determination will be based on written findings and will be made when a more suitable payee cannot be found under procedures set out in this subpart on selection of representative payees; or

(5) A qualified organization authorized to collect a monthly fee from the beneficiary for expenses incurred by the organization in providing services performed as the individual's representative payee, under § 416.640a.

#### Example 1

An individual applies to be representative payee for a beneficiary who has been determined to need assistance in managing benefits. The payee applicant has been renting a room to the beneficiary for several years and assists the beneficiary with his other financial obligations, as needed. He charges the beneficiary a reasonable amount of rent. The beneficiary has no other family or friends willing to help manage his benefits or to act as representative payee. The payee applicant has demonstrated that his interest in and concern for the beneficiary goes beyond his desire to collect the rent each

month. In this instance, the applicant may be selected as a representative payee because a more suitable payee is not available, the applicant appears to pose no risk to the beneficiary, and there is minimal conflict of interest.

#### Example 2

In a situation similar to the one above, the beneficiary's landlord indicates that he is applying to be payee only to ensure receipt of his rent, and will give the balance of the benefit funds remaining after payment of the rent directly to the beneficiary. In this situation the applicant will not be considered suitable because of the apparent conflict of interest.

5. New § 416.624 is added to subpart F to read as follows:

#### § 416.624 Investigation of representative payee applicant.

(a) We will conduct an investigation of a payee applicant before selecting the applicant as a payee. We will include a face-to-face interview with the payee applicant as part of the investigation unless it is impracticable to do so. As part of the investigation we will—

(1) Require the payee applicant to submit documented proof of identity, unless such information has been previously submitted with an application for title II or title XVI benefits;

(2) Verify the payee applicant's Social Security account number or employer identification number;

(3) Determine whether the payee applicant has been convicted of a violation of section 208 or section 1632 of the Social Security Act;

(4) Determine whether the payee applicant has previously served as a representative payee and has had a previous appointment as payee revoked or terminated by reason of misuse of title II or title XVI benefits;

(5) Use our records to verify the payee applicant's employment and/or direct receipt of social security or SSI benefits;

(6) Corroborate the payee applicant's concern for the beneficiary with the beneficiary's custodian; and

(7) Determine whether the payee applicant is a creditor of the beneficiary (see § 416.622(d)).

(b) A face-to-face interview will be considered impracticable if it would cause the payee applicant undue hardship (e.g., the payee applicant cares for children or disabled individuals in the home and no alternative caregiver is available, or is employed and cannot arrange for time off from work, or would have to travel a great distance to the field office). In this situation, we will conduct the investigation to determine the payee applicant's suitability to serve as a representative payee without a face-to-face interview.

(c) Before we select a representative payee, the payee applicant must also give us adequate information showing his or her relationship to the beneficiary and demonstrating his or her responsibility for the care of the beneficiary.

6. Section 416.625 is amended to read as follows:

#### § 416.625 Information to be submitted by a representative payee after a representative payee has been selected.

Anytime after we have selected a payee, we may ask the payee to give us information showing a continuing relationship with the beneficiary and a continuing responsibility for the care of the beneficiary. If the payee does not give us the requested information within a reasonable period of time, we may stop paying the payee unless we determine that the payee had a satisfactory reason for not complying with our request, and we receive the information requested. We will consider paying the beneficiary directly in accordance with § 416.611 in instances when we decide to stop paying the representative payee.

7. Section 416.630 is revised to read as follows:

#### § 416.630 Advance notice of the determination to make representative payment.

(a) We will provide written notice to the beneficiary of our determination to make representative payment in advance of payment of the beneficiary's benefits to a representative payee. We will also advise the beneficiary that we have determined that representative payment would be in the interest of the beneficiary, and we will provide the name of the representative payee we expect to select. If the beneficiary is under age 15, is an unemancipated minor under the age of 18, or is legally incompetent, the written notice will be provided to the legal guardian or legal representative of the beneficiary. The advance notice will—

(1) Be clearly written in language that is easily understandable by the reader;

(2) Identify the person to be designated as representative payee;

(3) Explain the right of the beneficiary (or the legal guardian or legal representative of the beneficiary) to appeal a determination, in accordance with subpart N of this part, that a representative payee is necessary for the beneficiary; and

(4) Explain the right of the beneficiary, legal guardian or legal representative to appeal, in accordance with subpart N of this part, the designation of a particular person to

serve as the representative payee of the beneficiary and to review the evidence upon which such designation is based and submit additional evidence.

(b) If the beneficiary or his or her legal guardian or legal representative objects to representative payment or to the designated payee, and the objection is received before the effectuation of the payee appointment, we will resolve the objection in the same manner as we resolve other objections to initial determinations in accordance with subpart N of this part before the payee appointment is processed.

8. Section 416.641 is revised to read as follows:

**§ 416.641 Restitution of misused benefit payments.**

(a) We will repay benefits in cases when we determine that a representative payee misused benefits and the misuse resulted from our negligent failure to investigate or monitor a representative payee. When we make restitution, we will pay to the beneficiary or the beneficiary's alternative representative payee an amount equal to the misused benefits, including any Federally administered State supplementary payments.

(b) The representative payee who misuses the beneficiary's benefits is responsible for paying back misused benefits to us. Restitution of misused benefits will always be sought from the payee who misused the benefits.

(c) The term "negligent failure" as used in this subpart means that we failed to investigate or monitor a representative payee or that we did investigate or monitor a representative payee but were negligent in our investigation or monitoring. Examples of SSA's negligent failure include, but are not limited to the following. We did not—

(1) Follow our established procedures in this subpart when investigating, appointing, or monitoring a representative payee;

(2) Investigate timely a reported allegation of misuse; or

(3) Take the steps necessary to prevent the issuance of payments to the payee after it was determined that the payee misused benefits.

(d) Our repayment of misused benefits under these provisions does not alter the payee's liability and responsibility as described in paragraph (b) of this section. Therefore, we will make every effort to obtain the return of misused benefits from the payee who misused the benefits.

9. Section 416.650 is amended by revising the introductory paragraph, and paragraph (a) to read as follows:

**§ 416.650 When a new representative payee will be selected.**

When we learn that the interest of a beneficiary is not served by continuing payment to the present payee or that the present payee is no longer able or willing to carry out the payee responsibilities, we will promptly stop payment to the payee and make payment directly to the beneficiary or to an alternative payee until we find a suitable payee. We will terminate payment of benefits to the payee and find a new payee if the present payee:

(a) Has been determined to have misused the beneficiary's benefits as found by us or a court of competent jurisdiction;

\* \* \* \* \*

10. The authority citation for Subpart N continues to read as follows:

**Authority:** Secs. 1102, 1631, and 1633 of the Social Security Act; 42 U.S.C. 1302, 1383, and 1383b, sec. 6 of Pub. L. 98-460, 98 Stat. 1802.

11. Section 416.1402 is amended by revising paragraph (d), by removing the "and" after paragraph (l), by removing the period after paragraph (m) and replacing it with "; and", and by adding new paragraph (n) after paragraph (m) to read as follows:

**§ 416.1402 Administrative actions that are initial determinations.**

\* \* \* \* \*

(d) Whether the payment of your benefits will be made, on your behalf, to a representative payee;

\* \* \* \* \*

(n) Restitution of misused benefits.

[FR Doc. 94-5848 Filed 3-14-94; 8:45 am]

BILLING CODE 4190-29-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

**23 CFR Part 657**

[FHWA Docket No. 93-28]

RIN 2125-AC60

**Certification of Size and Weight Enforcement**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Extension of comment period.

**SUMMARY:** On December 16, 1993, the FHWA published an advance notice of proposed rulemaking (ANPRM) in the *Federal Register* (58 FR 65830), in which the agency announced that it was considering proposing changes to the guidance provided to State highway

agencies for preparing annual vehicle size and weight certifications and enforcement plans. The ANPRM requested public comment on the type of information and data that should be submitted by States to support an effective enforcement plan, and their annual vehicle size and weight enforcement certifications. The comment period is scheduled to close on March 16, 1994. In order to allow sufficient time for interested parties to comment on this complex issue, the FHWA is extending the comment period until May 18, 1994.

**DATES:** The comment period is extended to May 18, 1994.

**ADDRESSES:** Submit written, signed comments, to FHWA Docket No.93-28, Federal Highway Administration, room 4232, HCC-10, Office of the Chief Counsel, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., e.t., Monday through Friday except legal Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas Klimek, Office of Motor Carrier Information Management (202-366-2212) or Mr. Charles Medalen, Office of the Chief Counsel (202-366-1354), Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4 p.m., e.t., Monday through Friday, except legal Federal holidays.

**SUPPLEMENTARY INFORMATION:** To preserve the Nation's investment in the Interstate Highway System, Congress established in 1956 vehicle weight limits for the Interstate System (23 U.S.C. 127) and beginning in 1974 required each State to certify annually that it is enforcing its size and weight laws (23 U.S.C. 141). The Federal-aid Highway Act of 1978, Public Law 95-599, 92 Stat. 2689, authorized the Department of Transportation to require that each State provide information in its certification sufficient to allow evaluation of the State's weight enforcement program. In 1980, the FHWA promulgated a regulation, 23 CFR 657, Certification of Size and Weight Enforcement, detailing the information needed from the States to evaluate the State's weight enforcement program. In addition, the States were required annually to prepare vehicle size and weight enforcement plans. Each State's plan was to be the basis against which its enforcement program

as summarized in its certification was to be evaluated.

Currently, States provide in their annual certifications to the FHWA, due on January 1 of each year, such information as the number of trucks weighed by scale type, and the total number of citations issued by type of violation. Permits issued by type, the number of off-loads and load shifts, and changes to the State's vehicle size and weight laws and regulations related to permit fees and overweight fines are also reported.

A State's vehicle size and weight enforcement plan contains, among other information, an inventory of facilities and equipment, fiscal and personnel resources, enforcement practices and procedures, program goals, and an evaluation of current operations. A State's plan is to be provided to the FHWA for review by July 1 and is to be accepted and in effect by October 1 of each year.

The comment period for the ANPRM is scheduled to close on March 16, 1994. In order to allow sufficient time for interested parties to comment on this complex issue, the FHWA is extending the comment period until May 18, 1994.

#### List of Subjects in 23 CFR Part 657

Enforcement, Enforcement Plan, Highways and roads, Sanctions, and Vehicle size and weight certification.

Authority: 23 U.S.C. 127, 141, and 315; 49 CFR 1.48(b)

Issued on: March 8, 1994

Rodney E. Slater,

Federal Highway Administrator.

[FR Doc. 94-5916 Filed 3-14-94; 8:45 am]

BILLING CODE 4810-22-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[PS-55-93]

RIN 1545-AS11

#### Certain Elections for Intangible Property

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations section of this issue of the Federal Register, the IRS is issuing temporary regulations relating to the procedures for making elections regarding the amortization of certain intangible

property. The temporary regulations reflect changes to the law made by the Omnibus Budget Reconciliation Act of 1993 (OBRA '93) and affect electing taxpayers who acquired intangible property after July 25, 1991, or who acquired intangibles under a written binding contract in effect on August 10, 1993. The text of the temporary regulations also serves as the text of these proposed regulations.

DATES: Written comments must be received by May 16, 1994.

ADDRESSES: Send submissions to: CC:DOM:CORP:T:R (PS-55-93), room 5228, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. In the alternative, comments and requests may be hand delivered to: CC:DOM:CORP:T:R (PS-55-93), Internal Revenue Service, room 5228, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: John Huffman, (202) 622-3110 (not toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### Paperwork Reduction Act

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act (44 U.S.C. 3504(h)). Comments on the collection of information should be sent to the Office of Management and Budget, Attn: Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies to the Internal Revenue Service, Attn: IRS Reports Clearance Officer, PC:FP, Washington, DC 20224.

The collection of information is in § 1.197-1T(e). This information is required by the IRS in order to verify that electing taxpayers have properly determined amortization and depreciation deductions allowable under sections 167(f) and 197. The likely reporting entities are businesses and other for-profit institutions.

*Estimated total annual reporting burden: 10,000 hours.*

The estimated annual burden per respondent varies from 30 minutes to 75 minutes, depending on individual circumstances, with an estimated average of 1 hour.

*Estimated number of respondents: 10,000.*

*Estimated annual frequency of responses: One time.*

#### Background

Temporary regulations in the Rules and Regulations section of this issue of the Federal Register amend the Income Tax Regulations (26 CFR part 1) relating to sections 167(f) and 197 by adding §§ 1.167(a)-13T and 1.197-1T. The temporary regulations contain rules relating to the depreciation and amortization of certain intangible property.

The text of those temporary regulations also serves as the text of these proposed regulations. The preamble to the temporary regulations explains the temporary and proposed regulations.

#### Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

#### Comments and Requests for a Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written comments that are submitted timely (preferably a signed original and eight copies) to the IRS. All comments will be available for public inspection and copying. A public hearing may be scheduled if requested in writing by a person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the hearing will be published in the Federal Register.

#### Drafting Information

The principal author of these regulations is John Huffman, Office of Assistant Chief Counsel (Passthroughs and Special Industries). However, other personnel from the IRS and Treasury Department participated in their development.

#### List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

### Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

#### PART 1—INCOME TAXES

**Paragraph 1.** The authority citation for part 1 is amended by adding an entry in numerical order to read as follows:

Authority: 26 U.S.C. 7805 \* \* \*

Section 1.197-1 also issued under 26 U.S.C. 197(g). \* \* \*

**Par. 2.** § 1.167(a)-13 is added to read as follows:

#### § 1.167(a)-13 Certain elections for intangible property.

For rules applying the elections under sections 13261(g) (2) and (3) of the Omnibus Budget Reconciliation Act of 1993 to intangible property described in section 167(f), see § 1.197-1.

**Par. 3.** § 1.197-1 is added to read as follows:

#### § 1.197-1 Certain elections for intangible property.

(The text of this proposed section is the same as the text of § 1.197-1T published elsewhere in this issue of the Federal Register).

Margaret Milner Richardson,

Commissioner of Internal Revenue.

[FR Doc. 94-5985 Filed 3-10-94; 3:04 pm]

BILLING CODE 4830-01-P

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[CA 32-2-6238; FRL-4849-7]

#### Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; South Coast Air Quality Management District; Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

**SUMMARY:** EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which concern the control of emissions of volatile organic compounds (VOCs) from the transfer of gasoline into storage tanks or fuel tanks, and from crude oil and natural gas production and processing facilities. The intended effect of proposing approval of these rules is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA's final action on

this notice of proposed rulemaking (NPR) will incorporate these rules into the federally approved SIP. EPA has evaluated each of these rules and is proposing to approve them under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas. **DATES:** Comments must be received on or before April 14, 1994.

**ADDRESSES:** Comments may be mailed to: Daniel A. Meer, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Copies of the rule revisions and EPA's evaluation report of each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814.

South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765-4182.

Ventura County Air Pollution Control District, 702 County Square Drive, Ventura, California 93003.

**FOR FURTHER INFORMATION CONTACT:** Mae Wang, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1200.

#### SUPPLEMENTARY INFORMATION:

##### Applicability

The rules being proposed for approval into the California SIP are South Coast Air Quality Management District (SCAQMD) Rule 461, Gasoline Transfer and Dispensing, and Ventura County Air Pollution Control District (VCAPCD) Rule 74.10, Components at Crude Oil and Natural Gas Production and Processing Facilities. These rules were submitted by the California Air Resources Board (CARB) to EPA on December 31, 1990 and September 14, 1992, respectively.

##### Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 CAA or pre-amended Act), that included the Los Angeles-South Coast Air Basin and the Ventura County Area. 43 FR 8964, 40 CFR 81.305. Because these areas were

unable to meet the statutory attainment date of December 31, 1982, California requested under section 172(a)(2), and EPA approved, an extension of the attainment date to December 31, 1987. 40 CFR 52.238. On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the pre-amended Act, that the above districts' portions of the California SIP were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies.

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amendment guidance.<sup>1</sup> EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. The Los Angeles-South Coast Air Basin is classified as extreme, and the Ventura County Area is classified as severe;<sup>2</sup> therefore, these areas were subject to the RACT fix-up requirement and the May 15, 1991 deadline.

The State of California submitted many revised RACT rules for incorporation into its SIP on December 31, 1990 and September 14, 1992, including the rules being acted on in this document. This document addresses EPA's proposed action for SCAQMD Rule 461, Gasoline Transfer and Dispensing, and VCAPCD Rule 74.10, Components at Crude Oil and Natural Gas Production and Processing

<sup>1</sup> Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT. 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 Federal Register Notice" (Blue Book) (notice of availability was published in the Federal Register on May 25, 1988); and the existing control technique guidelines (CTGs).

<sup>2</sup> The Los Angeles-South Coast Air Basin and the Ventura County Area retained their designations of nonattainment and were classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 58 FR 56694 (November 6, 1991).

Facilities. Rule 461 was adopted by SCAQMD on July 7, 1989, and Rule 74.10 was adopted by the VCAPCD on June 16, 1992. These submitted rules were found to be complete on February 28, 1991 and November 20, 1992 pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V<sup>3</sup> and are being proposed for approval into the SIP.

SCAQMD Rule 461 requires Stage I and Stage II vapor control to limit emissions of VOCs during the transfer of gasoline into storage tanks or fuel tanks. VCAPCD Rule 74.10 sets requirements for control of fugitive VOC emissions from crude oil and natural gas production and processing facilities. VOCs contribute to the production of ground level ozone and smog. The rules were adopted as part of each district's efforts to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. The following is EPA's evaluation and proposed action for these rules.

#### EPA Evaluation and Proposed Action

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents listed in footnote 1. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "fix-up" their RACT rules. See section 182(a)(2)(A). The CTG applicable to SCAQMD Rule 461 is entitled, "Control of Volatile Organic Compound Leaks

from Gasoline Tank Trucks and Vapor Collection Systems," EPA-450/2-78-051, while the CTG applicable to VCAPCD Rule 74.10 is entitled, "Control of Volatile Organic Compound Equipment Leaks from Natural Gas/Gasoline Processing Plants," EPA-450/3-83-007. Further interpretations of EPA policy are found in the Blue Book, referred to in footnote 1. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

SCAQMD Rule 461 includes the following significant changes from the current SIP:

1. Adds definitions, equipment and operating requirements, and signposting requirements.
2. Deletes many storage container exemptions.
3. Changes compliance schedule to require compliance at the start of operation.

VCAPCD Rule 74.10 is a new rule which was adopted to control fugitive VOC emissions from components at crude oil and natural gas production and processing plants. Its major provisions include:

1. Operating standards and component leak thresholds.
2. Inspection and repair requirements, and submission of an operator management plan.
3. Recordkeeping requirements, test methods, and definitions.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, SCAQMD Rule 461 and VCAPCD 74.10 are being proposed for approval under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

#### Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small

entities. Small entities include small businesses, small not-for-profit enterprises and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under sections 110 and 301 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. A future notice will inform the general public of these tables. On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the waiver until such time as it rules on EPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401-7671q.

Dated: March 4, 1994.

Felicia Marcus,

Regional Administrator.

[FR Doc. 94-5995 Filed 3-14-94; 8:45 am]

BILLING CODE 6560-50-F

<sup>3</sup>EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

## 40 CFR Part 63

[AD-FRL-4850-1]

## Preparation, Adoption, and Submittal of State Implementation Plans: List of Qualified Coke Oven Panel Members

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and notice of public hearing.

**SUMMARY:** On October, 27, 1993, the EPA promulgated the coke oven National Emission Standards for Hazardous Air Pollutants, which limits the number of visible leaks from coke oven doors, topside ports, and offtake systems, and the amount of time of visible emissions from the charging operation. Also promulgated at that time was Method 303 (40 CFR, part 63, appendix A), which sets forth the procedures an observer shall follow to determine compliance with the coke oven standards. In order to implement the coke oven rule, coke oven inspectors must be certified by an EPA recognized panel in accordance with the procedures set forth in section 2 of Method 303. The Method 303 certification training for each trainee concludes with a determination by a three member panel as to the trainee's ability to conduct Method 303 satisfactorily. The Agency is developing a certification course for coke oven inspectors and, as part of this effort, the Agency has selected a group of experienced individuals to act as panel members. With today's action, the Agency sets forth the list of experienced coke oven inspectors who will serve as panel members during the certification of coke oven observers and informs the public that these people have demonstrated to the Agency that they satisfy the minimum experience requirements of 120 days of experience in reading coke oven emissions. Additional panel members may be added in the future in accordance with implementation needs. Any additions of certified and qualified inspectors to the panel will be made without promulgation, which was only necessary to establish this initial panel.

**DATES:** *Comments:* Comments must be received on or before May 16, 1994.

*Public Hearing.* If anyone contacts EPA requesting to speak at a public hearing by April 15, 1994, a public hearing will be held on April 14, 1994, beginning at 10 a.m. Persons interested in attending the hearing should contact Ms. Shelby Journigan at (919) 541-5543 to verify that a hearing will be held. If a hearing is held, a verbatim transcript will be placed in the docket.

*Request to Speak at Hearing.* Persons wishing to present oral testimony must contact EPA by April 5, 1994, contact Ms. Shelby Journigan at (919) 541-5543.

**ADDRESSES:** *Comments.* Comments should be submitted (in duplicate if possible) to: Air Docket Section (LE-131), Attention, Docket No. \_\_\_\_\_, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

*Public Hearing.* If anyone contacts EPA requesting a public hearing, it will be held at EPA's Emission Measurement Laboratory Building, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should notify Ms. Shelby Journigan, Emission Measurement Branch (MD-19), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5543.

**FOR FURTHER INFORMATION CONTACT:** For further information or documentation concerning the proposed rule, contact Mr. Roy Huntley, or Mr. Peter Westlin, Emission Measurement Branch (MD-19), Technical Support Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

**SUPPLEMENTARY INFORMATION:** In development of the coke oven emissions rule, EPA used formal regulatory negotiations, where parties negotiate and sign a formal agreement that becomes the basis for EPA's proposed rule.

The Coke Ovens Regulatory Negotiation Committee, which was formed to negotiate the coke oven NESHAP, was comprised of several interested parties: environmental groups such as the National Resources Defense Council and Group Against Smog and Pollution, industry associations such as American Iron and Steel Institute and American Coke and Coal Chemicals Institute, representatives from the Steel Workers' Union, and State and local agencies, as well as the EPA. The final coke oven rule reflects the agreements reached by this Committee.

During negotiations, the Committee agreed that the coke oven observers must be certified. As part of the certification process, each observer must demonstrate to the satisfaction of a three-member panel of experienced individuals, a high degree of proficiency in performing Method 303.

After the agreement was signed by the committee on October 28, 1992, EPA began selecting the panel members by searching for people with the required experience. The qualifications for the

panel members are in section 2.1.3 of Method 303 of appendix A at 40 CFR, part 63, and reads as follows: "Each panel member shall have at least 120 days experience in reading visible emissions from coke ovens." Representatives from industry and EPA reached a common understanding of the qualifications for panel members. A list developed by EPA of 23 prospective panel members was submitted to industry representatives for review. On March 30, 1993, a training course for the prospective panel was held in Chicago, Illinois. Of the 23 participants, 21 successfully completed the training course and, subsequently, were able to provide the Agency with sufficient documentation. These 21 people are now considered by the Agency as qualified panel members and able to act as such in the Method 303 certification course.

Concurrent with these events, EPA decided to propose and promulgate the list to give the public an opportunity to examine and comment on the panel members' qualifications.

## I. Administrative Requirements

## A. Executive Order 12866

Under Executive Order 12866, (58 FR 51735 (October 4, 1993)) the Agency must determine whether the regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) 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, of State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the "Executive Order."

OMB has exempted this regulatory action from E.O. 12866 review.

## B. Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection requirements for the Coke Oven Battery National Emission Standards under the provisions of the

Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2060-0253. This proposed rule does not add any additional requirements to those already approved.

The public reporting and recording keeping burden for the Coke Oven Battery National Emission Standards collection of information is estimated to average 2,461 hours per respondent per year. This includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch (2136); U.S. Environmental Protection Agency;

401 M St.; Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 205503, marked "Attention: Desk Officer for EPA."

#### C. Regulatory Flexibility Act Compliance

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a Regulatory Flexibility Analysis (RFA) which requires EPA to consider potential impacts of proposed regulations on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). The Administrator may certify, however,

that the rule will not have a significant economic impact on a substantial number of small entities.

This list will have no adverse economic impact on small entities. Since this proposal does not significantly change the status quo for such entities, I hereby certify that this regulation will not have a significant economic impact on a substantial number of small entities. This regulation therefore does not require an RFA.

#### List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Coke oven emissions, Hazardous substances, Reporting and recordkeeping requirements.

Dated: March 7, 1994.

Carol M. Browner,  
Administrator.

TABLE 1.—PANEL MEMBERS

Name	Affiliation
Basim Dihu (Doors Only)	U.S. EPA, Central District Office, 77 West Jackson Blvd., Chicago, IL 60604-3590.
William Klettner	U.S. EPA Wheeling Office, 303 Methodist Building/3ES12, 11th & Chapline Streets Wheeling, WV 26003.
Ron Mordosky	Pennsylvania Dept. of Environmental Resources, 4530 Bath Pike, Bethlehem, PA 18017.
Robert Simmons	Indiana Department of Environmental Management, Gainer Bank Building/Rm 418, 504 N. Broadway, Gary, IN 46402.
Mark Hughes	Allegheny County Health Dept., Bureau of Air Pollution Control, 301-30 Ninth St., Pittsburgh, PA 15201.
Bernie Clark	Chester Environmental, P.O. Box 15777, Pittsburgh, PA 15244.
Rich Casselberry	Chester Environmental, P.O. Box 15777, Pittsburgh, PA 15244.
Beryl Denne	Chester Environmental, P.O. Box 15777, Pittsburgh, PA 15244.
Frank Georgakis	Chester Environmental, P.O. Box 15777, Pittsburgh, PA 15244.
Robert Gori	Chester Environmental, P.O. Box 15777, Pittsburgh, PA 15244.
Linda McCracken	Chester Environmental, P.O. Box 15777, Pittsburgh, PA 15244.
Gordon Lawson	Chester Environmental, P.O. Box 15777, Pittsburgh, PA 15244.
Terry Redenbaugh	Chester Environmental, P.O. Box 15777, Pittsburgh, PA 15244.
Cindy Rogers	Independant consultant.
Elmer Spiker	Chester Environmental, P.O. Box 15777, Pittsburgh, PA 15244.
Ed Peterson	Mostardi-Platt & Associates, 945 Oaklawn Avenue, Elmhurst, IL 60126.
John Simpson	Mostardi-Platt & Associates, 945 Oaklawn Avenue, Elmhurst, IL 60126.
Richard Somers	Mostardi-Platt & Associates, 945 Oaklawn Avenue, Elmhurst, IL 60126.
Bob Trezak	Mostardi-Platt & Associates, 945 Oaklawn Avenue, Elmhurst, IL 60126.
Scott Trezak	Mostardi-Platt & Associates, 945 Oaklawn Avenue, Elmhurst, IL 60126.
Jim Fanning	Independant Consultant, P.O. Box 2752, Union City, PA 16438.

[FR Doc. 94-5994 Filed 3-14-94; 8:45 am]

BILLING CODE 6550-50-P

#### 40 CFR Part 141

[FRL-4849-4]

#### National Primary Drinking Water Regulations; Monitoring Requirements for Public Drinking Water Supplies

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; notice of extension of public comment period.

SUMMARY: On February 10, 1994, EPA published a proposed rule which would

require certain public water systems to generate and provide the Agency with specific monitoring data and other information. (59 FR 6332). That proposed rule provided for a public comment period to March 14, 1994. This notice extends the public comment period to March 28, 1994.

DATES: The comment period is extended to March 28, 1994.

ADDRESSES: Send written comments to ESWTR/DBPR Monitoring Docket Clerk, Water Docket (MC-4101); U.S. Environmental Protection Agency; 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

The Safe Drinking Water Hotline, Telephone (800-426-4791) Monday through Friday, from 9 a.m. to 5:30 p.m. Eastern Time. For technical inquiries, contact Stig Regli (202-260-7370) or Paul Berger (202-260-3039), Office of Ground Water and Drinking Water, Drinking Water Standards Division.

SUPPLEMENTARY INFORMATION: The U.S. Environmental Protection Agency proposed national primary drinking water regulations to require public water systems serving more than 10,000 persons to provide to the Agency: Information characterizing their water systems; monitoring data for *Giardia*, *Cryptosporidium* and other

contaminants; and engineering data pertaining to removal of disease-causing microorganisms. (59 FR 6332, February 10, 1994). The Agency received several informal requests to extend the public comment period for this proposal, and a formal request from the American Water Works Association. EPA has decided to extend the public comment period for an additional two weeks, to March 28, 1994, in order to provide these groups and any other interested parties additional time to prepare comments on the proposal. EPA does not expect to extend the public comment further.

**Mark A. Lutner,**

*Acting Deputy Assistant Administrator, Office of Water.*

[FR Doc. 94-5868 Filed 3-14-94; 8:45 am]

BILLING CODE 6560-50-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Chapter I

[PP Docket No. 93-21; FCC 94-65]

### Sports Programming Migration

**AGENCY:** Federal Communications Commission.

**ACTION:** Further notice of inquiry.

**SUMMARY:** This Further Notice of Inquiry ("Further Notice") continues an inquiry into sports programming migration and the impact of preclusive contracts on the availability of college sports programming to local television stations. The inquiry was mandated by the Cable Television Consumer Protection and Competition Act of 1992, sec. 26. The Further Notice is designed to update the record that was established in response to the Commission's initial Notice of Inquiry and, in particular, solicits comment on the large number of new contracts that professional and college leagues have recently signed with broadcast and cable networks.

**DATES:** Comments must be received on or before April 11, 1994; reply comments must be received on or before April 26, 1994.

**ADDRESSES:** Comments and reply comments may be sent to Office of the Secretary, Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Jonathan D. Levy, Office of Plans and Policy, (202) 653-5940.

**SUPPLEMENTARY INFORMATION:** This proceeding, which the Commission initiated with a Notice of Inquiry (58 FR 8248, February 12, 1993), examines, on

a sport-by-sport basis, trends in the movement of sports programming from broadcast television to subscription media, including, to the extent possible, projections of future patterns of sports programming distribution. It encompasses local, regional, and national sports programming, and investigates, pursuant to specific Congressional instruction, "the economic causes and economic and social consequences" of migration trends. Moreover, the Commission is assessing the impact of preclusive contracts between college athletic conferences and video programming vendors of the supply of local college sports programming to local television stations.

The Commission's inquiry is focused on professional baseball, basketball, football, and hockey, and on college football and basketball, but comment is invited on other sports as appropriate. Pursuant to Congressional instructions, the Commission submitted to Congress an Interim Report (58 FR 38088, July 15, 1993) on July 1, 1993 and will submit to Congress a final sports programming migration report on or before July 1, 1994.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

[FR Doc. 94-6092 Filed 3-14-94; 8:45 am]

BILLING CODE 6712-01-M

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

### 49 CFR Part 571

[Docket No. 93-87; Notice 1]

RIN 2127-AF03

### Federal Motor Vehicle Safety Standards; Metric Conversion

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to revise selected Federal Motor Vehicle Safety Standards (FMVSS) by converting English measurements specified in those standards to metric measurements. This proposed rulemaking is the first of several that NHTSA will undertake to implement the Federal policy that the metric system of measurement is the preferred system of weights and measures for United States trade and commerce. The proposed conversions are not intended

to make any changes in the stringency of the affected FMVSS.

**DATES:** Comments must be received on or before May 16, 1994.

**ADDRESSES:** All comments should refer to the docket number and notice number in the heading of this notice and be submitted, preferably in ten copies, to: Docket Section, room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Docket hours are 9:30 a.m. to 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Mr. Kevin Cavey, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Mr. Cavey's telephone number is: (202) 366-5271.

**SUPPLEMENTARY INFORMATION:** Section 5164 of the Omnibus Trade and Competitiveness Act (Pub. L. 100-418), makes it U.S. policy that the metric system of measurement is the preferred system of weights and measures for United States trade and commerce. Through Executive Order 12770, Federal agencies are directed to comply with the Act by adopting a conversion schedule for their programs by September 30, 1992. In a Federal Register document of April 21, 1992 (57 FR 14691), NHTSA published its plan to use the metric system in NHTSA programs, and included an implementation schedule to convert the Federal Motor Vehicle Safety Standards (FMVSSs).

In the document, NHTSA stated its intent to review all the FMVSSs that the agency expects will be in effect between June 1992 and 1997, and to the fullest extent feasible, convert English system measurements in those FMVSSs to the metric system. In undertaking the conversion of the measurements in the FMVSSs, the agency identified the following steps to be taken for each standard:

1. List the values to be converted.
2. Determine whether to convert the values to an equivalent metric unit, or to use an exact conversion.
3. For the equivalent metric unit conversions, determine any interrelationships with other values, and the effect of conversion on the interrelationships.
4. Determine any impact that the conversion may have on changes in safety.
5. Undertake rulemaking to revise the standard to reflect the converted values.

With respect to the nature of the conversions to be made, the agency stated that NHTSA generally favored the use of equivalent conversions because using values stated in integers would facilitate making measurements during

compliance testing. However, NHTSA indicated that it would not use equivalent conversions where there is a specific safety need or other reason to make an exact conversion. (To illustrate equivalent and exact conversions, an equivalent conversion of two inches would be 50 millimeters, while an exact conversion would be 50.8 millimeters.)

The agency anticipated that some standards will be easier to convert than others. Therefore, the agency established the following timetable: Simple conversions to be completed by June 1994, intermediate conversions by December 1996, and the most complex conversions by December 1997.

NHTSA received comments on the plan from Ford Motor Company, General Motors Corporation, Volkswagen of America, the Association of International Automobile Manufacturers, and Mr. John T. Benedict, an interested citizen. All the comments supported NHTSA's approach to making the conversions. Some commenters cautioned the agency to be careful when rounding off metric conversions, so that the agency does not inadvertently make the standards more stringent. NHTSA agrees that the conversions should not inadvertently result in making the standards more stringent. In this first round of simple conversions, NHTSA has made the conversions using SAE guideline J918 May 1991, and Federal Standard 376B "Preferred Metric Units for General Use by the Federal Government" and then rounding the result. NHTSA acknowledges Mr. Benedict's comment that this approach may not be suitable for the more difficult conversions to be made in subsequent rulemakings.

NHTSA generally agrees with Volkswagen's comments that measurements and performance requirements should be expressed in the same units in the FMVSS, the SAE recommended practices and standards, and the Canadian Motor Vehicle Safety Standards. The agency will follow this practice unless adopting levels consistent with other standards would substantively change the existing requirements in the FMVSSs. With regard to the simple conversions proposed in this notice, the agency's approach of making a conversion and rounding to the nearest whole metric unit results in numbers that are consistent with voluntary industry guidelines, such as ASTM and SAE standards.

This initial notice of proposed rulemaking identifies those standards for which the agency believes conversions would be simple and makes the appropriate conversions to the

metric system. English measurements in the following Federal Motor Vehicle Safety Standards (49 CFR 571 *et seq.*) are proposed to be converted to the metric system: Standard No. 102, Transmission shift lever sequence, starter interlock, and transmission braking effect; Standard No. 103, Windshield defrosting and defogging systems; Standard No. 104, Windshield wiping and washing systems; Standard No. 107, Reflecting surfaces; Standard No. 110, Tire selection and rims; Standard No. 112, Headlamp concealment devices; Standard No. 114, Theft protection; Standard No. 115, Vehicle identification number basic requirements; Standard No. 120, Tire selection and rims for motor vehicles other than passenger cars; Standard No. 124, Accelerator control systems; Standard No. 126, Truck-camper loading; Standard No. 205, Glazing materials; Standard No. 206, Door locks and door retention components; Standard No. 207, Seating systems; Standard No. 212, Windshield mounting, and Standard No. 216, Roof crush resistance.

#### L Exact Versus Equivalent Conversions

In the majority of cases, the proposed conversions are equivalent conversions. It is the agency's intent that, if made final, these equivalent conversions have no substantive effect on specifications or requirements in the affected standard. Public comment is sought on whether each equivalent conversion would substantively affect the regulatory text. If there would be a substantive effect, comment is requested on the appropriate exact conversion.

In certain cases, exact conversions are proposed. Most of the exact conversions specify the height of lettering, the minimum depth to which the lettering must be impressed, or the maximum height to which it must be embossed. In such situations, manufacturers typically have invested in molds and other materials that produce lettering of very precise sizes. NHTSA does not want the conversion of the required lettering to have the effect of requiring manufacturers to have to change molds and materials.

NHTSA also proposes to use exact conversions for certain other measurements, to avoid a possibility that the standard would become more stringent after the conversion. For each of these proposed conversions, the agency seeks comment on whether use of the equivalent, rather than the exact conversion, would make a substantive difference:

#### 1. Gross Vehicle Weight Ratings (GVWRs)

When the standards proposed to be converted in this notice refer to GVWR, the agency proposes to convert those GVWRs to the exact conversion. GVWRs of 10,000 pounds are proposed to be converted to 4536 kilograms and GVWRs of 6,000 pounds are proposed to be converted to 2,722 kilograms. NHTSA is aware that some of the Canadian Motor Vehicle Safety Standards use the equivalent conversions of 4500 kilograms for the 10,000 pound GVWR and 2700 kilograms for the 6000 pound GVWR.

The GVWR conversion may affect the applicability of some of the FMVSS's to particular vehicles. In the case of standards that apply to vehicles with a GVWR of 10,000 pounds or less, rounding to 4500 kilograms would affect any vehicles between 4501 and 4536 kilograms GVWR. Such vehicles may be excluded from FMVSS's that had applied to them (e.g., Standards 118, Power-operated window, partition, and roof panel systems, and 212, Windshield mounting, which apply to vehicles with GVWR's of 10,000 pounds or less), or be subject to requirements that had previously not applied to them (e.g., Standard No. 222, School Bus Passenger Seating and Crash Protection which applies to vehicles with GVWR's of more than 10,000 pounds).

Since the number of vehicles in the 4501 to 4536 kilogram or 2700 to 2722 kilogram ranges is likely to be very small, NHTSA requests comments on whether the greater ease of using equivalent conversions would outweigh the benefits of exact conversion.

#### 2. Standard No. 110, Tire Selection and Rims

Standard No. 110 specifies at S4.4.1(b) that tire rims shall, in the event of rapid loss of inflation pressure at a speed of 60 miles per hour, retain the deflated tire until the vehicle can be stopped. In this NPRM, the agency proposes that 60 miles per hour be converted to 97 kilometers per hour, the exact conversion. The Canadian Motor Vehicle Safety Standards currently specify the requirement be met at 100 kilometers per hour, which is the equivalent conversion. The agency seeks comment on whether there is a substantive difference whether the conversion of 60 miles per hour is made to 97 or to 100 kilometers per hour.

#### 3. Standard No. 212, Windshield Mounting

Under the test conditions of S6.1(b) in Standard No. 212, certain tested

vehicles must be loaded to their unloaded vehicle weight plus 300 pounds. In this NPRM, the agency proposes to convert 300 pounds to 136 kilograms, the exact conversion. The Canadian standards have converted 300 pounds to the equivalent conversion of 140 kilograms. In the conversion of 300 pounds, the concern about stringency is particularly relevant because the manufacturers' certification testing for Standards Nos. 208, Occupant crash protection; 212, Windshield mounting; 219, Windshield zone intrusion; and 301, Fuel system integrity can be conducted in a single crash test. A slight increase in the load required for Standard No. 212 testing (resulting from a conversion to 140 kilograms) may necessitate the manufacturers conducting a separate crash test for Standard No. 212 certification. To avoid this situation, the agency proposes to convert 300 pounds to the exact conversion of 136 kilograms, rather than the equivalent conversion of 140 kilograms.

## II. Labeling Information

The agency also seeks comment on proposed metric conversions of labels providing information to consumers. Certain FMVSSs specify labels or wording to be placed on vehicles to provide safety information to the consumer. At present, the FMVSSs generally specify that labels provide units measurement in the English measurement system. When converting the FMVSSs to the metric system, the agency is not certain that labels incorporating metric measurements would be informative for American consumers. Therefore, in cases where labels or other information must be provided for the consumer's benefit, it is proposed that the information provide both the English and metric systems of measurement. Specifically, in converting Standard No. 120, Tire selection and rims for motor vehicles other than passenger cars, it is proposed that in the "TRUCK EXAMPLE," the GVWR and GAWRs of a vehicle be provided in kilograms and pounds, and the inflation pressure of the tires be provided in kilopascals and in pounds per square inch (psi). In Standards Nos. 120 and 110, Tire selection and rims, it is proposed that information about the maximum speed for spare tire be provided as "MAXIMUM 80 KM/H (50 M.P.H.)." In converting Standard No. 126, Truck-camper loading, it is proposed that the maximum camper weight be provided in terms of kilograms and pounds, the capacity of the camper be stated in terms of liters and gallons of water, the weight of

bottled gas and ice in terms of kilograms and pounds, and refrigerator capacity (for determining vehicle weight) in terms of cubic meters and cubic feet.

If the proposed use of dual measurements is adopted as final, the agency anticipates, at some future date, phasing out the English units of measurement in the consumer information labels. Public comment is sought generally on this proposed use of dual measurements for consumer information labels, and on the period of time after which the English units of measurement should be phased out.

## III. Force Measurements

Standards Nos. 207 and 216 establish strength requirements for occupant seats and for the passenger compartment roof, respectively. Standard No. 207 specifies that occupant seats shall be subjected to a force 20 times the weight of the seat. Standard No. 216 specifies that the vehicle roof shall be subjected to a force  $1\frac{1}{2}$  times the vehicle weight. These force measurements are straightforward enough when using units of English measurement, since both weight and force are expressed in pounds. However, the metric system expresses mass in kilograms and force in Newtons. Thus, in converting forces to the metric system, there will no longer be a simple one-to-one conversion when calculating the force that should be applied. Instead, persons conducting tests will need to measure the weight of the seat or vehicle mass in kilograms and multiply each figure by 9.8 to convert the figure to Newtons. In making the metric conversion of the force measurements in Standards Nos. 207 and 216, NHTSA proposes to specify the steps of the conversion in the regulatory language, to minimize the chance of the wrong metric system conversion being made. Specifically, for Standard No. 207, NHTSA proposes to amend the force measurement language to provide that the seat shall be subjected to a force in Newtons equal to 20 times the weight of the seat, measured in kilograms and multiplied by 9.8. For Standard No. 216, NHTSA proposes to amend the force measurement language to provide that the vehicle roof shall be subjected to a force in Newtons equal to  $1\frac{1}{2}$  times the vehicle weight, measured in kilograms and multiplied by 9.8. Comment is sought on this proposal to specify the calculation of the metric force measurement for Standards Nos. 207 and 216.

## IV. Documents Incorporated by Reference

Certain standards proposed to be converted in this notice incorporate

documents that express measurements in the English system. An example of an incorporated document is SAE Recommended Practice J902, "Passenger Car Windshield Defrosting Systems," August 1964, parts of which are incorporated into Standard No. 103, Windshield defrosting and defogging systems. If incorporated documents are to be consistent with rest of the standard, some conversion of the incorporated documents might be desirable. However, since many of the incorporated documents are documents that are published by groups other than NHTSA, converting these documents is an exacting and time consuming process. The agency has decided to consider converting incorporated documents on a case by case basis at a later date.

## Regulatory Impacts

### 1. Executive Order 12866 and DOT Regulatory Policies and Procedures

NHTSA has examined the impact of this rulemaking action under Executive Order 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under Executive Order 12866, "Regulatory Planning and Review." This action has been determined to be not "significant" under DOT's regulatory policies and procedures. In converting the Federal Motor Vehicle Safety Standards from the English to the metric measurement system, the agency proposes conversions that would not substantively change the performance requirements of the FMVSS's. If this rule is made final, manufacturers now providing consumer information (e.g., labeling) may incur minimal additional costs since they would have to change their information to add the metric units. However, the agency believes additional costs would be minuscule, since manufacturers currently label and provide consumer information in English units. The impacts of this action would be so minor that a full regulatory evaluation for this proposed rule has not been prepared.

### 2. Small Entity Impacts

The agency has also considered the effects of this rulemaking action under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). I certify that this proposed rule would not, if promulgated, have a significant economic impact on a substantial number of small entities. The rationale for this certification is that no substantive change resulting from converting the FMVSS from the English system to the metric system will be

made to the performance requirements of any of the Federal Motor Vehicle Safety Standards. Manufacturers that qualify as small businesses that do not now label their products in metric units or provide consumer information in metric units would incur some costs to include metric labeling. However, the agency believes such costs should be minimal, given these manufacturers are currently labeling and providing the consumer information in English units.

### 3. Environmental Impacts

In accordance with the National Environmental Policy Act of 1969, the agency has considered the environmental impacts of this proposed rule and determined that, if adopted as a final rule, it would not have a significant impact on the quality of the human environment.

### 4. Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12812, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

### 5. Civil Justice Reform

This proposed rule would not have a retroactive effect. Under section 103(d) of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392(D)), whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard. Section 105 of the Act (15 U.S.C. 1394) sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

### Public Comments

Interested persons are invited to submit comments on the proposal. It is requested, but not required, that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). 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.

If a commenter wishes to submit certain information under a claim of

confidentiality, three copies of a complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after the date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket 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 rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

### List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, it is proposed that the Federal Motor Vehicle Standards (49 CFR part 571 be amended as set forth below.

### PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 would continue to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

2. Section 571.102 would be amended by revising S1, and revising S3.1.2, to read as follows:

**§ 571.102 Standard No. 102, Transmission shift lever sequence, starter interlock, and transmission braking effect.**

S1. *Purpose and scope.* This standard specifies the requirements for the transmission shift lever sequence, a

starter interlock, and for a braking effect of automatic transmissions, to reduce the likelihood of shifting errors, starter engagement with vehicle in drive position, and to provide supplemental braking at speeds below 40 kilometers per hour.

\* \* \* \* \*

S3.1.2 *Transmission braking effect.*

In vehicles having more than one forward transmission gear ratio, one forward drive position shall provide a greater degree of engine braking than the highest speed transmission ratio at vehicle speeds below 40 kilometers per hour.

\* \* \* \* \*

3. Section 571.103 would be amended by revising S3; and, in S4.3, revising paragraphs (b)(ii), (e), (g), and (h), to read as follows:

### § 571.103 Standard No. 103, Windshield defrosting and defogging systems.

\* \* \* \* \*

S3. *Definitions. Road load* means the power output required to move a given motor vehicle at curb weight plus 180 kilograms on level, clean, dry, smooth portland cement concrete pavement (or other surface with equivalent coefficient of surface friction) at a specified speed through still air at 20 degrees Celsius, and standard barometric pressure (101.3 kilopascals) and includes driveline friction, rolling friction, and air resistance.

\* \* \* \* \*

S4.3 \* \* \*  
(b) \* \* \*  
(ii) The engine speed and load shall not exceed the speed and load at 40 kilometers per hour in the manufacturer's recommended gear with road load.

\* \* \* \* \*

(e) One or two windows may be open a total of 25 millimeters:

(g) The wind velocity is at any level from 0 to 3 kilometers per hour.

(h) The test chamber temperature and the wind velocity shall be measured, after the engine has been started, at the forwardmost point of the vehicle or a point 914 millimeters from the base of the windshield, whichever is farther forward, at a level halfway between the top and bottom of the windshield on the vehicle centerline.

4. Section 571.104 would be amended by revising, in S3, the definition "Glazing surface reference line"; and revising S4.1.2, to read as follows:

### § 571.104 Standard No. 104, Windshield wiping and washing systems.

\* \* \* \* \*

S3 \* \* \*

*Glazing surface reference line* means the line resulting from the intersection of the glazing surface and a horizontal plane 625 millimeters above the seating reference point, as shown in Figure 1 of SAE Recommended Practice J903a, "Passenger Car Windshield Wiper Systems," May 1966.

S4.1.2 *Wiped area*. When tested wet in accordance with SAE Recommended Practice J903a, May 1966, each passenger car windshield wiping system shall wipe the percentage of Areas A, B, and C of the windshield (established in accordance with S4.1.2.1) that (1) is specified in column 2 of the applicable table following paragraph S4.1.2.1 and (2) is within the area bounded by a perimeter line on the glazing surface 25 millimeters from the edge of the daylight opening.

5. In § 571.104, S4.1.2.1 would be amended by revising the title of Table I; the title of Table II; the title of Table III; and the title of Table IV, to read as follows:

Table I—Passenger Cars of Less Than 1520 Millimeters in Overall Width

Table II—Passenger Cars of 1520 or More But Less Than 1630 Millimeters in Overall Width

Table III—Passenger Cars of 1630 or More But Less Than 1730 Millimeters in Overall Width

Table IV—Passenger Cars of 1730 or More Millimeters in Overall Width

6. Section 571.110 would be amended by revising, in S3, the definitions "Normal occupant weight," "Production options weight," and "Vehicle capacity weight" in S4.4.1, revising paragraph (b); in S6, revising the introductory paragraph, and paragraph (b); and revising S7.1, to read as follows:

§ 571.110 Standard No. 110, Tire Selection and rims.

S3

*Normal occupant weight* means 68 kilograms times the number of occupants specified in the second column of Table I.

*Production options weight* means the combined weight of those installed regular production options weighing over 2.3 kilograms in excess of those standard items which they replace, not previously considered in curb weight or

accessory weight, including heavy duty brakes, ride levelers, roof rack, heavy duty battery, and special trim.

*Vehicle capacity weight* means the rated cargo and luggage load plus 68 kilograms times the vehicle's designated seating capacity.

S4.4.1

(b) In the event of rapid loss of inflation pressure with the vehicle traveling in a straight line at a speed of 97 kilometers per hour, retain the deflated tire until the vehicle can be stopped with a controlled braking application.

S6 *Labeling Requirements for Non-Pneumatic Spare Tires or Tire Assemblies.*

Each non-pneumatic tire or, in the case of a non-pneumatic tire assembly in which the non-pneumatic tire is an integral part of the assembly, each non-pneumatic tire assembly shall include, in letters or numerals not less than 4 millimeters high, the information specified in paragraphs S6 (a) and (b). The information shall be permanently molded, stamped, or otherwise permanently marked into or onto the non-pneumatic tire or non-pneumatic tire assembly, or shall appear on a label that is permanently attached to the tire or tire assembly. If a label is used, it shall be subsurface printed, made of material that is resistant to fade, heat, moisture and abrasion, and attached in such a manner that it cannot be removed without destroying or defacing the label on the non-pneumatic tire or tire assembly. The information specified in paragraphs S6 (a) and (b) shall appear on both sides of the non-pneumatic tire or tire assembly, except, in the case of a non-pneumatic tire assembly which has a particular side that must always face outward when mounted on a vehicle, in which case the information specified in paragraphs S6 (a) and (b) shall only be required on the outward facing side. The information shall be positioned on the tire or tire assembly such that it is not placed on the tread or the outermost edge of the tire and is not obstructed by any portion of any non-pneumatic rim or wheel center member designated for use with that tire in this standard or in Standard No. 129.

(b) MAXIMUM 80 KM/H (50 M.P.H.)

S7.1 *Vehicle Placarding Requirements.* A placard, permanently affixed to the inside of the vehicle trunk or an equally accessible location adjacent to the non-pneumatic spare tire

assembly, shall display the information set forth in S6 in block capitals and numerals not less than 6 millimeters high preceded by the words "IMPORTANT—USE OF SPARE TIRE" in letters not less than 9 millimeters high.

7. Section 571.112 would be amended by revising S4.5 to read as follows:

§ 571.112 Standard No. 112, Headlamp concealment devices.

S4.5 Except for cases of malfunction covered by S4.2, each headlamp concealment device shall, within an ambient temperature range of -30 degrees Celsius to +50 degrees Celsius be capable of being fully opened in not more than 3 seconds after actuation of the mechanism described in S4.3.

8. Section 571.114 would be amended by revising 32 and revising S4.1, to read as follows:

§ 571.114 Standard No. 114, Theft protection.

S2 *Application.* This standard applies to passenger cars, and to trucks and multipurpose passenger vehicles having a GVWR of 4536 kilograms or less. However, it does not apply to walk-in van-type vehicles.

S4.1 Each truck and multipurpose passenger vehicle having a GVWR of 4536 kilograms or less manufactured on or after September 1, 1983 and each passenger car shall meet the requirements of S4.2, S4.3, S4.4, and S4.5. However, open-body type vehicles that are manufactured for operation without doors and that either have no doors or have doors that are designed to be easily attached to and removed from the vehicle by the vehicle owner are not required to comply with S4.5.

9. Section 571.115 would be amended by revising S4.6 to read as follows:

§ 571.115 Standard No. 115, Vehicle identification number—basic requirements.

S4.6 This VIN for passenger cars, multipurpose passenger vehicles, and trucks of 4536 kilograms or less GVWR shall be located inside the passenger compartment. It shall be readable, without moving any part of the vehicle, through the vehicle glazing under daylight lighting conditions by an observer having 20/20 vision (Snellen) whose eye-point is located outside the vehicle adjacent to the left windshield pillar. Each character in the VIN subject

to this paragraph shall have a minimum height of 4 mm.

10. Section 571.118 would be amended by revising S2. to read as follows:

**§ 571.118 Standard No. 118, Power-operated window, partition, and roof panel systems.**

S2. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, and trucks with a gross vehicle weight rating of 4536 kilograms or less. The standard's requirements for power-operated roof panel systems need not be met for vehicles manufactured before September 1, 1993.

11. Section 571.120 would be amended by revising the first sentence in S5.1.2; revising in S5.2, the introductory paragraph; revising in S5.3, the introductory paragraph; revising S5.3.2; revising in S7, the introductory paragraph and paragraph (b); and revising S8.1, to read as follows:

**§ 571.120 Standard No. 120, Tire selection and rims for motor vehicles other than passenger cars.**

S5.1.2 Except in the case of a vehicle which has a speed attainable in 3.2 kilometers of 80 kilometers per hour or less, the sum of the maximum load ratings of the tires fitted to an axle shall be not less than the gross axle weight rating (GAWR) of the axle system as specified on the vehicle's certification label required by 49 CFR part 567.

S5.2 *Rim marking.* On and after August 1, 1977, each rim or, at the option of the manufacturer in the case of a singlepiece wheel, wheel disc shall be marked with the information listed in paragraphs (a) through (e) of this paragraph, in lettering not less than 3 millimeters high, impressed to a depth or, at the option of the manufacturer, embossed to a height of not less than 0.125 millimeters. The information listed in paragraphs (a) through (c) of this paragraph shall appear on the weather side. In the case of rims of multipiece construction, the information listed in paragraphs (a) through (e) of this paragraph shall appear on the rim base and the information listed in paragraphs (b) and (d) of this paragraph shall also appear on each other part of the rim.

S5.3 *Label information.* Each vehicle manufactured on or after December 1,

1984, shall show the information specified in S5.3.1 and S5.3.2, and in the case of a vehicle equipped with a non-pneumatic spare tire, the information specified in S5.3.3, in the English language, lettered in block capitals and numerals not less than 2.4 millimeters high and in the format set forth following this section. This information shall appear either—

S5.3.2. *Rims.* The size designation and, if applicable, the type designation of Rims (not necessarily those on the vehicle) appropriate for those tires.

*Truck Example*

**SUITABLE TIRE-RIM CHOICE**

GVWR: 7,840 kilograms (17,280 pounds)

GAWR: Front—2,850 kilograms (6,280 pounds) with 7.50—20(D) tires, 20x6.00 rims at 520 kPa (75 psi) cold single

GAWR: Rear—4,990 kilograms (11,000 pounds) with 7.50—29(D) tires, 20x6.00 rims, at 450 kPa (65 psi) cold dual

GAWR: 13,280 kilograms (29,279 pounds)

GAWR: Front—4,826 kilograms (10,640 pounds) with 10.00—20(F) tires, 20x7.50 rims, at 620 kPa (90 psi) cold single

GAWR: Rear—8,454 kilograms (18,639 pounds) with 10.00—20(F) tires, 20x7.50 rims, at 550 kPa (80 psi) cold dual

*S7 Labeling Requirements for Non-Pneumatic Spare Tires or Tire Assemblies.*

Each non-pneumatic tire or, in the case of a non-pneumatic tire assembly in which the non-pneumatic tire is an integral part of the assembly, each non-pneumatic tire assembly shall include, in letters or numerals not less than 4 millimeters high, the information specified in paragraphs S7 (a) and (b). The information shall be permanently molded, stamped, or otherwise permanently marked into or onto the non-pneumatic tire or non-pneumatic tire assembly, or shall appear on a label that is permanently attached to the tire or tire assembly. If a label is used, it shall be subsurface printed, made of material that is resistant to fade, heat, moisture and abrasion, and attached in such a manner that it cannot be removed without destroying or defacing the label on the non-pneumatic tire or tire assembly. The information specified in paragraphs S7 (a) and (b) shall appear on both sides of the non-pneumatic tire or tire assembly, except, in the case of a non-pneumatic tire-assembly which has a particular side that must always face outward when mounted on a

vehicle, in which case the information specified in paragraphs S7 (a) and (b) shall only be required on the outward facing side. The information shall be positioned on the tire or tire assembly such that it is not placed on the tread or the outermost edge of the tire and is not obstructed by any portion of any non-pneumatic rim or wheel center member designated for use with that tire in this standard or in Standard No. 129.

(b) MAXIMUM 80 KM/H (50 M.P.H.).

S8.1 *Vehicle Placarding Requirements.* A placard, permanently affixed to the inside of the spare tire stowage area or equally accessible location adjacent to the non-pneumatic spare tire assembly, shall display the information set forth in S7 in block capitals and numerals not less than 6 millimeters high preceded by the words "IMPORTANT—USE OF SPARE TIRE" in letters not less than 9 millimeters high.

12. Section 571.124 is amended by revising S5 and revising S5.3 to read as follows:

**§ 571.124 Standard No. 124, Accelerator control systems.**

S5. *Requirements.* The vehicle shall meet the following requirements when the engine is running under any load condition, and at any ambient temperature between -40 degrees Celsius and +52 degrees Celsius after 12 hours of conditioning at any temperature within that range.

S5.3 (a) Except as provided in paragraph (b), maximum time to return to idle position shall be 1 second for vehicles of 4536 kilograms or less GVWR, and 2 seconds for vehicles of more than 4536 kilograms GVWR. (b) Maximum time to return to idle position shall be 3 seconds for any vehicle that is exposed to ambient air at -18 degrees Celsius to -40 degrees Celsius during the test or for any portion of the 12-hour conditioning period.

13. Section 571.126 is amended by revising in S4, the paragraph titled "Cargo weight rating"; revising in S5.1.1, the introductory paragraph and paragraph (d); and revising in S5.1.2, paragraphs (b) and (e), to read as follows:

**§ 571.126 Standard No. 126, Truck-camper loading.**

S4. \* \* \*

*Cargo weight rating* means the value specified by the manufacturer as the

cargo-carrying capacity, in pounds and kilograms, of a vehicle, exclusive of the weight of occupants in designated seating positions.

S5.1.1 *Labels.* Each slide-in camper shall have permanently affixed to it, in a manner that it cannot be removed without defacing or destroying it, in a plainly visible location on an exterior rear surface other than the roof, steps, or bumper extension, a label containing the following information in the English language lettered in block capitals and numerals not less than 2.4 millimeters high, or a color contrasting with the background, and in the order shown below and in the form illustrated in Figure 1.

(d) The following statement completed as appropriate:

"Camper weight is \_\_\_ Kgs. (\_\_\_ Lbs.) Maximum When it Contains Standard Equipment, \_\_\_ Liters (\_\_\_ Gal.) of Water, \_\_\_ Kgs. (\_\_\_ Lbs.) of Bottled Gas, and \_\_\_ Cubic Meters (\_\_\_ Ft.) Refrigerator (or Icebox with \_\_\_ Kgs. (\_\_\_ Lbs.) of Ice, as applicable). Consult Owner's Manual (or Data Sheet as applicable) for Weights of Additional or Optional Equipment."

"Liters and Gals. of water" refer to the volume of water necessary to fill the camper's fresh water tanks to capacity. "Kgs. and Lbs. of Bottled Gas" refer to the weight of the gas necessary to fill the camper's bottled gas tanks to capacity. The statement regarding a "Refrigerator" or "Icebox" refers to the capacity of the refrigerator with which the vehicle is equipped or the weight of the ice with which the icebox may be filled. Any of these items may be omitted from the statement, if the corresponding accessories are not included with the camper, provided that the omission is noted in the camper owner's manual as required in paragraph S5.1.2(a).

S5.1.2 \* \* \*

(b) A list of other additional or optional equipment that the camper is designed to carry, and the maximum weight of each if its weight is more than 9 kilograms when installed.

(e) A picture showing the location of the longitudinal center of gravity of the camper within an accuracy of 50 millimeters under the loaded condition specified in paragraph S5.1.1(d), in the manner illustrated in Figure 2. Until October 1, 1973, the phrase "Mount at Aft End of Truck Cargo Area" may be used in Figure 2 instead of "Point That Contacts Rear End of Truck Bed."

14. Section 571.126 would be amended by revising Figure 1 at the end of the introductory paragraph in S5.1.1 to read as follows:

MFD. BY: (CAMPER MANUFACTURER'S NAME)  
(MONTH AND YEAR OF MANUFACTURE)  
THIS CAMPER CONFORMS TO ALL APPLICABLE FEDERAL MOTOR VEHICLE SAFETY STANDARDS IN EFFECT ON THE DATE OF MANUFACTURE SHOWN ABOVE  
CAMPER WEIGHT IS \_\_\_ KG (\_\_\_ LBS.) MAXIMUM WHEN IT CONTAINS STANDARD EQUIPMENT, \_\_\_ LTRS. (\_\_\_ GAL.) OF WATER, \_\_\_ KG. (\_\_\_ LBS.) OF BOTTLED GAS, AND \_\_\_ CUBIC METERS (\_\_\_ CUBIC FT.) REFRIGERATOR (OR ICEBOX WITH \_\_\_ KG (\_\_\_ LBS.) OF ICE, AS APPLICABLE). CONSULT OWNER'S MANUAL (OR DATA SHEET AS APPLICABLE) FOR WEIGHTS OF ADDITIONAL OR OPTIONAL EQUIPMENT.  
(VEHICLE IDENTIFICATION NUMBER)

Figure 1. Label for Campers

15. In § 571.126, Figure 2 at S5.1.1, after the introductory paragraph, would be revised to read as follows:

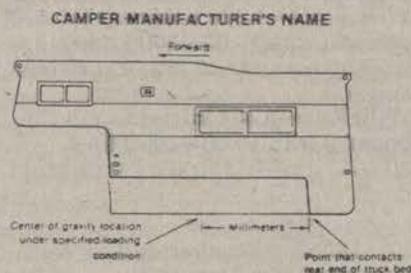


Figure 2.—Camper Center Of Gravity Information

16. Section 571.205 would be amended by revising in S5.1.1.2, paragraph (m); revising S5.1.1.5; revising in S5.1.2.2, paragraph (b); revising in S5.1.2.3, paragraph (b); revising in S5.1.2.9, paragraph (b); and revising in S5.1.2.10, paragraph (b), to read as follows:

§ 571.205 Standard No. 205, Glazing materials.

S5.1.1.2 \* \* \*

(m) For Item 5 safety glazing only: Motorcycle windscreens below the intersection of a horizontal plane 380 millimeters vertically above the lowest seating position.

S5.1.1.5 The phrase "readily removable" windows as defined in ANS Z26, for the purposes of this standard, in buses having a GVWR of more than 4536 kilograms, shall include pushout windows and windows mounted in emergency exits that can be manually

pushed out of their location in the vehicle without the use of tools, regardless of whether such windows remain hinged at one side to the vehicle.

S5.1.2.2 \* \* \*

(b) Motorcycle windscreens below the intersection of a horizontal plane 380 millimeters vertically above the lowest seating position.

S5.1.2.3 \* \* \*

(b) Motorcycle windscreens below the intersection of a horizontal plane 380 millimeters vertically above the lowest seating position.

S5.1.2.9 \* \* \*

(b) Glass-plastic specimens shall be exposed to an ambient air temperature of -40 degrees Celsius (plus or minus 5 degrees Celsius), for a period of 6 hours at the commencement of Test No. 28, rather than at the initial temperature specified in that test. After testing, the glass-plastic specimens shall show no evidence of cracking, clouding, delaminating, or other evidence of deterioration.

S5.1.2.10 \* \* \*

(b) Each manufacturer of glazing materials designed to meet the requirements of paragraphs S5.1.2.4, S5.1.2.5, S5.1.2.6, S5.1.2.7, or S5.1.2.8 may permanently and indelibly mark the lower center of each item of such glazing material, in letters not less than 4.5 millimeters nor more than 6 millimeters high, the following words: GLASS PLASTIC MATERIAL—SEE OWNER'S MANUAL FOR CARE INSTRUCTIONS.

17. Section 571.206 would be amended by revising S4.1.1.1; revising S4.1.1.2; revising S4.1.2; revising S4.2.1.1; revising S4.2.1.2; revising S4.2.2; revising S4.3; and revising S5.3, to read as follows:

§ 571.206 Standard No. 206, Door locks and door retention components.

S4.1.1.1 *Longitudinal Load.* The door latch and striker assembly, when in the fully latched position, shall not separate when a longitudinal load of 11,120 Newtons is applied. When in the secondary latch position, the door latch and striker assembly shall not separate when a longitudinal load of 4,450 Newtons is applied.

S4.1.1.2 *Transverse Load.* The door latch and striker assembly, when in the fully latched position, shall not separate when a transverse load of 8,900 Newtons is applied. When in the secondary latched position, the door

latch and striker assembly shall not separate when a transverse load of 4,450 Newtons is applied.

**S4.1.2. Door Hinges.** Each door hinge system shall support the door and shall not separate when a longitudinal load of 11,120 Newtons is applied. Similarly, each door hinge system shall not separate when a transverse load of 8,900 Newtons is applied.

**S4.2.1.1 Longitudinal Load.** Each latch system, when in the latched position, shall not separate when a longitudinal load of 11,120 Newtons is applied.

**S4.2.1.2 Transverse Load.** Each latch system, when in the latched position, shall not separate when a transverse load of 8,900 Newtons is applied. When more than one latch system is used on a single door, the load requirement may be divided among the total number of latch systems.

**S4.2.2 Door Hinges.** Each door hinge system shall support the door and shall not separate when a longitudinal load of 11,120 Newtons is applied, and when a transverse load of 8,900 Newtons is applied.

**S4.3 Sliding Doors.** The track and slide combination or other supporting means for each sliding door shall not separate when a total transverse load of 17,800 Newtons is applied, with the door in the closed position.

**S5.3 Sliding Doors.** Compliance with S4.3 shall be demonstrated by applying an outward transverse load of 8,900 Newtons to the load bearing members at the opposite edges of the door (17,800 Newtons total). The demonstration may be performed either in the vehicle or with the door retention components in a bench test fixture.

18. Section 571.207 would be amended by revising in S4.2, the introductory paragraph, paragraph (a), paragraph (b), and paragraph (d); revising S4.3.2.1; and revising S5.1.2, to read as follows:

§ 571.207 Standard No. 207, Seating systems.

**S4.2 General performance requirements.** When tested in accordance with S5., each occupant seat, other than a side-facing seat or a passenger seat on a bus, shall withstand the following forces, in Newtons.

(a) In any position to which it can be adjusted—20 times the weight of the seat in kilograms multiplied by 9.8 applied in a forward longitudinal direction;

(b) In any position to which it can be adjusted—20 times the weight of the seat applied in kilograms multiplied by 9.8 in a rearward longitudinal direction;

(d) In its rearmost position—a force that produces a 373 Newton meters moment about the seating reference point for each designated seating position that the seat provides, applied to the upper cross-member of the seat back or the upper seat back, in a rearward longitudinal direction for forward-facing seats and in a forward longitudinal direction for rearward-facing seats.

**S4.3.2.1 Static force.**

(a) Once engaged, the restraining device for a forward-facing seat shall not release or fail when a forward longitudinal force, in Newtons, equal to 20 times the weight of the hinged or folding portion of the seat in kilograms multiplied by 9.8 is applied through the center of gravity of that portion of the seat.

(b) Once engaged, the restraining device for a forward-facing seat shall not release or fail when a forward longitudinal force, in Newtons, equal to 8 times the weight of the hinged or folding portion of the seat in kilograms multiplied by 9.8 is applied through the center of gravity of that portion of the seat.

**S5.1.2** If the seat back and the seat bench are attached to the vehicle by different attachments, attach to each component a fixture capable of transmitting a force to that component. Apply forces, in Newtons, equal to 20 times the weight of the seat in kilograms multiplied by 9.8 horizontally through the center of gravity of the seat back, as shown in Figure 2 and apply forces, in Newtons, equal to 20 times the weight of the seat in kilograms multiplied by 9.8 horizontally through the center of gravity of the seat bench, as shown in Figure 3.

19. Section 571.212 would be amended by revising S3; revising S5; revising in S6.1, paragraph (b); and revising S6.5, to read as follows:

§ 571.212 Standard No. 212, Windshield mounting.

**S3. Application.** This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks, and buses having a gross vehicle weight rating of 4536 kilograms or less. However, it does not apply to forward control vehicles, walk-in van-type

vehicles, or to open-body type vehicles with fold-down or removable windshields.

**S5. Requirements.** When the vehicle travelling longitudinally forward at any speed up to and including 48 kilometers per hour impacts a fixed collision barrier that is perpendicular to the line of travel of the vehicle, under the conditions of S6, the windshield mounting of the vehicle shall retain not less than the minimum portion of the windshield periphery specified in S5.1 and S5.2.

**S6.1** (b) Except as specified in S6.2, a multipurpose passenger vehicle, truck or bus is loaded to its unloaded vehicle weight, plus 136 kilograms or its rated cargo and luggage capacity, whichever is less, secured to the vehicle, plus a 50th-percentile test dummy as specified in part 572 of this chapter at each from outboard designated seating position and at any other position whose protection system is required to be tested by a dummy under the provisions of Standard No. 208. Each dummy is restrained only by means that are installed for protection at its seating position. The load is distributed so that the weight on each axle as measured at the tire-ground interface is in proportion to its GAWR. If the weight on any axle when the vehicle is loaded to its unloaded vehicle weight plus dummy weight exceeds the axle's proportional share of the test weight, the remaining weight is placed so that the weight on that axle remains the same. For the purposes of this section, unloaded vehicle weight does not include the weight of work-performing accessories. Vehicles are tested to a maximum unloaded vehicle weight of 2,495 kilograms.

**S6.5** The windshield mounting material and all vehicle components in direct contact with the mounting material are at any temperature between -93 degrees Celsius and +43 degrees Celsius.

20. Section 571.216 would be amended by revising S3; revising S4; revising S5; revising in S6.2, paragraph (d); and revising S6.3 to read as follows:

§ 571.216 Standard No. 216, Roof crush resistance—passenger cars.

**S3. Application.** This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks and buses with a GVWR of 2722 kilograms or less. However, it does not apply to—

(a) School buses;

(b) Vehicles that conform to the rollover test requirements (S5.3) of Standard No. 208 (§ 571.208) by means that require no action by vehicle occupants; or

(c) Convertibles, except for optional compliance with the standard as an alternative to the rollover test requirements in S5.3 of Standard No. 208.

S4. *Requirements*—(a) *Passenger cars*. A test device as described in S5 shall not move more than 125 millimeters, measured in accordance with S6.4, when it is used to apply a force in Newtons equal to  $1\frac{1}{2}$  times the unloaded vehicle weight of the vehicle, measured in kilograms and multiplied by 9.8 or 22,240 Newtons, whichever is less, to either side of the forward edge of a vehicle's roof in accordance with the procedures of S6. Both the left and right front portions of the vehicle's roof structure shall be capable of meeting the requirements, but a particular vehicle need not meet further requirements after being tested at one location.

(b) *Multipurpose passenger vehicles, trucks and buses with a GVWR of 2,722 kilograms or less, manufactured on or after September 1, 1994*. For multipurpose passenger vehicles, trucks and buses with a GVWR of 2,722 kilograms or less, manufactured on or

after September 1, 1994, a test device as described in S5 shall not move more than 125 millimeters, measured in accordance with S6.4, when it is used to apply a force in Newtons equal to  $1\frac{1}{2}$  times the unloaded vehicle weight of the vehicle, measured in kilograms and multiplied by 9.8, to either side of the forward edge of a vehicle's roof in accordance with the procedures of S6. Both the left and right front portions of the vehicle's roof structure shall be capable of meeting the requirements, but a particular vehicle need not meet further requirements after being tested at one location.

S5. *Test device*. The test device is a rigid unyielding block with its lower surface formed as a flat rectangle 762 millimeters $\times$ 1829 millimeters.

\* \* \* \* \*

S6.2 \* \* \* \* \*  
(d) The initial contact point, or center of the initial contact area, is on the longitudinal centerline of the lower surface of the test device and 254 millimeters from the forwardmost point of that centerline.

6.3 (a) *Passenger cars*. Apply force in a downward direction perpendicular to the lower surface of the test device at a rate of not more than 13 millimeters per second until reaching a force in Newtons of  $1\frac{1}{2}$  times the unloaded

vehicle weight of the tested vehicle, measured in kilograms and multiplied by 9.8 or 22,240 Newtons, whichever is less. Complete the test within 120 seconds. Guide the test device so that throughout the test it moves, without rotation, in a straight line with its lower surface oriented as specified in S6.2(a) through S6.2(d).

(b) *Multipurpose passenger vehicles, trucks and buses with a GVWR of 2,722 kilograms or less, manufactured on or after September 1, 1994*. For multipurpose passenger vehicles, trucks and buses with a GVWR of 2,722 kilograms or less, manufactured on or after September 1, 1994, apply force in a downward direction perpendicular to the lower surface of the test device at a rate of not more than 13 millimeters per second until reaching a force in Newtons of  $1\frac{1}{2}$  times the unloaded vehicle weight of the tested vehicle, measured in kilograms and multiplied by 9.8. Complete the test within 120 seconds. Guide the test device so that throughout the test it moves, without rotation, in a straight line with its lower surface oriented as specified in S6.2(a) through S6.2(d).

\* \* \* \* \*

21. Section 571.216, would be amended by revising Figure 1 at the end of the S6.4 to read as follows:

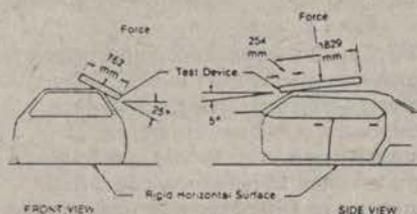


Figure 1.—Test Device Location And Application To The Roof

Issued on: March 4, 1994.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 94-5486 Filed 3-14-94; 8:45 am]

BILLING CODE 4910-59-M

## Notices

Federal Register

Vol. 59, No. 50

Tuesday, March 15, 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

#### Rural Electrification Administration

#### Tri-State Generation and Transmission Association, Inc., Intent To Hold Public Workshops and Prepare an Environmental Assessment and/or an Environmental Impact Statement

**AGENCY:** Rural Electrification Administration, USDA.

**ACTION:** Notice of intent to conduct public scoping workshops and prepare an Environmental Assessment.

**SUMMARY:** The Rural Electrification Administration (REA) intends to hold public scoping workshops and prepare an Environmental Assessment (EA) in connection with possible REA financing assistance relating to a project proposed by Tri-State Generation and Transmission Association, Inc., (Tri-State) of Denver, Colorado. The project consists of the construction and operation of a 230 kV transmission line from the Comanche Generation Station located in Pueblo County, Colorado, to the Walsenburg Substation in Huerfano County, Colorado.

**DATES:** REA will conduct two public scoping workshops as follows:

April 13, 1994, 4-8 p.m.—Sangre De Cristo Arts and Conference Center, Board Room, 210 N. Sante Fe Avenue, Pueblo, Colorado 81003

April 14, 1994, 4-8 p.m.—City Hall Complex, City Council Chambers, 525 S. Albert Street, Walsenburg, Colorado 81089.

**FOR FURTHER INFORMATION CONTACT:**

Lawrence R. Wolfe, Chief, Environmental Compliance Branch, Electric Staff Division, Rural Electrification Administration, South Agriculture Building, Washington, DC 20250, telephone (202) 720-1784, or Mr. Karl Myers, Tri-State Generation and Transmission Association, Inc., P.O. Box 33695, Denver, Colorado 80233, telephone (303) 452-6111.

**SUPPLEMENTARY INFORMATION:** Tri-State is proposing to construct approximately 50 miles of 230 kV transmission line from the Comanche Generation Station in Pueblo County, Colorado, to the Walsenburg Substation in Huerfano County, Colorado.

Alternatives to be considered by REA include no action, demand side management, local generation, system alternatives, transmission alternatives and alternative routes.

Comments regarding the proposed project may be submitted orally or in writing at the public scoping workshops or in writing within 30 days after the April 14, 1994, workshop to REA or Tri-State at the addresses provided in this notice.

Tri-State and its consultant have prepared an Alternative Evaluation and Macro-Corridor Study for the project. The Alternative Evaluation and Macro-Corridor Study is available for public review at REA or Tri-State at the addresses provided in this notice. The documents can also be reviewed at San Isabel Electric Association, Inc., 893 East Enterprise Drive, Pueblo, Colorado 81002-0892.

Based on the Alternative Evaluation and Macro-Corridor Study, input from interested local, state, and Federal agencies, and the public, Tri-State will prepare an Environmental Analysis to be submitted to REA for review. If significant effects are not evident based on a review of the Environmental Analysis and other relevant information, REA will prepare an Environmental Assessment to determine if the preparation of an Environmental Impact Statement (EIS) is warranted.

Should REA determine that the preparation of an EIS is not warranted, it will prepare a Finding of No Significant Impact (FONSI). The FONSI will be made available for public review and comment for 30 days. REA will not take its final action related to the project prior to the expiration of the 30-day period.

Any final action by REA related to the proposed project will be subject to, and contingent upon, compliance with all relevant Federal environmental laws and regulations and completion of environmental review procedures as prescribed by the Council on Environmental Quality Regulations and REA Environmental Policies and Procedures.

Dated: March 9, 1994.

Wally Beyer,  
Administrator.

[FR Doc. 94-5980 Filed 3-14-94; 8:45 am]

BILLING CODE 3410-15-P

### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

[Docket No. 9401154105]

#### Monitor National Marine Sanctuary; Special Use Permit

**AGENCIES:** Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of intent to issue a special use permit; request for applications for special use permit.

**SUMMARY:** This is a public notice of intent to issue, and a request for applications for a special use permit to conduct non-research diving at the Monitor National Marine Sanctuary (MNMS). Public comments are invited. Since 1975, NOAA has protected and preserved the wreck of the USS Monitor as a significant historical resource by restricting physical access except for research expeditions. NOAA recognizes that changes in dive technology and experience in the dive community have resulted in a growing public interest to dive at this site. Thus, NOAA intends to issue, on a trial basis, a special use permit to a qualified dive concessionaire, selected competitively, for non-intrusive dives at this site over a period of 2 weeks during the 1994 season. Because any touching of the monitor or its debris field will be prohibited, NOAA expects that no disruption or harm will occur at the site from dive activities. NOAA will review this trial activity, evaluate impacts to the Monitor, if any, and assess whether to issue subsequent special use permits.

**DATES:** Applications must be submitted no later than April 14, 1994. Public comments must be received by April 14, 1994. Applicants will be notified as to the disposition of their applications by May 16, 1994.

**ADDRESSES:** All applications for a special use permit and comments on

this notice must be sent to: John Broadwater, Manager, Monitor National Marine Sanctuary, NOAA/Bldg 1519, Fort Eustis, VA 23604. Fax: (804) 878-4619.

**FOR FURTHER INFORMATION CONTACT:** John Broadwater, Manager, Monitor National Sanctuary, (804) 878-2973, or Helen Golde, Sanctuaries and reserves Division, (301) 713-3145.

**SUPPLEMENTARY INFORMATION:**

**I. Authority**

This notice and request for applications is issued under the authority of the National Marine Sanctuaries Act (NMSA), 16 U.S.C. 1431 *et seq.*, as amended.

**II. Background**

The USS Monitor was the first American ironclad and is therefore of cultural significance to the transition from wood to metal vessels, as well as for its historic battle against the CSS Virginia (Merrimack). The Monitor was lost during a storm off Cape Hatteras, NC, on December 31, 1862. The wreck of the Monitor was located in 1973, 16.1 miles (29.8 km) south-southeast of Cape Hatteras, resting in 230 feet (70.1 m) of water. The Monitor and the water column 1 nautical mile in diameter centered on the vessel were designated as the first National Marine Sanctuary in 1975, in order to protect and preserve the Monitor from commercial salvors and souvenir collectors. The Monitor has also been designated as a National Historic Landmark.

The regulations governing the NMNS are found at 15 CFR part 924. The MNMS is the most strictly regulated sanctuary regarding public access and is the only sanctuary where diving without a sanctuary permit is prohibited, primarily because it is also an archaeological research site. Alteration of the seabed risks harm of contextual information. Thus, non-research access has previously not been permitted because of the threat of harm or unauthorized removal of Monitor artifacts and the archaeological information contained by the vessel and the surrounding seabed. Private research expeditions on the Monitor have been permitted annually since 1989. Research permits have allowed access to the MNMS while including conditions to prevent harm to the Monitor and associated artifacts. NOAA recognizes that non-research access may be conducted in a similar fashion.

**III. Special Use Permit**

NOAA plans to issue special use permit pursuant to section 310 of the

NMSA, 16 U.S.C. 1441, for public access to the Monitor. Activities conducted pursuant to the special use permit will be limited to non-intrusive, non-destructive access, observation and photography of the Monitor, and must be consistent to the highest practicable degree with the preservation and conservation of the MNMS. Touching or disturbing the Monitor or its associated debris field will be prohibited.

A qualified applicant will be selected on a competitive basis and allowed to bring qualified divers to the Monitor during a 2 week period during the 1994 summer dive season. This 2 week period will be at the convenience of the permittee, except for any conflicts with research activities permitted and scheduled before the issuance of the applicant's permit. The permittee will be authorized to conduct one trip by one vessel to the MNMS per day, during which daylight-only dive activities may be conducted. The permittee will be responsible for ensuring that all divers are appropriately qualified and for ensuring the safety of all divers.

The following conditions will be imposed by the permit:

1. The permittee shall use only vessels and vessel captains that meet all applicable U.S. Coast Guard (USCG) certification and license requirements and that are appropriately certified and licensed;

2. The permittee shall not anchor in the sanctuary. The permittee shall utilize the permanent mooring at the Monitor site for a diver descent/ascent line when conducting dive activities. The permittee may secure a surface float or small inflatable boat to the mooring line, but at no time may the trip vessel be secured to the permanent mooring, as the mooring capacity is not adequate;

3. The permittee shall ensure activities conducted in the MNMS pursuant to the special use permit are limited to non-intrusive, non-destructive access, observation and photography of the Monitor. The permittee shall ensure that all divers maintain neutral buoyancy, do not penetrate the wreck, and do not touch, otherwise contact, disturb, attempt to recover, or recover any portion of the Monitor, its associated debris field, or any artifact which may be found;

4. The permittee shall document all activities conducted pursuant to the special use permit through the use of videotape and/or still photography, and written records. The permittee shall submit a report on all activities and copies of all photographs and videotapes taken of the activities;

5. Upon request of the Sanctuary Manager, the permittee shall carry an

individual designated by the Sanctuary Manager as an observer on board the permittee's vessel during trips to and from the MNMS and when the vessel is in the MNMS for the purpose of observing, monitoring, and documenting the activities conducted pursuant to the special use permit. The permittee shall allow the observer free and unobstructed access to all portions of the vessel at any time, and facilitate observation and documentation by the observer of all activities conducted pursuant to the special use permit. The permittee shall provide the observer all reasonable assistance to enable the observer to carry out his/her duties. (Other requirements of the permittee with respect to the observer such as advance notification of trip dates and departure times and responsibilities regarding boarding and debarking will appear in the actual permit conditions.)

6. The permittee shall purchase and maintain a comprehensive general liability insurance policy in an amount to be negotiated upon selection of an applicant, but not less than \$100,000 plus the value of any vessel used under the special use permit. The policy shall insure against any claims that may arise from the activities conducted pursuant to the special use permit, including diver accidents and damage to the Monitor. A copy of such policy must be furnished to NOAA before conducting any activity authorized by the special use permit; and

7. Before conducting any activity under the special use permit, the permittee and all divers shall sign and furnish NOAA with a hold harmless and indemnification agreement, provided by NOAA, releasing and holding the United States harmless for any claim arising from the conduct of any activity under the special use permit and assuming the risk of harm from any such activity.

The NMSA authorizes NOAA to assess fees for the costs incurred, or expected to be incurred from monitoring the permitted dive activities, and the cost of the review and processing of the special use permit, and a fair market value of the use and a reasonable return to the United States. NOAA will assess a fee for the special use permit issued pursuant to this notice. The fee will include (1) the cost of reviewing and processing the application, i.e., personnel hours, copying and other overhead; (2) the cost of monitoring the activity, i.e., personnel hours, equipment costs and travel expenses; and (3) the fair market value of the use of the Sanctuary which NOAA will determine prior to issuing the special use permit. In determining the fair

market value, NOAA will consider the amounts proposed in applicant submissions and comments received in response to this notice.

#### A. Application Process

All applications should be submitted to Mr. John Broadwater, Manager at the address indicated in the ADDRESS section. Applications must be submitted no later than April 14, 1994. Applicants will be notified as to the disposition of their applications by May 16, 1994.

#### B. Application Format and Contents

All applications must be typed double spaced. All applications must describe in detail the methodologies that would be employed to conduct dive activities at the site, including, but not limited to, the number of trips, the number of divers per trip, the minimum qualifications each diver would have to meet, the dive plan, and the diver safety contingency plans in the event of an accident. In addition, each application must describe the experience of the applicant in organizing and running dive expeditions, including information on expeditions involving diving of this type, including the number of divers, the depth of the dives, the time of year, and environmental conditions. The application must include information showing that the applicant has the financial capability to organize and run the activity to be conducted under the special use permit and to obtain the required insurance. The application must include the applicant's plans for documenting all activities conducted pursuant to the special use permit. Finally, the application must contain a dollar amount representing the fair market value of the use of the MNMS or a reasonable return to the United States that the applicant is willing to pay to be permitted to conduct a dive concession at the site.

#### C. Application Review and Evaluation

All applications will be reviewed by the Sanctuaries and Reserves Division (SRD). This will include the Sanctuary Manager, the technical projects staff and the regional management staff. Outside peer reviewers may also be used.

In selecting the permittee, SRD shall consider: (1) The experience of the applicant for organizing and running dive expeditions involving diving of this type; (2) the applicant's financial capability; (3) the likelihood that the permittee will be able to fully comply with all permit conditions; (4) the fair market value or reasonable return offered by the applicant; and (5) such other factors as the SRD deems appropriate, based on review of

submitted comments and information, consistent with the purposes of the NMSA.

SRD may solicit additional information from any applicant, or written clarification of an application, and may extend the solicitation period at its discretion. SRD may choose to reject all applications received at any time, re-request, or cancel this request at its discretion when in the best interest of preserving and conserving the MNMS. Any information made available to any applicant by SRD will be made available to all applicants, and will be available to the public upon request.

Once an applicant is selected, SRD shall draft and issue a special use permit incorporating as conditions the terms of this notice and the application. SRD may include additional conditions if necessary to protect the MNMS. The special use permit and application shall be subject to review by the State Historic Preservation Officer and Advisory Council on Historic Preservation pursuant to section 106 of the National Historic Preservation Act (NHPA).

NOAA considers diving to the depths of the Monitor (230 ft; 70.1 km) to be extremely hazardous. All dive activities conducted pursuant to the special use permit are at the permittee's and each diver's own risk. The permittee is solely responsible for setting the minimum technical requirements and experience for a diver to participate in dives at the site. Further, the permittee is solely responsible for the adequacy and implementation of all diver safety requirements and the contingency plan for diver emergencies.

#### IV. Request for Comments

NOAA requests comments and suggestions from applicants and other interested parties on methods to conduct safe dive activities at the Monitor site, conditions for the special use permit, methods to safeguard the wreck, and any other relevant information pertaining to the activities proposed to be permitted at the MNMS.

NOAA specifically requests comments on what the fair market value of the use of the MNMS or a reasonable return to the United States should be, or what factors should be considered in its determination of such fee.

#### V. Classification

This notice is not subject to review under E.O. 12866.

Prior notice and an opportunity for public comment, although voluntarily here given, are not required by the Administrative Procedure Act or any other law because this notice concerns

grants, benefits and contracts. Therefore, preparation of a Regulatory Flexibility Analysis is not required.

This action is categorically excluded from the requirements to prepare an Environmental Assessment by NOAA Directive 02-10.

This notice does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

Dated: March 1, 1994.

W. Stanley Wilson,

Assistant Administrator, Ocean Services and Coastal Zone Management.

[FR Doc. 94-5943 Filed 3-14-94; 8:45 am]

BILLING CODE 3510-08-M

## COMMISSION OF FINE ARTS

### Meeting

The Commission of Fine Arts' next public meeting is scheduled for 17 March 1994 at 10 a.m. in the Commission's offices in the Pension Building, Suite 312, Judiciary Square, 441 F Street NW., Washington, DC 20001 to discuss various projects affecting the appearance of Washington, DC, including buildings, memorials, parks, etc.; also matters of design referred by other agencies of the government.

At the request of the U.S. Mint, the Commission will also hold an executive session at 9 a.m., prior to the public meeting, to review designs for the 1995/1996 Olympic Centennial Games Commemorative Coins.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call the above number.

Dated in Washington, DC, March 8, 1994.

Charles H. Atherton,

Secretary.

[FR Doc. 94-5932 Filed 3-14-94; 8:45 am]

BILLING CODE 6330-01-M

## DEPARTMENT OF DEFENSE

### Public Information Collection Requirement Submitted to the Office of Management and Budget (OMB) for Review

#### ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C., chapter 35).

**Title and Applicable Form:** Accident Report; Air Force Form 1315.

**Type of Request:** Existing collection in use without an OMB control number.

**Number of Respondents:** 20,000.

**Responses Per Respondent:** 1.

**Annual Responses:** 20,000.

**Average Burden Per Response:** 15 minutes.

**Annual Burden Hours:** 5,000.

**Needs and Uses:** The Air Force Form 1315 is used to record investigative data relating to vehicle accidents which result in injury, property damage exceeding \$10,000, or disabling vehicle damage on military installations.

Portions of this form may be filled out by members of the public; i.e., retiree dependents, civilian contractors, businesses, and State and Government representatives.

**Affected Public:** Individuals or households; State and local governments; Federal agencies or employees; Small businesses or organizations.

**Frequency:** On occasion.

**Respondent's Obligation:** Mandatory.

**OMB Desk Officer:** Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 3235, New Executive Office Building, Washington, DC 20503.

**DOD Clearance Officer:** Mr. William P. Pearce. Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, VA 22202-4302.

Dated: March 10, 1994.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 94-5976 Filed 3-14-94; 8:45 am]

BILLING CODE 5000-04-M

#### Public Information Collection Requirement Submitted to the Office of Management and Budget (OMB) for Review

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

**Title, Applicable Form, and OMB Control Number:** Air Force Academy Candidate Activities Record; USAFA Form 147; OMB No. 0701-0063.

**Type of Request:** Revision.

**Number of Respondents:** 9,000.

**Responses Per Respondent:** 1.

**Annual Responses:** 9,000.

**Average Burden Per Response:** 45 minutes.

**Annual Burden Hours:** 6,750.

**Needs and Uses:** The Air Force Academy Form 147 is used to collect data on Air Force Academy candidates' athletic, non-athletic, and extracurricular activities. The information collected hereby is used in determining eligibility and in the selection process of appointees to the Air Force Academy.

**Affected Public:** Individuals or households.

**Frequency:** On occasion.

**Respondent's Obligation:** Required to obtain or retain a benefit.

**OMB Desk Officer:** Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, room 3235, New Executive Office Building, Washington, DC 20503.

**DOD Clearance Officer:** Mr. William P. Pearce.

Written requests for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, VA 22202-4302.

Dated: March 10, 1994.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 94-5977 Filed 3-14-94; 8:45 am]

BILLING CODE 5000-04-M

#### Department of the Army

##### Open Meeting, U.S. Army Command and General Staff College (CGSC) Advisory Committee

**AGENCY:** U.S. Army Command and General Staff College (CGSC), DOD.

**ACTION:** Notice of open meeting.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

**Name:** U.S. Army Command and General Staff College (CGSC) Advisory Committee.

**Date:** 20-22 April 1994.

**Place:** Bell Hall, Room 113, Fort Leavenworth, Kansas 66027-6900.

**Time:** 1700-2200—20 April 1994; 0730-2100—21 April 1994; 0730-1400—22 April 1994.

**Proposed Agenda:** 1700-2200, 20 April: Review of CGSC education

program; 0730-2100, 21 April: Continuation of review; 0730-1030, 22 April: Continuation of review; 1030-1130, 22 April: Executive Session; 1300-1400, 22 April: Report to Commandant.

The purpose of the meeting is for the Advisory Committee to examine the entire range of college operations and, where appropriate, to provide advice and recommendations to the College Commandant and facility.

The meeting will be open to the public to the extent that space limitations of the meeting location permit. Because of these limitations, interested parties are requested to reserve space by contacting the Committee's Executive Secretary: Philip J. Brookes, USACGSC Advisory Committee, Bell Hall, room 123, Fort Leavenworth, Kansas 66027-6900; Phone (913) 684-2741.

**Kenneth L. Denton,**

*Army Federal Register Liaison Officer.*

[FR Doc. 94-5913 Filed 3-14-94; 8:45 am]

BILLING CODE 3710-08-M

#### CONUS Automated Rate System (CARTS)—Proposed Changes

**AGENCY:** Military Traffic Management Command, DOD.

**ACTION:** Proposed procedure change.

**SUMMARY:** The Military Traffic Management Command (MTMC) is proposing use of Electronic Data Interchange (EDI) as the method for carriers to submit interstate household goods carrier rates for the CONUS Automated Rate System (CARTS). This system is the method by which interstate household goods rates are submitted for Department of Defense (DOD)-sponsored interstate household goods shipments. This proposed change is not a part of the interstate test developed as a result of the General Accounting Office (GAO/NSIAD-90-50) report and announced by MTMC previously in the Federal Register on 29 June 1992, 57 FR 28842).

**DATES:** Comments must be received on or before May 16, 1994.

**ADDRESSES:** Comments should be mailed to Headquarters, Military Traffic Management Command, ATTN: MMTOP-T-NI, room 621, 5611 Columbia Pike, Falls Church, VA 22041-5050.

**FOR FURTHER INFORMATION CONTACT:** Ms. Janet Nemier, MTOP-T-NI, (703) 756-1190.

**SUPPLEMENTARY INFORMATION:** MTMC's intention to institute an EDI program for acquisition of carrier rates is in

furtherance of the following policy and directives:

- a. Department of the Secretary of Defense Policy Memorandum directing use of American National Standards Institute EDI standards, dated May 1988.
- b. 41 Code of Federal Regulations, section 101-41-007, permitting use of EDI to document and pay transportation bills, April 1989.
- c. Defense Management Review Decision 941 directing use of EDI standards, dated November 1993.

MTMC proposes the use of EDI to receive, return, file, and use rates submitted by household goods carriers.

The meetings listed below were held to discuss use of EDI for billing and rate filing purposes. The household goods carrier industry was invited to attend these meetings and was briefed on MTMC's desire to convert from a magnetic tape media for rate submissions to an EDI process.

a. DOD/Industry EDI Personal Property Working Group meetings on June 14, 1991, and January 29-31, at Bethesda, Maryland

b. DOD/Industry EDI Personal Property Working Group meeting on March 23-25, 1992, at Indianapolis, Indiana.

Under this proposed change to CARTS, carriers will be able to electronically file their rates on a daily basis during filing windows and will be electronically notified by the next business day of the results, i.e., total rates received and rates rejected with a rejection error code. For the initial filing (I/F) window, carriers will have a 3-week period in which they can add, delete, or change rates on a daily basis. Upon completion of the I/F window, MTMC will notify all interested parties via an electronic bulletin board of all rate levels filed by traffic channel, including which carrier established the rate. If two or more carriers establish this rate level, each carrier will be shown. MTMC will continue to verify all carriers filing rates in the I/F window have a letter of intent on file at each applicable installation. There will be approximately a 4-week period between the I/F and me-too (M/T) windows to allow carriers an opportunity to determine their M/T rates. During the M/T window, carriers will have a 2-week period in which they can either add or change M/T rates on a daily basis. There will be four 1-week long letter of intent/cancellation (L/C) windows during each 6-month rate cycle for newly approved carriers at a personal property shipping office to file rates and other carriers to cancel existing rates.

The purpose of this proposed change is to convert the rate filing process from a magnetic tape media to electronic submission. Initially, MTMC will accept electronic rate submissions in the existing proprietary format using electronic mail capabilities or in the public standard format of ANSI X.12 Transportation Services Tender Transaction Set 602 using EDI technology. However, MTMC plans to transition over the next 18 months of ANSI X.12 602 public standard format as the sole method for submission of interstate household goods rates.

It is anticipated that many automated data processing (ADP) firms currently filing magnetic tapes on behalf of carriers will continue to provide rate filing services under the electronic submission requirement. Carriers that elect to use the services of these ADP firms will only have to notify MTMC, in writing, of the firm representing them.

For interested parties who wish to file rates using EDI procedures, the first step will be to obtain the services of a Value Added Network (VAN) for either X.25 protocol for the EDI 602 format or X.400 protocol for the electronic mail proprietary format. The VAN will be the conduit for exchanging rate submissions with MTMC. The next step will be to complete a Trading Partner Agreement and submit it to MTMC. A trading Partner Agreement provides the terms and conditions governing the exchange of administrative information between carriers and MTMC, and legally binds both parties to those terms. The final step will be to complete three successful transmissions of rates without a communications or technical error.

All interstate household goods rates will be filed via electronic submission for the Domestic Summer 1995 (DS95) cycle, rates effective May 1, 1995. It is anticipated that the I/F window will be in early January 1995 for a 3-week period. Magnetic tapes will no longer be accepted.

DOD-approved interstate household goods carriers and current ADP rate tape filers will be provided instructions on filing electronic rate submissions after comments received, as a result of this **Federal Register** notice, have been reviewed. Instructions for filing rates electronically will also be provided on the AT&T Bulletin Board. The instructions for filing electronic interstate household goods rates will include procedures for filing a Trading partner Agreement, and procedures for testing transmission rates, along with

MTMC points of contract for these procedures.

**Kenneth L. Denton,**

*Army Federal Register Liaison Officer.*

[FR Doc. 94-5912 Filed 3-14-94; 8:45 am]

BILLING CODE 3710-08-M

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## DEPARTMENT OF ENERGY

### Financial Assistance Award Intent To Award a Grant to National Coal Association

**AGENCY:** U.S. Department of Energy.

**ACTION:** Notice of noncompetitive financial assistance award.

**SUMMARY:** The Department of Energy announces that pursuant to 10 CFR 600.6(a)(5), it is making a discretionary financial assistance award, based on the criteria set forth at 10 CFR 600.7(b)(2)(i)(B), to the National Coal Association, under Grant Number DE-FG01-94FE63243. Performance under the proposed grant will be utilized to prepare a report on the many areas of modern coal technology. The Department of Energy will provide an estimated \$75,000 of the proposed \$135,000 budget to perform the literary searches, data collection and the report preparation.

**SCOPE:** The Department of Energy has determined in accordance with 10 CFR 600.7(b)(2)(i)(B) that a noncompetitive award based on the application submitted by the National Coal Association is in the public interest. This grant will bring together, in a single report, the many areas of modern coal technologies and technological innovations including: exploration, mining, coal cleaning, preparation, reclamation, environmental protection, transportation and combustion. The anticipated period of performance for this grant is nine months from the effective date of award.

**FOR FURTHER INFORMATION CONTACT:**

U.S. Department of Energy, Office of Placement and Administration, Attn: Stanley T. Colt, HR-531.21, 1000 Independence Avenue SW., Washington, DC 20585.

**Arnold A. Gjerstad,**

*Acting Director, Headquarters Operations Division "B" Office of Placement and Administration.*

[FR Doc. 94-5989 Filed 3-14-94; 8:45 am]

BILLING CODE 6450-01-M

**Morgantown Energy Technology Center Financial Assistance Award; Grant**

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice of noncompetitive financial assistance award.

**SUMMARY:** Based upon a determination made pursuant to 10 CFR 600.7(b)(2)(i) Criteria (B), the DOE, Morgantown Energy Technology Center (METC) gives notice of its plan to award a Grant to the Texas A&M University-Kingsville of Texas, Department of Chemical and Natural Gas Engineering, Campus Box 193, Kingsville, TX 78363, in the amount of approximately \$155,000, including cost-sharing of \$30,000, and will be comprised of two (2), twelve (12) month budget periods.

**FOR FURTHER INFORMATION CONTACT:** Beverly J. Harness, I-07, U.S. Department of Energy, Morgantown Energy Technology Center, P.O. Box 880, Morgantown, West Virginia 26507-0880, Telephone: (304) 291-4089, Procurement Request No. 21-94MC31162.000.

**SUPPLEMENTARY INFORMATION:** The pending award is based on an unsolicited application for work being or would be conducted by the applicant using its own resources or those donated or provided by third parties; however, DOE support of that activity would enhance the public benefits to be derived and DOE knows of no other entity which is conducting or is planning to conduct such and activity. The Grant award is to provide financial assistance to the university to advance the technology and improve the economics of the commercial iron-based chelate processes such as LO-CAT and Sulferox processes utilizing biologically enhanced reoxidation of the redox solutions used in these processes. By providing financial support, the public benefits of the proposed natural gas processing technology are the potential of increased capacity, increased efficiency, and reduced equipment size in natural gas processing. If technology is successful, it is expected that the U.S. shall have more natural gas available by expanding the resource base from which natural gas can be economically recovered and by reducing the cost for processing, thereby, yielding a substitute for imported oil and in helping to stabilize our energy supply.

Issued in Washington, DC, March 7, 1994.  
Louie L. Calaway,  
Director, Acquisition and Assistance Division,  
Morgantown Energy Technology Center.  
[FR Doc. 94-5988 Filed 3-14-94; 8:45 am]  
BILLING CODE 6454-01-M

**Federal Energy Regulatory Commission**

[Docket No. RP92-237-011]

**Alabama-Tennessee Natural Gas Co.; Proposed Changes in FERC Gas Tariff**

March 9, 1994.

Take notice that on March 2, 1994, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Fourth Revised Sheet No. 4, in order to conform its tariff with the settlement approved by the Commission in its letter order issued on December 30, 1993 in this proceeding. Alabama-Tennessee proposes that the tariff sheet be made effective as of October 1, 1993.

Alabama-Tennessee has requested such waiver of the Commission's regulations as may be necessary to accept and approve its filing as proposed.

Alabama-Tennessee states that copies of its filing were served upon the Alabama-Tennessee's jurisdictional customers and interested public bodies as well as all the parties shown on the Commission's official service list established in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before March 16, 1994. 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. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,  
Acting Secretary.  
[FR Doc. 94-5956 Filed 3-14-94; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. RP94-115-002]

**Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff**

March 9, 1994.

Take notice that on March 2, 1994, Algonquin Gas Transmission Company

(Algonquin), tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets:

Second Revised Sheet No. 98  
Second Revised Sheet No. 705

The proposed effective date of the tariff sheets is February 1, 1994.

Algonquin states that the purpose of this filing is to comply with the Letter Order issued in this docket on February 18, 1994, concerning the flowthrough of upstream Account No. 858 transition costs.

Algonquin states that copies of this filing were served upon each affected party and interested state commissions and parties on the service list in Docket No. RP94-115-000.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.211. All such protests should be filed on or before March 16, 1994. 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. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Linwood A. Watson, Jr.,  
Acting Secretary.  
[FR Doc. 94-5955 Filed 3-14-94; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. PR94-7-000]

**Associated Louisiana Intrastate Pipe Line Company; Petition for Rate Approval**

March 9, 1994.

Take notice that on February 28, 1994, Associated Louisiana Intrastate Pipe Line Company (ALIP) filed pursuant to § 284.123(b)(2) of the Commission's regulations, a petition for rate approval requesting that the Commission approve as fair and equitable a rate of \$0.2109 per MMBtu, plus 0.5% of in-kind fuel reimbursement, for transportation services performed under section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA).

ALIP states that it is an intrastate pipeline within the meaning of section 2(16) of the NGPA and it owns and operates an intrastate pipeline system in the State of Louisiana. ALIP states that it purchased the 42-mile "Minden-Terryville" lateral from Gulf States Pipeline Company, an intrastate pipeline, effective March 1, 1994. This lateral comprises the facilities for which

transportation rates are at issue in this docket. ALIP proposes an effective date of March 1, 1994.

Pursuant to § 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the rate will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for similar transportation service. The Commission may, prior to the expiration of the 150-day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data, and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedures. All motions must be filed with the Secretary of the Commission on or before March 24, 1994. The petition for rate approval is on file with the Commission and is available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 94-5962 Filed 3-14-94; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-161-018]

#### Columbia Gas Transmission Corp.; Report of Refund

March 9, 1994.

Take notice that on November 23, 1993, Columbia Gas Transmission Corporation (Columbia) tendered for filing with the Federal Energy Regulatory Commission (Commission) to Refund Report of \$146,272,178.43 in refunds Columbia made to certain jurisdictional sales and transportation customers on October 25, 1993, for the period December 1, 1991 through September 30, 1993. Columbia states that the refunds are in accordance with Article I, Section E of the Joint Offer of Settlement (Settlement) that it and Columbia Gulf Transmission Company submitted to the Commission on November 9, 1992. On April 2, 1993, and September 29, 1993, the Commission issued orders in Docket No. RP91-161, *et al.*, approving the Settlement. Columbia states that the refunds including interest computed in accordance with § 154.67(c)(2) of the Commission's regulations.

Additionally, Columbia states a rate adjustment is included in this refund for interruptible transportation customers who used this service during May and June 1993 business months. Columbia states that the winter period instead of

summer period TCRA component of the ITS rate was billed due to a typographical error on an accepted tariff sheet. Columbia states that the corrected ITS rate has been used in determining refunds for these two months, thus correcting this error.

Columbia states that a copy of the detail of each customer's refund calculation has been mailed to each respective customer and a copy of the Refund Report to interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before March 16, 1994. 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. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 94-5953 Filed 3-14-94; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-160-015]

#### Columbia Gulf Transmission Co.; Report of Refund

March 9, 1994.

Take notice that on November 23, 1993, Columbia Gulf Transmission Company (Columbia) tendered for filing with the Federal Energy Regulatory Commission (Commission) a Refund Report of \$16,990,440.84 in refunds Columbia made to certain jurisdictional transportation customers on October 25, 1993, for the period December 1, 1991 through September 30, 1993. Columbia states that the refunds are in accordance with Article I, Section E of the Joint Offer of Settlement (Settlement) that it and Columbia Gas Transmission Corporation submitted to the Commission on November 9, 1992. On April 2, 1993, and September 29, 1993, the Commission issued orders in Docket No. RP91-160 *et al.*, approving the Settlement. Columbia states that the refunds including interest computed in accordance with § 154.67(c)(2) of the Commission's regulations.

Columbia states that a copy of the detail of each customer's refund calculation has been mailed to each respective customer and a copy of the

Refund Report to interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before March 16, 1994. 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. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 94-5952 Filed 3-14-94; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP93-187-006]

#### Equitrans, Inc.; Proposed Changes in FERC Gas Tariff

March 9, 1994.

Take notice that on March 1, 1994, Equitrans, Inc. (Equitrans) filed a motion to place its suspended rates in this proceeding into effect on March 1, 1994, and it tendered for filing revised tariff sheets to its FERC Gas Tariff listed in Appendices A and B to the filing.

Equitrans states that the tariff filing is being made in accordance with the Commission's Order issued September 30, 1993 in these proceedings, Section 4 of the Natural Gas Act, and § 154.67(a) of the Commission's Regulations. Equitrans states that the sheets listed in appendix A to the filing are those sheets which were included in Equitrans' September 2, 1993, filing in Docket No. RP93-187-000, and which Equitrans is moving to place into effect on March 1 without any modification. Equitrans states that the sheets listed in appendix B to the filing have been modified to comply with the directives of the Commission's September 30, 1993, Order in this proceeding.

Equitrans requests waiver of any applicable notice or other provisions of the Commission's Regulations to accept the tariff sheets as proposed.

Equitrans states that copies of this filing were served by the Company upon each of its jurisdictional customers, interested state commissions and to each of the parties set forth on the Official Services List in these proceedings.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission,

825 North Capitol Street, NE.  
Washington, DC 20426, in accordance with § 385.211 of the Commission Rules of Practice and Procedure. All such protests should be filed on or before March 16, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to this proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 94-5954 Filed 3-14-94; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM94-1-117-002]

**KN Wattenberg Transmission Limited Liability Co.; Report of Refund**

March 9, 1994.

Take notice that on March 2, 1994 K N Wattenberg Transmission Limited Liability Company (K N Wattenberg) tendered for filing with the Federal Energy Regulatory Commission (Commission) a report detailing K N Wattenberg's refund of ACA surcharges pursuant to the Commission's letter order dated January 21, 1994 in Docket No. TM94-1-117-000. The report states that refunds totalling \$110,725.75, including interest, were disbursed by K N Wattenberg to its customers on February 18, 1994.

K N Wattenberg states that the refund report was served on its jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211. All such protests should be filed on or before March 16, 1994. 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. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 94-5959 Filed 3-14-94; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. PR94-8-000]

**Louisiana Intrastate Gas Company L.L.C.; Petition for Rate Approval**

March 9, 1994.

Take notice that on March 1, 1994, Louisiana Intrastate Gas Company L.L.C. (LIG) filed pursuant to § 284.123(b)(2) of the Commission's regulations, a petition for rate approval requesting that the Commission approve as fair and equitable a rate of \$0.2465 per MMBtu, plus up to 3.0% for fuel and gas lost, for transportation services performed under section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA). LIG notes that this rate also includes costs and volumes associated with the Eloi Bay facilities, and that the system-wide rate will apply to service through such facilities.

LIG states that it is an intrastate pipeline within the meaning of section 2(16) of the NGPA and it owns and operates an intrastate pipeline system in the State of Louisiana. LIG proposes an effective date of March 1, 1994.

Pursuant to § 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the rate will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for similar transportation service. The Commission may, prior to the expiration of the 150-day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data, and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedures. All motions must be filed with the Secretary of the Commission on or before March 24, 1994. The petition for rate approval is on file with the Commission and is available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 94-5963 Filed 3-14-94; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM94-7-59-000]

**Northern Natural Gas Co.; Proposed Changes in FERC Gas Tariff**

March 9, 1994.

Take notice that on March 4, 1994, Northern Natural Gas Company (Northern) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, 1 Revised Seventh

Revised Sheet No. 53, with an effective date of March 1, 1994.

Northern states that it filed 1 Revised Seventh Revised Sheet No. 53 to establish the February 1994 Index Price for determining the dollar/volume equivalent for any transportation imbalances that may exist on contracts between Northern and its Shippers.

Northern states that copies of the filing were served upon Northern's customers and interested state commissions.

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 §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 16, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestant parties to the proceedings. 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 inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 94-5960 Filed 3-14-94; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP94-163-000]

**Northwest Pipeline Co.; Petition for Limited Waiver of Tariff**

March 9, 1994.

Take notice that on March 1, 1994, Northwest Pipeline Company (Northwest) petitions the Commission for a limited waiver of the Commission's first-come, first-served policy as reflected in section 1 of the Northwest's TI-1 Rate Schedule and in the Priority Date provisions in Section 12 of the General Terms and Conditions in Third Revised Volume No. 1 of Northwest FERC Gas Tariff.

Northwest states that it is seeking waiver of the Commission's first-come, first served policy in order to allow the receipt and delivery point priority of service dates previously held by Washington Energy Exploration, Inc. (Washington Exploration) under an Interruptible Transportation Agreement to be retained by Washington Exploration's Marketing affiliate and assignee, Washington Energy Marketing, Inc. (Washington Marketing).

Northwest states that providing the subject interruptible transportation

service for Washington Marketing, instead of Washington Exploration, simply places the transportation rights in the control of the marketer which has been supplying the gas to various distribution companies and end users under the Transportation Agreement. Northwest states that retaining the priority dates established for service on behalf of Washington Exploration will ensure that the subject gas, now transported on-behalf of Washington Exploration's marketing affiliate, will properly continue to have priority over later requests for transportation service on Northwest's system.

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 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 16, 1994. 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 in the public reference room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 94-5957 Filed 3-14-94; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. PR94-6-000]

#### Red River Pipeline, L.P.; Petition for Rate Approval

March 9, 1994.

Take notice that on February 28, 1994, Red River Pipeline, L.P. (Red River) filed pursuant to § 284.123(b)(2) of the Commission's regulations, a petition for rate approval requesting that the Commission approve as fair and equitable a rate of \$0.1925 per Mcf, plus fuel and gas lost, for transportation services performed under section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA).

Red River states that it is an intrastate pipeline within the meaning of section 2(16) of the NGPA and it owns and operates an intrastate pipeline system in the State of Texas. Red River proposes an effective date of February 28, 1994.

Pursuant to § 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the rate will be deemed to be fair and equitable and not

in excess of an amount which interstate pipelines would be permitted to charge for similar transportation service. The Commission may, prior to the expiration of the 150-day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data, and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedures. All motions must be filed with the Secretary of the Commission on or before March 24, 1994. The petition for rate approval is on file with the Commission and is available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 94-5961 Filed 3-14-94; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP94-172-000]

#### Williams Natural Gas Co.; Proposed Deferral of Fuel Reimbursement Filing

March 9, 1994.

Take notice that on March 4, 1994, Williams Natural Gas Company (WNG) filed a proposal to defer the annual fuel reimbursement percentage filing until March 1, 1995, and to base such filing on actual experience for the 15-month period October 1, 1993 through December 31, 1994. WNG proposes to continue to utilize the fuel and loss reimbursement percentages developed in its current rate case in Docket No. RP93-109-000 until April 1, 1995.

WNG states that it would be appropriate to defer its filing because WNG has had only three months of actual operating experience and data in a transportation-only environment and a full storage injection/withdrawal cycle will not be completed until October 31, 1994. WNG further states that because only three months of data are available, the annual fuel reimbursement calculation and comparison contemplated by its tariff cannot be accurately performed at this time.

WNG states that a copy of this filing was served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with § 385.214 and 385.211 of the Commission's Rules and Regulations.

All such motions or protests should be filed on or before March 16, 1994. 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 proceedings. 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 in the public reference room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 94-5958 Filed 3-14-94; 8:45 am]

BILLING CODE 6717-01-M

#### Office of Hearings and Appeals

##### Implementation of Special Refund Procedures

**AGENCY:** Office of Hearings and Appeals, Department of Energy.

**ACTION:** Notice of implementation of special refund procedures.

**SUMMARY:** The Office of Hearings and Appeals of the Department of Energy announces the procedures for disbursement of \$14,912.58 (plus accrued interest) obtained by the DOE under the terms of Remedial Orders issued to Pete Aljian Chevron and Shaw & 99 Chevron. The money is being held in escrow following the settlement of enforcement proceedings brought by the DOE's Economic Regulatory Administration.

**DATE AND ADDRESS:** Applications for Refund from the remedial order funds must be filed in duplicate and must be postmarked no later than June 13, 1994. All Applications should refer to either Case Number LEF-0089 or LEF-0090 and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:** Richard W. Dugan, Associate Director, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-2860.

**SUPPLEMENTARY INFORMATION:** In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set forth below. The Decision relates to Remedial Orders issued to Pete Aljian Chevron (Aljian) and Shaw & 99 Chevron (Shaw), two motor gasoline retail outlets located in Castro Valley and Fresno, California, respectively. The Remedial Orders found that the firms had committed pricing violations in

their sales of motor gasoline during the periods of December 15, 1979 through May 28, 1980, and December 15, 1979 through July 7, 1980, respectively.

The Decision sets forth the procedures and standards that the Office of Hearings and Appeals (OHA) of the DOE has formulated to distribute funds remitted by Aljian and Shaw and being held in escrow. The OHA has decided to accept Applications for Refund from individuals that purchased motor gasoline from Aljian or Shaw during the respective audit periods. Each claimant will be required to submit a listing of its monthly purchases from Aljian and Shaw. The specific information required in an Application for Refund is set forth in the following Decision and Order. Applications for Refund will now be accepted provided they are filed in duplicate and postmarked no later than 90 days after publication of this Decision and Order in the *Federal Register*.

Dated: March 8, 1994.

George B. Breznay,  
Director, Office of Hearings and Appeals.

#### Decision and Order of the Department of Energy

##### Implementation of Special Refund Procedures

March 8, 1994.

Names of Firms: Pete Aljian Chevron Shaw & 99 Chevron  
Date of Filing: July 20, 1993  
Case Numbers: LEF-0089, LEF-0090.

In accordance with the procedural regulations of the Department of Energy (DOE), 10 CFR part 205, subpart V, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) filed a Petition for the Implementation of Special Refund Procedures with the Office of Hearings and Appeals (OHA), to distribute the funds which Pete Aljian Chevron (Aljian) and Shaw & 99 Chevron (Shaw) remitted to the DOE pursuant to a May 3, 1982 Remedial Order Decision.

#### I. Background

During the periods relevant to this proceeding, Aljian and Shaw operated Chevron-branded retail service stations located in Castro Valley, and Fresno, California, respectively. In 1980, the ERA audited the pricing practices of the two retailers and, as a result of those audits, issued Proposed Remedial Orders (PROs) to the two firms. The PROs alleged that Aljian, during the period December 15, 1979 through May 28, 1980, and Shaw, during the period December 15, 1979 through July 7, 1980, sold motor gasoline at prices in excess of their maximum lawful selling prices, in violation of the Federal petroleum price regulations at 10 CFR 212.93(a)(2). After considering the firms' objections to the PROs, the DOE amended the remedial provisions of the PROs and issued a final consolidated Remedial Order Decision on May 3, 1982, to

five retailers, including Aljian and Shaw. *Allen Union*, 9 DOE ¶ 83,028 (1982). On November 22, 1982, the Federal Energy Regulatory Commission issued a consolidated Order affirming the Aljian and Shaw Remedial Orders. *Gary Pfister's Mobil Service*, 21 FERC ¶ 61,109 (1982). Aljian and Shaw have remitted to the DOE \$8,190.51 and \$6,722.07, respectively, in compliance with the Remedial Orders. The firms' payments are currently being held in separate interest-bearing escrow accounts pending distribution by the DOE.<sup>1</sup>

On December 15, 1993, we issued a Proposed Decision and Order (PD&O) setting forth a tentative plan for the distribution of the consent order funds. 58 FR 67403 (December 15, 1993). We stated in the PD&O that the basic purpose of a special refund proceeding is to make refunds in order to remedy the effects of regulatory violations. In order to effect restitution in this proceeding, we proposed to establish a claims procedure whereby applications for refund would be accepted from customers who can demonstrate that they were injured as a result of any alleged overcharges made by one of the consent order firms during the relevant consent order period.

#### II. Jurisdiction and Authority

The subpart V regulations set forth general guidelines by which the Office of Hearings and Appeals may formulate and implement a plan of distribution of funds received as a result of an enforcement proceeding. The DOE policy is to use the subpart V process to distribute such funds. For a more detailed discussion of subpart V and the authority of the Office of Hearings and Appeals to fashion procedures to distribute refunds, see *Petroleum Overcharge Distribution and Restitution Act of 1986*, 15 U.S.C. 4501 et seq.; *Office of Enforcement*, 9 DOE ¶ 82,508 (1981); *Office of Enforcement*, 8 DOE ¶ 82,597 (1981).

We have considered the ERA's petition that we implement subpart V proceedings with respect to the Aljian and Shaw Remedial Order funds and have determined that such proceedings are appropriate. This Decision and Order sets forth the OHA's plan to distribute these funds.

#### III. Refund Procedures

The PD&O provided a 30-day period for the submission of comments regarding our proposed refund procedures. Since more than 30 days have elapsed and we have not received any comments regarding our proposed refund procedures, we have determined that those procedures should be adopted.

The distribution of refunds will take place in two stages. In the first stage, refund monies will be refunded to those customers who purchased motor gasoline from one of the firms during the relevant audit period and who demonstrate that they were injured by the overcharges of the applicable firm. Such purchasers must file claims and

<sup>1</sup> The funds were held in a non-interest bearing DOE suspense account until September 3, 1993, when they were transferred to separate escrow accounts.

document their purchases in order to be eligible for a refund.

#### A. Calculation of Refunds

As in many prior special refund cases, we will adopt certain presumptions. First, we will adopt a presumption that the adjudicated overcharges were dispersed equally in all sales of motor gasoline made by each firm during its audit period. The OHA has referred to this presumption in the past as a volumetric refund amount.

Presumptions in refund cases are specifically authorized by applicable DOE procedural regulations. Section 205.282(e) of those regulations states that:

In establishing standards and procedures for implementing refund distributions, the Office of Hearings and Appeals shall take into account the desirability of distributing the refunds in an efficient, effective and equitable manner and resolving to the maximum extent practicable all outstanding claims. In order to do so, the standards for evaluation of individual claims may be based upon appropriate presumptions.

10 CFR 205.282(e). The presumptions we will adopt in this case are used to permit claimants to participate in the refund process without incurring disproportionate expenses, and to enable the OHA to consider the refund applications in the most efficient way possible in view of the limited resources available.

The volumetric refund presumption assumes that the overcharges were spread equally over all gallons of product marketed by a particular firm. In the absence of better information, this assumption is sound because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices. However, we also recognize that the impact of a firm's pricing practices on an individual purchaser could have been greater, and any purchaser is allowed to file a refund application based on a claim that it suffered a disproportionate share of the overcharges. See, e.g., *Amtel, Inc.*, 12 DOE ¶ 85,073 at 88,233-34 (1984); *Sid Richardson Carbon and Gasoline Co./Siouxland Propane Co.*, 12 DOE ¶ 85,054 at 88,164 (1984).

In each of the cases being considered here, the information available in the ERA audit files is insufficient to base refunds on the amount each individual customer was overcharged.<sup>2</sup> We therefore shall use the volumetric method to allocate the Remedial Order fund in each case. An applicant's allocable share will be equal to the number of gallons purchased from Aljian or Shaw during the relevant audit period multiplied by the per gallon volumetric refund amount. In the present case, the per gallon refund amount for Aljian customers is \$0.0340. We derived this figure by dividing the amount of the Remedial Order funds remitted by Aljian, \$8,190.51, by the 240,777 gallons which the firm sold during the period December 15, 1979 through May 28, 1980. The per gallon refund amount for Shaw customers is \$0.0202, which we derived by dividing the

<sup>2</sup> The ERA audit files do not identify any customers of Aljian or Shaw.

amount it remitted \$6,722.07, by the 333,505 gallons that it sold during the period December 15, 1979 through July 7, 1980. Any firm that establishes its eligibility for a

refund will receive all or a portion of its allocable share plus a pro-rata share of the accrued interest.

The relevant information for the two proceedings is summarized below.

Firm	Amount	Audit period	Volumetric refund amount
Pete Aljian Chevron, Castro Valley, CA .....	\$8,190.51	December 15, 1979–May 28, 1980 .....	\$0.0340
Shaw & 99 Chevron, Fresno, CA .....	6,722.07	December 15, 1979–July 7, 1980 .....	0.0202

#### B. Presumption of Injury

Since both firms were small retailers, we presume that all, or virtually all, of their sales were to end-users. In accordance with prior Subpart V proceedings, we shall adopt the presumption that an end-user (ultimate consumer) of gasoline purchased from Aljian and Shaw whose business is unrelated to the petroleum industry was injured by the overcharges set forth in the Remedial Order Decision. See, e.g., *Texas Oil and Gas Corp.*, 12 DOE ¶ 85,069 at 88,209 (1984). Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the periods covered by the Remedial Orders, and were not required to keep records which justified selling price increases by reference to cost increases. Consequently, analysis of the impact of the overcharges on the final prices of goods and services produced by members of this group would be beyond the scope of the refund proceeding. *Id.* Therefore, end-users of gasoline purchased from Aljian and Shaw need only document their purchase volumes from Aljian and Shaw during the applicable period covered by the Remedial Orders to make a sufficient showing that they were injured by the overcharges.<sup>3</sup>

#### C. Minimum Refund Amount

We will establish a minimum amount of \$15 for refund claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than \$15 outweighs the benefits of restitution in those situations.<sup>4</sup> See, e.g., *Urban Oil Co.*, 9 DOE ¶ 82,541 at 85,225 (1982); see also 10 CFR § 205.286(b).

#### D. Refund Application Requirements

All Applications for Refund must be filed in duplicate and must be postmarked no later than 90 days after publication of this Decision and Order in the *Federal Register*. A copy of each Application will be available for public inspection in the Public Reference Room of the Office of Hearings and Appeals, Forrestal Building, Room 1E-234, 1000 Independence Avenue, S.W., Washington, D.C. Any applicant that believes that its

Application contains confidential information must so indicate on the first page of its Application and submit two additional copies of its Application from which the material alleged to be confidential has been deleted, together with a statement specifying why the information is alleged to be privileged or confidential. The following information should be included in all Applications for Refund:

1. Identifying information including the claimant's name, current business address, business address during the refund period, taxpayer identification number,<sup>5</sup> a statement indicating whether the claimant is an individual, corporation, partnership, sole proprietorship, or other business entity, the name, title, and telephone number of a person to contact for any additional information, and the name and address of the person who should receive any refund check;

2. The applicant's use of gasoline purchased from Pete Aljian Chevron or Shaw & 99 Chevron: e.g., consumer (end-user), retailer, or reseller;

3. A monthly purchase schedule covering the period December 15, 1979 through May 28, 1980, for Aljian and December 15, 1979 through July 7, 1980 for Shaw. The applicant should specify the source of this gallonage information;

4. A statement as to whether the applicant or a related firm has filed, or has authorized any individual to file on its behalf, any other application in the Aljian or Shaw refund proceedings. If so, an explanation of the circumstances of the other filing or authorization should be submitted;

5. If the applicant is or was in any way affiliated with Aljian or Shaw, it should explain this affiliation, including the time period in which it was affiliated;

6. A statement as to whether the ownership of the applicant's firm changed during or

<sup>5</sup> Under the Privacy Act of 1974, the submission of a social security number by an individual applicant is voluntary. An applicant that does not wish to submit a social security number must submit an employer identification number if one exists. This information will be used in processing refund applications, and is requested pursuant to our authority under the Petroleum Overcharge Distribution and Restitution Act of 1986 and the regulations codified at 10 C.F.R. Part 205, Subpart V. The information may be shared with other Federal agencies for statistical, auditing or archiving purposes, and with law enforcement agencies when they are investigating a potential violation of civil or criminal law. Unless an applicant claims confidentiality, this information will be available to the public in the Public Reference Room of the Office of Hearings and Appeals.

since the refund period. If an ownership change occurred, the applicant should list the names, addresses, and telephone numbers of any prior or subsequent owners. The applicant should also provide copies of any relevant Purchase and Sale Agreements, if available. If such written documents are not available, the applicant should submit a description of the ownership change, including the year of the sale and the type of sale (e.g., sale of corporate stock, or sale of company assets);

7. A statement as to whether the applicant has ever been a party in a DOE enforcement action or a private Section 210 action. If so, an explanation of the case and copies of relevant documents should also be provided.

8. The statement set forth below signed by the individual applicant or a responsible official of the firm filing the refund application:

I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief. I understand that anyone who is convicted of providing false information to the federal government may be subject to a fine, a jail sentence, or both, pursuant to 18 U.S.C. 1001. I understand that the information contained in this application is subject to public disclosure. I have enclosed a duplicate of this entire application which will be placed in the OHA Public Reference Room.

All Applications should be either typed or printed and clearly labelled "Aljian Special Refund Proceeding, Case No. LEP-0069" or "Shaw Special Refund Proceeding, Case No. LEP-0090." Applications should be sent to: Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585.

#### E. Distribution of Funds Remaining After First Stage

Any funds that remain after all first stage claims have been decided shall be distributed in accordance with the provisions of the Petroleum Overcharge Distribution and Restitution Act of 1986 (PODRA), 15 U.S.C. 4501-07. PODRA requires that the Secretary of Energy determine annually the amount of oil overcharge funds that will not be required to refund monies to injured parties in Subpart V proceedings and make those funds available to state governments for use in four energy conservation programs. The Secretary has delegated these responsibilities to the OHA, and any portion of the Aljian and Shaw Remedial Order funds that the OHA determines will not be needed to effect direct restitution to injured customers will be distributed in accordance with the provisions of PODRA.

<sup>3</sup> If a reseller or retailer should file a refund application in this proceeding, we will utilize the standards and appropriate presumptions established in previous refined product refund proceedings. See, e.g., *Shell Oil Co.*, 18 DOE ¶ 85,492 at 88,799 (1989).

<sup>4</sup> In order to be eligible for the minimum refund, applicants in the Aljian and Shaw proceedings will have to have purchased during the relevant audit period 442 and 743 gallons, respectively.

## It Is Therefore Ordered That:

(1) Applications for Refund from the funds remitted to the Department of Energy by Pete Aljian Chevron and Shaw & 99 Chevron will be distributed in accordance with the foregoing Decision.

(2) All Applications must be postmarked no later than 90 days after publication of this Decision and Order in the Federal Register.

Dated: March 8, 1994.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 94-5990 Filed 3-14-94; 8:45 am]

BILLING CODE 8460-01-P

### Proposed Implementation of Special Refund Procedures

**AGENCY:** Office of Hearings and Appeals, Department of Energy.

**ACTION:** Notice of proposed implementation of special refund procedures.

**SUMMARY:** The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces the proposed procedures for disbursement of a total of \$38,214.98, plus accrued interest, in refined petroleum overcharges obtained by the DOE under the terms of a Remedial Order issued to County Fuel Company, Inc., Case No. LEF-0061. The OHA has tentatively determined that the funds will be distributed in accordance with the provision of 10 CFR part 205, subpart V and 15 U.S.C. 4501, the Petroleum Overcharge Distribution and Restitution Act (PODRA).

**DATE AND ADDRESS:** Comments must be filed in duplicate on or before April 14, 1994 and should be addressed to the Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585. All comments should display a reference to Case Number LEF-0061.

**FOR FURTHER INFORMATION CONTACT:** Janet R. H. Fishman, Staff Attorney, Office of Hearings and Appeals, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-2400.

**SUPPLEMENTARY INFORMATION:** In accordance with 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision sets forth the procedures that the DOE has tentatively formulated to distribute to eligible claimants \$38,214.98, plus accrued interest, obtained by the DOE under the terms of a Remedial Order that the DOE issued to County Fuel Company, Inc., on May 7, 1984. Under the Remedial Order, County Fuel Company, Inc., was found to have violated the federal petroleum price and allocation regulations involving the sale

of motor gasoline during the relevant audit period.

The OHA has proposed to distribute the Remedial Order fund in a two stage refund proceeding. Purchasers of motor gasoline from County Fuel Company, Inc., will have an opportunity to submit refund applications in the first stage. Refunds will be granted to applicants who satisfactorily demonstrate they were injured by the pricing violations and who document the volume of motor gasoline they purchased from County Fuel Company, Inc., during the relevant audit period. In the event that money remains after all first stage claims have been disposed of, the remaining funds will be disbursed in accordance with the provisions of 15 U.S.C. 4501, the Petroleum Overcharge Distribution and Restitution Act of 1986 (PODRA).

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to forward two copies of their submissions, within 30 days of publication of this notice in the Federal Register, to the address set forth at the beginning of this notice. Comments so received, will be made available for public inspection between the hours of 1 p.m. and 5 p.m., Monday through Friday, except federal holidays, in the Public Reference Room 1E-234, 1000 Independence Avenue, SW., Washington, DC 20585.

Dated: March 8, 1994.

George B. Breznay,

Director, Office of Hearings and Appeals.

### Proposed Decision and Order of the Department of Energy

#### Implementation of Special Refund Procedures

March 8, 1994.

Name of Petitioner: County Fuel Company, Inc.

Date of Filing: March 6, 1990.

Case Number: LEF-0061.

On March 6, 1990, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) filed a petition with the Office of Hearings and Appeals (OHA), requesting that the OHA formulate and implement procedures for distributing funds obtained through the settlement of enforcement proceedings involving County Fuel Company, Inc. (County), pursuant to 10 CFR part 205, subpart V. This Proposed Decision sets forth the OHA's tentative plan for distributing these funds to qualified refund applicants. Since the procedures set forth in this Decision are in proposed form, no refund applications should be filed at this time. A final determination will be issued at a later date announcing that the filing of County refund applications is authorized.

#### I. Background

County was a "reseller-retailer" of refined petroleum products as that term was defined

in 10 CFR 212.31 and was located in Baltimore, Maryland. On May 24, 1982, the DOE issued a Proposed Remedial Order (PRO) to County alleging that the firm violated the Mandatory Petroleum Price Regulations by overcharging its retail customers in its sales of motor gasoline at the wholesale and retail levels between March 1, 1979, through March 18, 1980. The PRO ordered County to refund the full amount of the alleged violations, \$197,305.49, plus interest, to the United States Treasury.

County filed a Statement of Objections to the PRO on August 23, 1982. On October 12, 1982, the ERA filed its Response to County's Statement of Objections. As requested by County, a hearing for the purpose of oral argument was held on December 22, 1983. In the final Remedial Order issued on May 7, 1984, County's Statement of Objections was denied, and the PRO was issued as a final Remedial Order with one modification. The Remedial Order directed that the overcharges, plus interest, be remitted to the DOE for deposit into an interest-bearing escrow account pending ultimate distribution through a special refund proceeding. *County Fuel Company, Inc.*, 12 DOE ¶ 83,007 (1984).

The Remedial Order was affirmed by the Federal Energy Regulatory Commission on August 23, 1985. *County Fuel Company, Inc.*, 32 FERC ¶ 61,301 (1985). The Temporary Emergency Court of Appeals (TECA) affirmed the decision on August 12, 1987. *County Fuel Company, Inc. v. Department of Energy*, 3 Fed. Energy Guidelines ¶ 26,588 (Temp. Emer. Ct. App. 1987).

However, County had filed for bankruptcy on July 6, 1981. Following the TECA decision, the DOE's claim as an unsecured creditor was allowed by the bankruptcy court in the amount of \$254,766.49, including interest. *In re: County Fuel Company, Inc.*, No. 81-2-2208-L (D. Md. 1986). Under the Second Amended Plan of Reorganization, unsecured creditors were paid 15 percent of the allowed claim in cash or 100 percent of the claim in common stock. On August 25, 1988, County delivered a check in the amount of \$38,214.98 to the DOE, representing 15 percent of the allowed claim. The ERA accepted this amount in lieu of payment in common stock. Interest in the amount of \$13,770.57 has accrued as of January 31, 1994, making available a total of \$51,985.55 (the County Remedial Order Fund) for distribution through Subpart V.

#### II. Jurisdiction

The procedural regulations of the DOE set forth general guidelines by which the Office of Hearings and Appeals may formulate and implement a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR part 205, subpart V. It is the DOE policy to use the Subpart V process to distribute such funds. For a more detailed discussion of Subpart V and the authority of the Office of Hearings and Appeals to fashion procedures to distribute refunds obtained as part of settlement agreements, see *Office of Enforcement*, 9 DOE ¶ 82,553 (1982); *Office of Enforcement*, 9 DOE ¶ 82,508 (1981); *Office of Enforcement*, 9 DOE ¶ 82,597 (1981). We have considered the ERA's petition that we implement a Subpart V

proceeding with respect to the County remedial order fund and have determined that such a proceeding is appropriate. This Proposed Decision and Order sets forth the OHA's tentative plan to distribute this fund.

## II. Proposed Refund Procedures

We propose to implement a two-stage refund process by which purchasers of County refined products during the remedial order period may submit Applications for Refund in this initial stage. From our experience with Subpart V proceedings, we expect that potential applicants generally will fall into the following categories: (i) End-users; (ii) regulated entities, such as public utilities and cooperatives; and (iii) refiners, resellers, and retailers (collectively "resellers").

### A. First Stage Refund Procedures

In order to receive a refund, each claimant will be required to submit a schedule of its monthly purchases of County motor gasoline during the remedial order period. If the product was not purchased directly from County, the claimant must establish that the product originated with County. Additionally, a reseller claimant, except one who chooses to utilize the injury presumptions set forth below, will be required to make a detailed showing that it was injured by County's alleged overcharges. This showing will generally consist of two distinct elements. First, a reseller claimant will be required to show that it had "banks" of unrecouped increased product costs in excess of the refund claimed.<sup>1</sup> Second, because a showing of banked costs alone is not sufficient to establish injury, a claimant must provide evidence that market conditions precluded it from increasing its prices to pass through the additional costs associated with the alleged overcharges. See *Vickers Energy Corp./Hutchens Oil Co.*, 11 DOE ¶ 85,070, at 88,105 (1983). Such a showing could consist of a demonstration that a firm suffered a competitive disadvantage as a result of its purchases from County. See *National Helium Co./Atlantic Richfield Co.*, 11 DOE ¶ 85,257 (1984), *aff'd sub nom. Atlantic Richfield Co. v. Department of Energy*, 618 F. Supp. 1199 (D. Del. 1985).

Our experience also indicates that the use of certain presumptions permits claimants to participate in the refund process without incurring inordinate expense and ensures that refund claims are evaluated in the most efficient manner possible. See, e.g., *Marathon Petroleum Co.*, 14 DOE ¶ 85,269 (1986)

<sup>1</sup> Claimants who have previously relied upon their banked costs in order to obtain refunds in other special refund proceedings should subtract those refunds from the cumulative banked costs submitted in this proceeding. See *Husky Oil Co./Metro Oil Products, Inc.*, 16 DOE ¶ 85,090 at 88,179 (1987). Additionally, a claimant may not receive a refund for any month in which it has a negative cumulative bank (for that product) or for any preceding month. See *Standard Oil (Indiana)/Suburban Propane Gas Corp.*, 13 DOE ¶ 85,030 at 88,082 (1985). If a claimant no longer has records showing its banked costs, the OHA may use its discretion to allow approximations of those banks prepared by the applicant. See, e.g., *Gulf Oil Corp./Sturdy Oil Co.*, 15 DOE ¶ 85,187 (1986).

(*Marathon*). Presumptions in refund cases are specifically authorized by the applicable subpart V regulations at 10 CFR § 205.282(e). Accordingly, we propose to adopt the presumptions set forth below.

### 1. Calculation of Refunds

First, we will adopt a presumption that the alleged overcharges were dispersed equally in all of County's sales of motor gasoline during the remedial order period. In accordance with this presumption, refunds will be made on a pro-rata or volumetric basis.<sup>2</sup> In the absence of better information, a volumetric refund is appropriate because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices.

Under the volumetric approach, a claimant's "allocable share" of the remedial order fund is equal to the number of gallons purchased from the remedial order firm during the applicable remedial order period times the per gallon refund amount. In the present case, the per gallon refund amount is \$0.0214. We derived this figure by dividing the remedial order fund, \$51,985.55, by 2,431,180 gallons, the approximate number of gallons of covered refined products which County sold from March 1, 1979, through March 18, 1980. A firm that establishes its entitlement to a refund will receive all or a portion of its allocable share plus a pro-rata share of the accrued interest.<sup>3</sup>

In addition to the volumetric presumption, we also propose to adopt a number of presumptions regarding injury for claimants in each category listed below. These presumptions are intended to ease what would be a time-consuming and potentially expensive process if an applicant were forced

<sup>2</sup> Because we realize that the impact on an individual claimant may have been greater than the volumetric refund amount, we will allow any purchaser to file a refund application based upon a claim that it suffered a disproportionate share of County's alleged overcharges. See, e.g., *Standard Oil (Indiana)/Army and Air Force Exchange Service*, 12 DOE ¶ 85,015 (1984). Such an application will be granted only if an applicant makes a persuasive showing that: (1) it was "overcharged" by a specific amount, (2) it sustained a disproportionate share of County's alleged overcharges, and (3) it was injured by those overcharges. See *MCO Holdings, Inc./MGPC, Inc./Little America Refining Co.*, 19 DOE ¶ 85,560 (1989); *Marathon Petroleum Co./Red Diamond Oil Co.*, 19 DOE ¶ 85,543 (1989); *Getty Oil Co./Atchison, Topeka & Santa Fe Railroad Co.*, 18 DOE ¶ 85,107 (1988). To the extent that a claimant makes this showing, it will receive a refund above the volumetric refund level. In computing the appropriate refunds of this type, we will prorate the refund amount by the ratio of the County remedial order amount as compared to the aggregate overcharge amount alleged by the ERA. *Amtel, Inc./Whitco, Inc.*, 19 DOE ¶ 85,319 (1989) (*Amtel/Whitco*).

<sup>3</sup> As in previous cases, we propose to establish a minimum refund amount of \$15. We have found through our experience that the cost of processing claims in which refunds for amounts less than \$15 are sought outweighs the benefits of restitution in those instances. See *Exxon Corp.*, 17 DOE ¶ 85,590, at 89,150 (1988) (*Exxon*). Accordingly, an applicant must have purchased at least 678 gallons of motor gasoline from County in order for its claim to be considered.

to demonstrate that they absorbed the alleged overcharges.

### 2. End-Users

In accordance with prior Subpart V proceedings, we propose to adopt the presumption that an end-user or ultimate consumer of County motor gasoline whose business is unrelated to the petroleum industry was injured by the alleged overcharges settled by the remedial order. See, e.g., *Texas Oil and Gas Corp.*, 12 DOE ¶ 85,069, at 88,209 (1984) (*TOGCO*). Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the remedial order period and were not required to keep records which justified selling price increases by reference to cost increases. Consequently, analysis of the impact of the alleged overcharges on the final prices of goods and services produced by members of this group would be beyond the scope of the refund proceeding. *Id.* We therefore propose that the end-users of County motor gasoline need only document their purchase volumes from County during the remedial order period to make a sufficient showing that they were injured by the alleged overcharges.

### 3. Regulated Firms and Cooperatives

We further propose that, in order to receive a full volumetric refund, a claimant whose prices for goods and services are regulated by a governmental agency, *i.e.*, a public utility, or an agricultural cooperative which is required by its charter to pass through cost savings to its member purchasers, need only submit documentation of purchases used by itself or, in the case of a cooperative, sold to its members. However, a regulated firm or a cooperative will also be required to certify that it will pass any refund received through to its customers or member-customers, provide us with a full explanation of how it plans to accomplish the restitution, and certify that it will notify the appropriate regulatory body or membership group of the receipt of the refund. See *Marathon*, 14 DOE at 88,514-15. This requirement is based upon the presumption that, with respect to a regulated firm, any overcharge would have been routinely passed through to its customers. Similarly, any refunds received should be passed through to its customers. With respect to a cooperative, in general, the cooperative agreement which controls its business operations would ensure that the alleged overcharges, and similarly refunds, would be passed through to its member-customers. Accordingly, these firms will not be required to make a detailed demonstration of injury.<sup>4</sup>

### 4. Refiners, Resellers, and Retailers

a. *Small claims presumption.* We propose to adopt a "small claims" presumption that a firm which resold County products and requests a relatively small refund was injured by the alleged overcharges. Under the small claims presumption, a refiner, reseller, or

<sup>4</sup> A cooperative's purchases of County products which were resold to non-members will be treated in a manner consistent with purchases made by other resellers. See *Total Petroleum, Inc./Farmers Petroleum Cooperative, Inc.*, 19 DOE ¶ 85,215 (1989).

retailer seeking a refund of \$5,000 or less, exclusive of interest, will not be required to submit evidence of injury beyond documentation of the volume of County products it purchased during the remedial order period. See *TOGCO*, 12 DOE at 88,210. This presumption is based on the fact that there may be considerable expense involved in gathering the types of data necessary to support a detailed claim of injury; for small claims the expense might even exceed the potential refund. Consequently, failure to allow simplified refund procedures for small claims could deprive injured parties of their opportunity to obtain a refund. Furthermore, use of the small claims presumption is desirable because it allows the OHA to process the large number of routine refund claims in an efficient manner.<sup>3</sup>

**b. Mid-level claim presumption.** In addition, a refiner, reseller, or retailer claimant whose allocable share of the refund pool exceeds \$5,000, excluding interest, may elect to receive as its refund either \$5,000 or 40 percent of its allocable share, up to \$20,000,<sup>4</sup> whichever is larger.<sup>5</sup> The use of this presumption reflects our conviction that these larger, mid-level claimants were likely to have experienced some injury as a result of the alleged overcharges. See *Marathon*, 14 DOE at 88,515. In some prior special refund proceedings, we have performed detailed analyses in order to determine product-specific levels of injury. See, e.g., *Getty Oil Co.*, 15 DOE ¶ 85,064 (1986). However, in *Gulf Oil Corp.*, 16 DOE ¶ 85,381, at 88,737 (1987), we determined that based upon the available data, it was more accurate and efficient to adopt a single presumptive level of injury of 40 percent for all mid-level claimants, regardless of the refined product that they purchased, based upon the results of our analyses in prior proceedings. We believe that approach generally to be sound, and we therefore propose to adopt a 40 percent presumptive level of injury for all mid-level claimants in this proceeding. Consequently, an applicant in this group will only be required to provide documentation of its purchase volumes of County motor gasoline during the remedial order period in order to be eligible to receive a refund of 40 percent of its total allocable share, up to \$20,000, or \$5,000, whichever is greater.<sup>6</sup>

<sup>3</sup> In order to qualify for a refund under the small claims presumption, a refiner, reseller, or retailer must have purchased less than 584,171 gallons of County motor gasoline during the remedial order period.

<sup>4</sup> In most prior proceedings, we have used a \$40,000 mid-level claim presumption. However, due to the small size of the County Remedial Order Fund, this amount would be impractical.

<sup>5</sup> That is, claimants who purchased more than 584,171 gallons of County motor gasoline during the remedial order period (mid-level claimants) may elect to utilize this presumption.

<sup>6</sup> A claimant who attempts to make a detailed showing of injury in order to obtain 100 percent of its allocable share but, instead, provides evidence that leads us to conclude that it passed through all of the alleged overcharges, or that it is eligible for a refund of less than the applicable presumption-level refund, may not then be eligible for a presumption-based refund. Instead, such a claimant may receive a refund which reflects the level of injury established in its application. No refund will

be approved if its submission indicates that it was not injured as a result of its purchases from County. See *Exxon*, 17 DOE at 89,150 n.10.

**c. Spot purchasers.** We propose to adopt a rebuttable presumption that a reseller that made only spot purchases from County did not suffer injury as a result of those purchases. As we have previously stated, spot purchasers generally had considerable discretion as to the timing and market in which they made their purchases and therefore would not have made spot market purchases from a firm at increased prices unless they were able to pass through the full amount of the firm's selling price to their own customers. See, e.g., *Vickers*, 8 DOE at 85,396-97. Accordingly, a spot purchaser claimant must submit specific and detailed evidence to rebut the spot purchaser presumption and to establish the extent to which it was injured as a result of its spot purchases from County.<sup>9</sup>

#### B. Allocation Claims

We may also receive claims based upon County's alleged failure to furnish motor gasoline that it was obliged to supply under the DOE allocation regulations that became effective in January 1974. See 10 CFR part 211. Any such applications will be evaluated with reference to the standards set forth in Subpart V implementation cases such as *Office of Special Counsel*, 10 DOE ¶ 85,048, at 88,220 (1982), and refund application cases such as *Mobil Oil Corp./Reynolds Industries, Inc.*, 17 DOE ¶ 85,608 (1988); *Marathon Petroleum Co./Research Fuels, Inc.*, 19 DOE ¶ 85,575 (1989) (*Marathon/RFI*), *aff'd sub nom. Research Fuels, Inc. v. Department of Energy*, No. CA3-89-2983G (N.D. Tex. 1990), *aff'd*, 977 F.2d 601 (Temp. Emer. Ct. App. 1992). These standards generally require an allocation claimant to demonstrate the existence of a supplier/purchaser relationship with the remedial order firm and the likelihood that the remedial order firm failed to furnish motor gasoline that it was obliged to supply to the claimant under 10 CFR Part 211. In addition, the claimant should provide evidence that it had contemporaneously notified the DOE or otherwise sought redress from the alleged allocation violation. Finally, the claimant must establish that it was injured and document the extent of the injury.

In our evaluation of whether allocation claims meet these standards, we will consider various factors. For example, we will seek to obtain as much information as possible about the agency's treatment of complaints made to it by the claimant. We will also look at any affirmative defenses that County may have had to the alleged allocation violation. See *Marathon/RFI*, 19 DOE ¶ 85,575. In assessing an allocation claimant's injury, we will evaluate the effect of the alleged allocation violation on its entire business operations with particular

reference to the amount of product that it received from suppliers other than County. In determining the amount of an allocation refund, we will utilize any information that may be available regarding the portion of the County remedial order amount that the agency attributed to allocation violations in general and to the specific allocation violation alleged by the claimants. Finally, since the County Remedial Order Fund is less than County's potential liability in the proceedings, we will pro rate those allocation refunds that would otherwise be disproportionately large in relation to the remedial order fund. Cf. *Amtel/Whitco*, 19 DOE ¶ 85,319.

**C. Distribution of Funds Remaining After First Stage**

We propose that any funds that remain after all first stage claims have been decided be distributed in accordance with the provisions of the Petroleum Overcharge Distribution and Restitution Act of 1986 (PODRA), 15 U.S.C. 4501-07. PODRA requires that the Secretary of Energy determine annually the amount of oil overcharge funds that will not be required to refund monies to injured parties in Subpart V proceedings and make those funds available to state governments for use in four energy conservation programs. The Secretary has delegated these responsibilities to the OHA, and any funds in the County remedial order escrow account that the OHA determines will not be needed to effect direct restitution to injured customers will be distributed in accordance with the provisions of PODRA.

**It Is Therefore Ordered That:**

The payments remitted to the Department of Energy by County Fuel Company, Inc., pursuant to the remedial order issued on May 7, 1984, will be distributed in accordance with the foregoing Decision.

#### C. Distribution of Funds Remaining After First Stage

ENVIRONMENTAL PROTECTION AGENCY

[FRL-4850-7]

Science Advisory Board; Notification of Public Advisory Committee Meetings

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that various committees of the Science Advisory Board (SAB) will meet on the dates and times described below. All meetings are open to the public. Due to limited space, seating at all meetings will be on a first-come basis. For further information concerning each meeting, please contact the individuals listed below. Documents that are the subject of SAB reviews are normally available from the originating EPA office and are not available from the SAB staff. Many of the meetings listed below include discussion of

#### It Is Therefore Ordered That:

ENVIRONMENTAL PROTECTION AGENCY

[FRL-4850-7]

Science Advisory Board; Notification of Public Advisory Committee Meetings

[FR Doc. 94-5991 Filed 3-14-94; 8:45 am]  
BILLING CODE 8450-01-P

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-4850-7]

#### Science Advisory Board; Notification of Public Advisory Committee Meetings

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that various committees of the Science Advisory Board (SAB) will meet on the dates and times described below. All meetings are open to the public. Due to limited space, seating at all meetings will be on a first-come basis. For further information concerning each meeting, please contact the individuals listed below. Documents that are the subject of SAB reviews are normally available from the originating EPA office and are not available from the SAB staff. Many of the meetings listed below include discussion of

issues relevant to the SAB's Environmental Futures Project.

#### Clean Air Scientific Advisory Committee

The Clean Air Scientific Advisory Committee (CASAC) of the Science Advisory Board (SAB) will conduct a meeting to review the two draft documents: (1) The Supplement to the Second Addendum (1986) to Air Quality Criteria for Oxides (1982); Assessment of New Findings on Sulfur Dioxide Acute Exposure Health Effects in Asthmatics; and (2) Review of the National Ambient Air Quality Standards for Sulfur Oxides: Updated Assessment of Scientific and Technical Information, Supplement to the 1986 OAQPS Staff Paper Addendum. Both documents, which constitute supplements to existing documents, will be reviewed and evaluated with respect to their scientific and technical adequacy. Both documents have been revised in response to public comments and CASAC recommendations received (at an August 19, 1993 meeting) on earlier drafts of the two documents.

The meeting will be held at the Sheraton Inn University Center, 2800 Middleton Avenue, Durham, NC 27705. The hotel telephone number is (919) 383-8575. The meeting will be held on April 12, 1994, from 9:30 a.m. to 2 p.m. Seating is limited and will be on a first come basis.

#### Availability of Documents

The following documents are not available from the Science Advisory Board:

1. Single copies of the revised draft Supplement to the Second Addendum (1986) to Air Quality Criteria for Particulate Matter and Sulfur Oxides (1982); Assessment of New Findings on Sulfur Dioxide Acute Exposure Health Effects in Asthmatics will be available on March 7, 1994, from Dr. Dennis J. Kotchmar, U.S. EPA, Environmental Criteria Assessment Office (MD-52), Research Triangle Park, NC 27711, telephone (919) 541-4158. Members of the public who wish to provide comments directly to EPA on the Criteria Document Supplement may do so by sending their written comments to Dr. Kotchmar at the above address. Comments must be received by EPA no later than April 6, 1994.

2. Single copies of the revised draft document National Ambient Air Quality Standards for Sulfur Oxides; Updated Assessment of Scientific and Technical Information. Supplement to the 1986 OAQPS Staff Paper Addendum will be available on March 21, 1994 from Mr. John Haines, U.S. EPA, Office of Air

Quality Planning and Standards, (MD-12), Research Triangle Park, NC 27711, telephone (919) 541-5533. Members of the public who wish to provide comments directly to EPA on the Staff Paper Supplement may do so by sending their written comments to Mr. Haines at the above address. Comments must be received by EPA no later than April 20, 1994.

#### Further Information and Providing Comments

For additional information concerning this meeting, please contact Mr. Randall C. Bond, Designated Federal Official, or Ms. Janice Cuevas, Management Analyst, at (202) 260-8414, Clean Air Scientific Advisory Committee, Science Advisory Board (1400), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Interested individuals may also contact the SAB via The INTERNET at: BARNES.DON@EPAMAIL.EPA.GOV. Those individuals requiring a copy of the agenda should contact Ms. Lori Gross at the phone number above.

Written statements of any length (at least 35 copies) may be provided to the Committee up until the meeting. These written statements may be the same as those provided directly to EPA or may be tailored to the Committee. Please send these comments to Ms. Cuevas at the address given above. The Science Advisory Board expects that public statements presented at its meeting will not be repetitive of previously submitted oral or written statements.

#### Radiation Advisory Committee

The Science Advisory Board's (SAB's) Radiation Advisory Committee (RAC), will conduct a teleconference meeting on Monday, March 28, 1994 from 11:00 a.m. to 1:00 p.m. eastern time. In this teleconference meeting, the RAC intends to conduct a closure review and to complete technical edits to its draft report on review of the Agency's draft scoping study on naturally-occurring radioactive materials (NORM), entitled "Diffuse NORM—Waste Characterization and Preliminary Risk Assessment." This document is available for examination from the Environmental Protection Agency's (EPA's) Air Docket at 401 M Street, SW, Washington, DC 20460 (202-260-7548). The Docket Number is R-82-01, and the Item Number is IIA-38. There may be a newer draft document with a different docket and item number. For technical information on the NORM draft document, please contact Mr. William E. Russo of the EPA's Office of Radiation and Indoor Air (ORIA) at (202) 233-9215. The teleconference

meeting is open to the public and teleconference lines will be assigned on a first come basis. The latest public meeting to discuss this topic was held on February 23 and 24, 1994 (See *Federal Register*, Vol. 59, No. 20, pp. 4279-4281).

Any member of the public wishing further information, such as a proposed agenda, should contact Dr. K. Jack Kooyoomjian, Designated Federal Official, or Mrs. Diana L. Pozun, Staff Secretary, Science Advisory Board (1400F), U.S. EPA, 401 M Street, SW, Washington, DC 20460, Phone: (202) 260-6552 or FAX (202) 260-7118, or via The INTERNET at:

BARNES.DON@EPAMAIL.EPA.GOV. There was a draft SAB report on review of the Agency's diffuse NORM document, dated February 8, 1994. It is expected that a newer draft report will be prepared for review by mid-March, and will be available to the public on a request basis. Members of the public who wish to make a brief oral presentation at the teleconference should contact Dr. Kooyoomjian no later than March 24, 1994 in order to have time reserved on the agenda. The Science Advisory Board expects that public statements presented at the teleconference meeting will not be repetitive of previously submitted oral or written statements. In general, each individual or group making an oral presentation will be limited to a total time of three minutes, with a total time limit of fifteen minutes. Written comments of any length (at least 35 copies) received by the SAB by March 22, 1994 may be mailed to the SAB's RAC prior to the meeting; comments received after that date will normally be provided to the RAC at the meeting. Written comments of any length (at least 35 copies) should be provided to the Committee no later than March 22, 1994.

Dated: March 4, 1994.

A. Robert Flaak,

Acting Staff Director, Science Advisory Board.

[FR Doc. 94-5992 Filed 3-11-94; 8:45 am]

BILLING CODE: 6560-50-P

[FRL-4850-8]

#### Science Advisory Board Environmental Health Committee Open Meeting

Under Public Law 92-463, notice is hereby given that the Environmental Health Committee (EHC) of the Science Advisory Board will meet on April 6, 1994 in the Fortune Room at the Holiday Inn Georgetown, 2101 Wisconsin Avenue NW., Washington

DC 20007. The hotel telephone number is (202) 338-4600.

The meeting, which is open to the public, will start at 8:45 AM and adjourn no later than 5 PM.

The Committee will be briefed on, and discuss, the following issues: (a) The recent National Academy of Sciences report on cancer guidelines; (b) pollution prevention and environmental health effects; (c) EPA's planned revisions to its reproductive toxicity guidelines; and (d) "environmental hormones," those pollutants believed to have physiological effects similar to human hormones. The Committee will also discuss topics for future meetings.

Members of the public desiring additional information about the conduct of the meeting, or an agenda, should contact Mr. Samuel Rondberg, Designated Federal Official, Environmental Health Committee, by telephone at (202) 260-2559, via Internet to RONDBERG.SAMUEL@EPAMAIL.EPA.GOV or by mail to the Science Advisory Board (1400F), U.S. Environmental Protection Agency, 401 M Street, SW., Washington DC 20460. Anyone wishing to make a presentation at the meeting should forward a written statement (35 copies) to Mr. Rondberg by March 30, 1994. The Science Advisory Board expects that the public statements presented at its meetings will not be repetitive of previously submitted written statements. In general, each individual or group making an oral presentation will be limited to a total time of ten minutes.

Dated: March 1, 1994.

A. Robert Flaak,

Acting Staff Director, Science Advisory Board.

[FR Doc. 94-5996 Filed 3-14-94; 8:45 am]

BILLING CODE 5560-50-P

[OPP-60050; FRL-4764-4]

### Intent To Suspend Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of issuance of notices of intent to suspend.

**SUMMARY:** This Notice, pursuant to section 6(f)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 et seq., announces that EPA has issued Notices of Intent to Suspend pursuant to sections 3(c)(2)(B) and 4 of FIFRA. The Notices were issued following issuance of Section 4 Reregistration Requirements Notices by the Agency and the failure of registrants subject to the Section 4 Reregistration

Requirements Notices to take appropriate steps to secure the data required to be submitted to the Agency. This Notice includes the text of a Notice of Intent to Suspend, absent specific chemical, product, or factual information. Table A of this Notice further identifies the registrants to whom the Notices of Intent to Suspend were issued, the date each Notice of Intent to Suspend was issued, the active ingredient(s) involved, and the EPA registration numbers and names of the registered product(s) which are affected by the Notices of Intent to Suspend. Moreover, Table B of this Notice identifies the basis upon which the Notices of Intent to Suspend were issued. Finally, matters pertaining to the timing of requests for hearing are specified in the Notices of Intent to Suspend and are governed by the deadlines specified in section 3(c)(2)(B). As required by section 6(f)(2), the Notices of Intent to Suspend were sent by certified mail, return receipt requested, to each affected registrant at its address of record.

#### FOR FURTHER INFORMATION CONTACT:

Dawn Banks-Waller, Office of Compliance Monitoring (7204), Laboratory Data Integrity Assurance Division, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (703) 308-8251.

#### SUPPLEMENTARY INFORMATION:

##### I. Text of a Notice of Intent to Suspend

The text of a Notice of Intent to Suspend, absent specific chemical, product, or factual information, follows:

United States Environmental Protection Agency

Office of Prevention, Pesticides and Toxic Substances

Washington, DC 20460

Certified Mail

Return Receipt Requested

SUBJECT: Suspension of Registration of Pesticide Product(s) Containing \_\_\_\_\_ for Failure to Comply with the Section 4 Phase 5 Reregistration Eligibility Document Data Call-In Notice for \_\_\_\_\_ Dated \_\_\_\_\_.

Dear Sir/Madam:

This letter gives you notice that the pesticide product registrations listed in Attachment I will be suspended 30 days from your receipt of this letter unless you take steps within that time to prevent this Notice from automatically becoming a final and effective order of suspension. The Agency's authority for suspending the registrations of your products is sections 3(c)(2)(B) of the Federal Insecticide, Fungicide, and

Rodenticide Act (FIFRA). Upon becoming a final and effective order of suspension, any violation of the order will be an unlawful act under section 12(a)(2)(J) of FIFRA.

You are receiving this Notice of Intent to Suspend because you have failed to comply with the terms of the Phase 5 Registration Eligibility Document Data Call-In Notice imposed pursuant to section 4(g)(2)(b) and section (3)(2)(B) of FIFRA.

The specific basis for issuance of this Notice is stated in the Explanatory Appendix (Attachment III) to this Notice. Affected products and the requirements which you failed to satisfy are listed and described in the following three attachments:

Attachment I Suspension Report - Product List

Attachment II Suspension Report - Requirement List

Attachment III Suspension Report - Explanatory Appendix

The suspension of the registration of each product listed in Attachment I will become final unless at least one of the following actions is completed.

1. You may avoid suspension under this Notice if you or another person adversely affected by this Notice properly request a hearing within 30 days of your receipt of this Notice. If you request a hearing, it will be conducted in accordance with the requirements of section 6(d) of FIFRA and the Agency's procedural regulations in 40 CFR part 164.

Section 3(c)(2)(B), however, provides that the only allowable issues which may be addressed at the hearing are whether you have failed to take the actions which are the bases of this Notice and whether the Agency's decision regarding the disposition of existing stocks is consistent with FIFRA. Therefore, no substantive allegation or legal argument concerning other issues, including but not limited to the Agency's original decision to require the submission of data or other information, the need for or utility of any of the required data or other information or deadlines imposed, and the risks and benefits associated with continued registration of the affected product, may be considered in the proceeding. The Administrative Law Judge shall by order dismiss any objections which have no bearing on the allowable issues which may be considered in the proceeding.

Section 3(c)(2)(B)(iv) of FIFRA provides that any hearing must be held and a determination issued within 75 days after receipt of a hearing request. This 75-day period may not be extended unless all parties in the proceeding stipulate to such an

extension. If a hearing is properly requested, the Agency will issue a final order at the conclusion of the hearing governing the suspension of your products.

A request for a hearing pursuant to this Notice must (1) include specific objections which pertain to the allowable issues which may be heard at the hearing, (2) identify the registrations for which a hearing is requested, and (3) set forth all necessary supporting facts pertaining to any of the objections which you have identified in your request for a hearing. If a hearing is requested by any person other than the registrant, that person must also state specifically why he asserts that he would be adversely affected by the suspension action described in this Notice. Three copies of the request must be submitted to: Hearing Clerk, 1900, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, and an additional copy should be sent to the signatory listed below. The request must be received by the Hearing Clerk by the 30th day from your receipt of this Notice in order to be legally effective. The 30-day time limit is established by FIFRA and cannot be extended for any reason. Failure to meet the 30-day time limit will result in automatic suspension of your registration(s) by operation of law and, under such circumstances, the suspension of the registration for your affected product(s) will be final and effective at the close of business 30 days after your receipt of this Notice and will not be subject to further administrative review.

The Agency's Rules of Practice at 40 CFR 164.7 forbid anyone who may take part in deciding this case, at any stage of the proceeding, from discussing the merits of the proceeding *ex parte* with any party or with any person who has been connected with the preparation or presentation of the proceeding as an advocate or in any investigative or expert capacity, or with any of their representatives. Accordingly, the following EPA offices, and the staffs thereof, are designated as judicial staff to perform the judicial function of EPA in any administrative hearings on this Notice of Intent to Suspend: The Office of the Administrative Law Judges, the Office of the Judicial Officer, the Administrator, the Deputy Administrator, and the members of the staff in the immediate offices of the

Administrator and Deputy Administrator. None of the persons designated as the judicial staff shall have any *ex parte* communication with trial staff or any other interested person not employed by EPA on the merits of any of the issues involved in this proceeding, without fully complying with the applicable regulations.

2. You may also avoid suspension if, within 30 days of your receipt of this Notice, the Agency determines that you have taken appropriate steps to comply with the section 4 Phase 5 Reregistration Eligibility Document Data Call-In Notice requirements. In order to avoid suspension under this option, you must satisfactorily comply with Attachment II, Requirement List, for each product by submitting all required supporting data/information described in Attachment II and in the Explanatory Appendix (Attachment III) to the following address (preferably by certified mail):

Office of Compliance Monitoring (7204), Laboratory Data Integrity Assurance Division, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

For you to avoid automatic suspension under this Notice, the Agency must also determine within the applicable 30-day period that you have satisfied the requirements that are the bases of this Notice and so notify you in writing. You should submit the necessary data/information as quickly as possible for there to be any chance the Agency will be able to make the necessary determination in time to avoid suspension of your product(s).

The suspension of the registration(s) of your company's product(s) pursuant to this Notice will be rescinded when the Agency determines you have complied fully with the requirements which were the bases of this Notice. Such compliance may only be achieved by submission of the data/information described in the attachments to the signatory below.

Your product will remain suspended, however, until the Agency determines you are in compliance with the requirements which are the bases of this Notice and so informs you in writing.

After the suspension becomes final and effective, the registrant subject to this Notice, including all supplemental registrants of product(s) listed in Attachment I, may not legally distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive

and (having so received) deliver or offer to deliver, to any person, the product(s) listed in Attachment I.

Persons other than the registrant subject to this Notice, as defined in the preceding sentence, may continue to distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the product(s) listed in Attachment I.

Nothing in this Notice authorizes any person to distribute, sell, use, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, to any person, the product(s) listed in Attachment I in any manner which would have been unlawful prior to the suspension.

If the registrations of your products listed in Attachment I are currently suspended as a result of failure to comply with another section 4 Data Requirements Notice or section 3(c)(2)(B) Data Call-In Notice, this Notice, when it becomes a final and effective order of suspension, will be in addition to any existing suspension, i.e., all requirements which are the bases of the suspension must be satisfied before the registration will be reinstated.

You are reminded that it is your responsibility as the basic registrant to notify all supplementary registered distributors of your basic registered product that this suspension action also applies to their supplementary registered products and that you may be held liable for violations committed by your distributors. If you have any questions about the requirements and procedures set forth in this suspension notice or in the subject section 4 Data Requirements Notice, please contact Dawn Banks-Waller at (703) 308-8251. Sincerely yours,

Director, Office of Compliance Monitoring

Attachments:  
Attachment I - Product List  
Attachment II - Requirement List  
Attachment III - Explanatory Appendix

## II. Registrants Receiving and Affected by Notices of Intent To Suspend; Date of Issuance; Active Ingredient and Products Affected

The following is a list of products for which a letter of notification has been sent:

TABLE A-LIST OF PRODUCTS

Registrant Affected	EPA Registration Number	Active Ingredient	Name of Product	Date Issued
Barton Chemical Corporation	00046720001	Na and Ca Hypochlorite	Chloro-San	1/28/94
L & F Products	00077700059	Na and Ca Hypochlorite	Bowl Power	1/28/94
Olin Corporation	00125801091	Na and Ca Hypochlorite	Sodium Hypochlorite-7	1/28/94
	00125801092	Na and Ca Hypochlorite	Sodium Hypochlorite-5	1/28/94
	00125801093	Na and Ca Hypochlorite	Sodium Hypochlorite-9	1/28/94
	00125801094	Na and Ca Hypochlorite	Sodium Hypochlorite 10	1/28/94
	00125801095	Na and Ca Hypochlorite	Sodium Hypochlorite-11	1/28/94
	00125801096	Na and Ca Hypochlorite	Sodium Hypochlorite 12.5	1/28/94
An-Fo Manufacturing Company	00131700086	Na and Ca Hypochlorite	Dairy-Du Chlorine Sanitizer	1/28/94
Mommar Incorporated	00155320001	Na and Ca Hypochlorite	Aquatrol C-2712	1/28/94
Ecolab Inc.	00167700019	Na and Ca Hypochlorite	Mikro-Chlor	1/28/94
	00167700076	Na and Ca Hypochlorite	Soilax Liquid Pool Sanitizer	1/28/94
Truetech, Inc.	00169120005	Na and Ca Hypochlorite	Calcium Hypochlorite	1/28/94
Drew Industrial Division	00175700095	Na and Ca Hypochlorite	Olin 3001	1/28/94
Elf Atochem N.A. Inc.	00181600005	Na and Ca Hypochlorite	Turco Turclor	1/28/94
Erbrich Products Company-Food & Chemical Products	00252800040	Na and Ca Hypochlorite	Linco Bleach	1/28/94
	00252800041	Na and Ca Hypochlorite	SX-3 Liquid Bactericide	1/28/94
Betz Laboratories, Inc.	00387620001	Na and Ca Hypochlorite	Slimicide C-70	1/28/94
Dominion Chemical Company	00416620001	Na and Ca Hypochlorite	Sodium Hypochlorite Solution	1/28/94
	00416620002	Na and Ca Hypochlorite	Sodium Hypochlorite Solution	1/28/94
H.B. Fuller Company	00452400037	Na and Ca Hypochlorite	Monoklor Liquid	1/28/94
M-CO Inc.	00463500001	Na and Ca Hypochlorite	Master Bleach	1/28/94
	00463500003	Na and Ca Hypochlorite	Master Chlor 8%	1/28/94
	04635020001	Na and Ca Hypochlorite	Master Chlor 12.5%	1/28/94
Plantabbs Corp.	00533200010	Indole-3-Butyric Acid	Plantabbs Rooting Powder	10/8/93
Snee Chemical Company	00568000005	Na and Ca Hypochlorite	CHC-15	1/28/94
Diversey Corporation	00573620004	Na and Ca Hypochlorite	Liqu-a-Klor	1/28/94
Clorox Company	00581300047	Na and Ca Hypochlorite	Bowl Gard Automatic Bowl Cleaner	1/28/94
	00581300048	Na and Ca Hypochlorite	Bowl Gard II Automatic Toilet Bowl Cleaner	1/28/94
	00581300047	Na and Ca Hypochlorite	Bowl Gard Automatic Bowl Cleaner	1/28/94
	00581300048	Na and Ca Hypochlorite	Bowl Gard II Automatic Toilet Bowl Cleaner	1/28/94
Texo Corporation	00587020003	Na and Ca Hypochlorite	C - 13	1/28/94
	00587020004	Na and Ca Hypochlorite	Chemcide	1/28/94

TABLE A-LIST OF PRODUCTS—Continued

Registrant Affected	EPA Registration Number	Active Ingredient	Name of Product	Date Issued
Octagon Process Inc.	00683020005	Na and Ca Hypochlorite	Calcium Hypochlorite, Technical	1/28/94
Merit Chemical Inc.	00693120002	Na and Ca Hypochlorite	Chloricide 12	1/28/94
Alden Leeds Inc.	00712400055	Na and Ca Hypochlorite	Tru-Chlor	1/28/94
Savol Bleach Company	00726700005	Na and Ca Hypochlorite	Savol Shock Treatment	1/28/94
Chaska Chemical Company	00735000001	Na and Ca Hypochlorite	Clor-12	1/28/94
	00735000002	Na and Ca Hypochlorite	Chaska-San Disinfectant-Bactericide-Alkaline	1/28/94
	00735000020	Na and Ca Hypochlorite	Chlor-12	1/28/94
Great Lakes Biochemical Company, Inc.	00736420005	Na and Ca Hypochlorite	Tabex Shock	1/28/94
K O K Cleanser Company	00815400001	Na and Ca Hypochlorite	K-O-K Bleach	1/28/94
	00815420001	Na and Ca Hypochlorite	Sodium Hypochlorite Concentrate Solution	1/28/94
American Machinery Corporation	00851720003	Na and Ca Hypochlorite	Pacrite Clean San	1/28/94
Sanolite	00861600012	Na and Ca Hypochlorite	Dual Chlor	1/28/94
	00874020004	Na and Ca Hypochlorite	Blue Ribbon Bleach	1/28/94
Patterson Labs Inc.	00874020004	Na and Ca Hypochlorite	Blue Ribbon Bleach	1/28/94
E-Z Clor Systems Inc.	00879120005	Na and Ca Hypochlorite	Cal-Chlor Shock	1/28/94
Kleen Brite Lab, Inc.	00887300001	Na and Ca Hypochlorite	Kleen	1/28/94
Morgan Gallacher Inc.	00915700019	Na and Ca Hypochlorite	Sun Sanitizer	1/28/94
Delta Chemical Corporation	00948820002	Na and Ca Hypochlorite	Sodium Hypochlorite Solution	1/28/94
	00959420001	Na and Ca Hypochlorite	CON-O Sodium Hypochlorite 12.5%	1/28/94
	00963200004	Na and Ca Hypochlorite	Sodium Hypochlorite 10% Solution	1/28/94
Intecontinental Chemical Corporation	00959420001	Na and Ca Hypochlorite	CON-O Sodium Hypochlorite 12.5%	1/28/94
	00963200004	Na and Ca Hypochlorite	Sodium Hypochlorite 10% Solution	1/28/94
Bowman Mell & Company	00963200004	Na and Ca Hypochlorite	Sodium Hypochlorite 10% Solution	1/28/94
Skasol Inc.	00974300007	Na and Ca Hypochlorite	Microbiocide No. H	1/28/94
Lerro's Products Inc.	01009800008	Na and Ca Hypochlorite	Ler - Chlor	1/28/94
	01009820004	Na and Ca Hypochlorite	Lerro Bleach	1/28/94
ICI Americas Inc.	01018200081	Na and Ca Hypochlorite	Shock Treatment	1/28/94
	01018200084	Na and Ca Hypochlorite	Calcium Hypochlorite Granular	1/28/94
	01018220008	Na and Ca Hypochlorite	Calcium Hypochlorite	1/28/94
Antech Chemical Company Inc.	01036900004	Na and Ca Hypochlorite	Shock King	1/28/94
World Industries International, Inc.	01059800001	Na and Ca Hypochlorite	Pool Doctor Dry Chlor	1/28/94
Alpha Chemical Services Inc.	01063400002	Na and Ca Hypochlorite	Alpha San 100	1/28/94

TABLE A-LIST OF PRODUCTS—Continued

Registrant Affected	EPA Registration Number	Active Ingredient	Name of Product	Date Issued
	01063420003	Na and Ca Hypochlorite	Liquid Chlorinating Product	1/28/94
	01063420004	Na and Ca Hypochlorite	Alpha Chlor	1/28/94
Springfield Water Conditioning Company Inc.	01067100004	Na and Ca Hypochlorite	Hy-Test Sodium Hypochlorite	1/28/94
Esbro Chemical	01101100002	Na and Ca Hypochlorite	Esbro-Chlor	1/28/94
T-Chemical Products Division Thurmond Chemicals Inc.	01132120007	Na and Ca Hypochlorite	T-Chem Industrial Sodium Hypochlorite	1/28/94
Leslie's Poolmart	01141100010	Na and Ca Hypochlorite	Leslie's Chlorinating Liquid	1/28/94
Colonial Chemical Company	01173620001	Na and Ca Hypochlorite	Sparkle	1/28/94
	01200320001	Na and Ca Hypochlorite	Super Chlor	1/28/94
Bay State Pool Supplies Inc.	01200320001	Na and Ca Hypochlorite	Super Chlor	1/28/94
Advanced Laboratories	01246500003	Na and Ca Hypochlorite	Aqua Maid Shock Treatment	1/28/94
Phillips Industrial Product/Crosley Field Lan	01700400003	Na and Ca Hypochlorite	Pipco Dish-San	1/28/94
Ashland Chemical, Inc.	01853320001	Na and Ca Hypochlorite	Sodium Hypochlorite Solution (12.5%)	1/28/94
	01853320002	Na and Ca Hypochlorite	Sodium Hypochlorite Solution (10%)	1/28/94
	01872300001	Na and Ca Hypochlorite	Chem-Clear	1/28/94
Midwest Pool Supply	01872300001	Na and Ca Hypochlorite	Chem-Clear	1/28/94
Puratex Company Inc.	02085100004	Na and Ca Hypochlorite	Sodium Hypochlorite Solution	1/28/94
LCP Chemicals	02113920002	Na and Ca Hypochlorite	Sodium Hypochlorite 10%	1/28/94
	02113920003	Na and Ca Hypochlorite	Sodium Hypochlorite 9.2%	1/28/94
	02113920004	Na and Ca Hypochlorite	Sodium Hypochlorite 5.25%	1/28/94
	02113920007	Na and Ca Hypochlorite	Sodium Hypochlorite 12.5%	1/28/94
Hatchick Supply Company	02441100002	Na and Ca Hypochlorite	Hatchik Supply Company Sodium Hypochlorite Solution	1/28/94
	02702920001	Na and Ca Hypochlorite	Pool Pride Pool Clear	1/28/94
Acro Dishwashing Service	04097520004	Na and Ca Hypochlorite	Acro-Klo	1/28/94
Scott Pool, Inc.	04142820001	Na and Ca Hypochlorite	Scott Chlor	1/28/94
	04161900001	Na and Ca Hypochlorite	Liquid Chlorinating Product	1/28/94
E.J. Miller & Sons Pool Company	04161900001	Na and Ca Hypochlorite	Liquid Chlorinating Product	1/28/94
Park Corporation	04183120001	Na and Ca Hypochlorite	HI-Chlor	1/28/94
Blue Ribbon Pools, Inc.	04183720001	Na and Ca Hypochlorite	Blu-Clor Sodium Hypochlorite Solution	1/28/94
	04193400002	Na and Ca Hypochlorite	Sodium Hypochlorite Solution	1/28/94
	04199720003	Na and Ca Hypochlorite	Dietz Sanitizer for Swimming Pools	1/28/94
George S. Coyne Chemical Company, Inc.	04193400002	Na and Ca Hypochlorite	Sodium Hypochlorite Solution	1/28/94
	04199720003	Na and Ca Hypochlorite	Dietz Sanitizer for Swimming Pools	1/28/94

TABLE A-LIST OF PRODUCTS—Continued

Registrant Affected	EPA Registration Number	Active Ingredient	Name of Product	Date Issued
Dietz Pool, Inc.	04199720003	Na and Ca Hypochlorite	Dietz Sanitizer for Swimming Pools	1/28/94
York Chemical Corporation	04217700002	Na and Ca Hypochlorite	"Klear Out"	1/28/94
	04217700053	Na and Ca Hypochlorite	Olympic Pool Chlor 65	1/28/94
	04217700021	Na and Ca Hypochlorite	Olympic Chlor-O-Shock	1/28/94
	04217700025	Na and Ca Hypochlorite	Olympic Hypo-Chlor 125	1/28/94
Ed-Chem Corporation	04260800001	Na and Ca Hypochlorite	Sodium Hypochlorite Solution	1/28/94
	04261320001	Na and Ca Hypochlorite	Indo-Clor	1/28/94
Independent Chemical Company	04261320001	Na and Ca Hypochlorite	Indo-Clor	1/28/94
Patterson Laboratories, Inc.	04270220002	Na and Ca Hypochlorite	Pool Hypochlorite "For Swimming Pool Water Treatment"	1/28/94
UR Industries Inc.	04289520005	Na and Ca Hypochlorite	Calcium Hypochlorite, 65% Dry Granular Chlori	1/28/94
Atlantic Aquatics	04320520001	Na and Ca Hypochlorite	Sodium Hypochlorite Solution	1/28/94
Agri-Chem, Inc.	04341020002	Na and Ca Hypochlorite	Agri-Chlor 10	1/28/94
Pro Chemicals, Inc.	04349700001	Na and Ca Hypochlorite	Pro Chlor 64	1/28/94
Sun Pools, Supplies & Services, Inc.	04413020002	Na and Ca Hypochlorite	Sun Pools Chlorinating Solution	1/28/94
Recreational Factory Warehouse	04428100001	Na and Ca Hypochlorite	Swimway Liquid Sanitizer	1/28/94
Value Products, Inc.	04491700001	Na and Ca Hypochlorite	Sani-Clean	1/28/94
Hydrologic Florida Inc.	04522520003	Na and Ca Hypochlorite	Sodium Hypo Chlorite Solution	1/28/94
Scientific Water Systems	04538700019	Na and Ca Hypochlorite	Clor Mor Cal Hypo-Granules	1/28/94
	04538700020	Na and Ca Hypochlorite	Clor Mor Calhypo Tablets	1/28/94
	04538700021	Na and Ca Hypochlorite	Clor Mor Calhypo Giant Tabs	1/28/94
Clenesco Products Corporation	04544720001	Na and Ca Hypochlorite	Clenesco Chlorinating Liquid	1/28/94
Safeway Industries, Inc.	04618300001	Na and Ca Hypochlorite	Sani-Way 6	1/28/94
	04618300002	Na and Ca Hypochlorite	Sani-Way 12	1/28/94
	04618300010	Na and Ca Hypochlorite	Bio-Chlor LB-525	1/28/94
Bionox Co., Inc.	04650600001	Na and Ca Hypochlorite	Bionox	1/28/94
Aqua Blue Pools of Central Florida, Inc.	04725020002	Na and Ca Hypochlorite	Aquatech Supurr Shock Chlorinating Solution	1/28/94
EES Corporation	04848220006	Na and Ca Hypochlorite	Genchlor - 65(TM)	1/28/94
Yarnell Pool Supply	04933720001	Na and Ca Hypochlorite	Yarnell's Bleach	1/28/94
CK Enterprises	04961400001	Na and Ca Hypochlorite	K-San	1/28/94
Proclean Systems Inc.	05041620001	Na and Ca Hypochlorite	Proclean Pro-San Sanitizer/Bleach	1/28/94
Autotrol Corporation	05051000001	Na and Ca Hypochlorite	Chlorinating Tablets	1/28/94

TABLE A-LIST OF PRODUCTS—Continued

Registrant Affected	EPA Registration Number	Active Ingredient	Name of Product	Date Issued
Blue Lustre Home Care Products Inc.	05069700006	Na and Ca Hypochlorite	120 Day Automatic Toilet Cleaner	1/28/94
	05069700007	Na and Ca Hypochlorite	Mil-Don't	1/28/94
G & S Enterprises	05135420001	Na and Ca Hypochlorite	Sun Guard 15	1/28/94
Chem West	05356900001	Na and Ca Hypochlorite	Chem Klor	1/28/94
Capo Industries, Ltd.	05499820005	Na and Ca Hypochlorite	Pool Shock	1/28/94
Krudico Inc.	05530400001	Na and Ca Hypochlorite	Calcium Hypochlorite 70% Dry Chlorinating Pel	1/28/94
Aqua Specialists Inc.	05571400001	Na and Ca Hypochlorite	Corrosive Sodium Hypochlorite Solution	1/28/94
Aqua Chemical Sales & Delivery	05600320001	Na and Ca Hypochlorite	Aqua Pure Sodium Hypochlorite Solution 12.5%	1/28/94
North Country Dairy Supply, Inc.	05715920003	Na and Ca Hypochlorite	San 2000	1/28/94
Haviland Consumer Products, Inc.	05778700004	Na and Ca Hypochlorite	Liquichlor Bleach	1/28/94
Nuchem Corporation	05915120002	Na and Ca Hypochlorite	Nuchem CF-167	1/28/94
	05919820001	Na and Ca Hypochlorite	Sodium Hypochlorite 12.5%	1/28/94
	05928920001	Na and Ca Hypochlorite	Sodium Hypochlorite Solution	1/28/94
	05942620002	Na and Ca Hypochlorite	Sodium Hypochlorite	1/28/94
Viking Chemical Company	05919820001	Na and Ca Hypochlorite	Sodium Hypochlorite 12.5%	1/28/94
	05928920001	Na and Ca Hypochlorite	Sodium Hypochlorite Solution	1/28/94
	05942620002	Na and Ca Hypochlorite	Sodium Hypochlorite	1/28/94
Lockwood Laboratories Inc.	05928920001	Na and Ca Hypochlorite	Sodium Hypochlorite Solution	1/28/94
	05942620002	Na and Ca Hypochlorite	Sodium Hypochlorite	1/28/94
J. James Smullen, Inc.	05942620002	Na and Ca Hypochlorite	Sodium Hypochlorite	1/28/94
7C'S Safety and Environmental Consultants	06142800001	Na and Ca Hypochlorite	Emergency Storage Pak Water Preserver Concentrate	1/28/94
Accu-Care Supply, Inc.	06203220001	Na and Ca Hypochlorite	Pool Clear	1/28/94
Excelex Corporation	06249500001	Na and Ca Hypochlorite	Excelex Bleach	1/28/94
	06249500003	Na and Ca Hypochlorite	Liqui-Chlor Sodium Hypochlorite Solution	1/28/94
Enichem America, Inc.	06255000001	Na and Ca Hypochlorite	Calcium Hypochlorite Idroklorel	1/28/94

### III. Basis for Issuance of Notice of Intent; Requirement List

The following companies failed to submit the following requirement data or information:

TABLE B-LIST OF REQUIREMENTS

Active Ingredient	Registrant Affected	Requirement Name	Guideline Reference Number	Original Due-Date
Na and Ca Hypochlorite	Accu-Care Supply, Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Acro Dishwashing Service	Confidential Statement of Formula (CSF) Form		11/18/92
	Advanced Laboratories	Confidential Statement of Formula (CSF) Form		11/18/92
	Agri-Chem, Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Alden Leeds Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Alpha Chemical Services Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	An-Fo Manufacturing Company	Confidential Statement of Formula (CSF) Form		11/18/92
	Antech Chemical Company Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	American Machinery Corporation	Confidential Statement of Formula (CSF) Form		11/18/92
	Aqua Blue Pools of Central Florida, Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Aqua Chemical Sales & Delivery	Confidential Statement of Formula (CSF) Form		11/18/92
	Aqua Specialists Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Ashland Chemical, Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Atlantic Aquatics	Confidential Statement of Formula (CSF) Form		11/18/92
	Autotrol Corporation	Confidential Statement of Formula (CSF) Form		11/18/92
	Barton Chemical Corporation	Confidential Statement of Formula (CSF) Form		11/18/92
	Bay State Pool Supplies Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Betz Laboratories, Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Bionox Company, Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Blue Lustre Home Care Products Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Blue Ribbon Pools, Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Bowman Mell & Company	Confidential Statement of Formula (CSF) Form		11/18/92
	Capo Industries, Ltd.	Confidential Statement of Formula (CSF) Form		11/18/92
	Chaska Chemical Company	Confidential Statement of Formula (CSF) Form		11/18/92
	Chem West	Confidential Statement of Formula (CSF) Form		11/18/92
	CK Enterprises	Confidential Statement of Formula (CSF) Form		11/18/92
	Cienesco Products Corporation	Confidential Statement of Formula (CSF) Form		11/18/92
	Clorox Company	Confidential Statement of Formula (CSF) Form		11/18/92
	Colonial Chemical Company	Confidential Statement of Formula (CSF) Form		11/18/92
	Delta Chemical Corporation	Confidential Statement of Formula (CSF) Form		11/18/92
	Dietz Pool, Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Diversey Corporation	Confidential Statement of Formula (CSF) Form		11/18/92
	Dominion Chemical Company	Confidential Statement of Formula (CSF) Form		11/18/92
	Drew Industrial Division	Confidential Statement of Formula (CSF) Form		11/18/92
	Ecolab Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Ed-Chem Corporation	Confidential Statement of Formula (CSF) Form		11/18/92
	EES Corporation	Confidential Statement of Formula (CSF) Form		11/18/92
	E.J. Miller & Sons Pool Company	Confidential Statement of Formula (CSF) Form		11/18/92
	Elf Atochem N.A. Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Enichem America, Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Erbrich Products Company-Food & Chemical Products	Confidential Statement of Formula (CSF) Form		11/18/92
	Esbro Chemical	Confidential Statement of Formula (CSF) Form		11/18/92
	Excelex Corporation	Confidential Statement of Formula (CSF) Form		11/18/92
	E-Z Clor Systems Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	George S. Coyne Chemical Company, Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Great Lakes Biochemical Company, Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	G & S Enterprises	Confidential Statement of Formula (CSF) Form		11/18/92

TABLE B—LIST OF REQUIREMENTS—Continued

Active Ingredient	Registrant Affected	Requirement Name	Guideline Reference Number	Original Due-Date
	Hatchick Supply Company	Confidential Statement of Formula (CSF) Form		11/18/92
	Haviland Consumer Products, Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	H.B. Fuller Company	Confidential Statement of Formula (CSF) Form		11/18/92
	Hydrologic Florida Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	ICI Americas Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Independent Chemical Company	Confidential Statement of Formula (CSF) Form		11/18/92
	Intecontinental Chemical Corporation	Confidential Statement of Formula (CSF) Form		11/18/92
	J. James Smullen, Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Kleen Brite Lab, Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	K O K Cleanser Company	Confidential Statement of Formula (CSF) Form		11/18/92
	Krudico Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	LCP Chemicals	Confidential Statement of Formula (CSF) Form		11/18/92
	Lerro's Products Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Leslie's Poolmart	Confidential Statement of Formula (CSF) Form		11/18/92
	L & F Products	Confidential Statement of Formula (CSF) Form		11/18/92
	Lockwood Laboratories Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	M-CO Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Merit Chemical Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Midwest Pool Supply	Confidential Statement of Formula (CSF) Form		11/18/92
	Momar Incorporated	Confidential Statement of Formula (CSF) Form		11/18/92
	Morgan Gallacher Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	North Country Dairy Supply, Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Nuchem Corporation	Confidential Statement of Formula (CSF) Form		11/18/92
	Octagon Process Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Olin Corporation	Confidential Statement of Formula (CSF) Form		11/18/92
	Park Corporation	Confidential Statement of Formula (CSF) Form		11/18/92
	Patterson Laboratories, Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Patterson Labs Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Phillips Industrial Product/Crosley Field Lane	Confidential Statement of Formula (CSF) Form		11/18/92
	Pro Chemicals, Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Proclean Systems Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Puratex Company Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Recreational Factory Warehouse	Confidential Statement of Formula (CSF) Form		11/18/92
	Safeway Industries, Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Sanolite	Confidential Statement of Formula (CSF) Form		11/18/92
	Savol Bleach Company	Confidential Statement of Formula (CSF) Form		11/18/92
	Scientific Water Systems	Confidential Statement of Formula (CSF) Form		11/18/92
	Scott Pool, Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Skasol Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Snee Chemical Company	Confidential Statement of Formula (CSF) Form		11/18/92
	Springfield Water Conditioning Company Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Sun Pools, Supplies & Services, Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	T-Chem Products Div Thurmond Chemicals Inc.,	Confidential Statement of Formula (CSF) Form		11/18/92
	Texo Corporation	Confidential Statement of Formula (CSF) Form		11/18/92
	Truetech, Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	UR Industries Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Value Products, Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Viking Chemical Company	Confidential Statement of Formula (CSF) Form		11/18/92
	World Industries International, Inc.	Confidential Statement of Formula (CSF) Form		11/18/92
	Yarnell Pool Supply	Confidential Statement of Formula (CSF) Form		11/18/92

TABLE B-LIST OF REQUIREMENTS—Continued

Active Ingredient	Registrant Affected	Requirement Name	Guideline Reference Number	Original Due-Date
	York Chemical Corporation	Confidential Statement of Formula (CSF) Form		11/18/92
	7C's Safety and Environmental Consultants	Confidential Statement of Formula (CSF) Form		11/18/92

#### IV. Attachment III Suspension Report-Explanatory Appendix

A discussion of the basis for the Notice of Intent to Suspend follows:

##### *Na and Ca Hypochlorite*

On February 28, 1992, EPA issued the Phase 5 Reregistration Data Requirements Notice imposed pursuant to section 4 of FIFRA which required registrants of products containing Na and Ca Hypochlorite to develop and submit certain data/information. These data/information were determined to be necessary to satisfy reregistration data requirements of section 4(g)(2)(B) of FIFRA.

The Na and Ca Hypochlorite Phase 5 Reregistration Data Requirements Notice dated February 28, 1992, required each affected registrant to submit materials relating to the election of the options to address each of the data requirements. The Notice further required that data/information be submitted by deadlines noted for the subject data/information requirements on Attachment II. These deadlines have passed and to date the Agency has not received adequate data/information to satisfy these data/information requirements. Because you have failed to provide an appropriate or adequate response within the time provided for data/information requirements listed on Attachment II, the Agency is issuing this Notice of Intent to Suspend.

#### V. Conclusions

EPA has issued Notices of Intent to Suspend on the dates indicated. Any further information regarding these Notices may be obtained from the contact person noted above.

#### List of Subjects

Environmental protection.

Dated: March 8, 1994.

Connie S. Musgrove,

Acting Director, Office of Compliance Monitoring.

[FR Doc. 94-5997 Filed 3-14-94; 8:45 am]

BILLING CODE 6560-50-F

#### FEDERAL MARITIME COMMISSION

##### Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

*Agreement No.:* 217-011203-004.

*Title:* Wallenius/NOSAC Space Charter and Cooperative Working Agreement.

*Parties:* Wallenius Line AB, NOSAC ANS.

*Synopsis:* The proposed amendment clarifies that Wallenius may charter space on vessels owned or chartered by the NOSAC parties or agents in conjunction with wholly-owned subsidiaries of Wallenius. The parties have requested a shortened review period.

*Agreement No.:* 207-011315-002.

*Title:* American Carriers NOSAC Joint Service Agreement.

*Parties:* Wallenius Lines AB, NOSAC ANS.

*Synopsis:* The proposed amendment clarifies that the parties may contribute vessels to the Joint Service in their individual capacities or jointly, directly or through agents or affiliates. The parties have requested a shortened review period.

*Agreement No.:* 203-011448.

*Title:* U.S./Latin America Agreement.  
*Parties:* A.P. Moller-Maersk Line, Sea-Land Service, Inc.

*Synopsis:* The proposed Agreement authorizes the parties to discuss and

agree upon rates on a voluntary basis. They may also discuss and agree upon matters relating to the deployment and utilization of vessels in the trade between ports and points in the United States and ports and points in Colombia, Ecuador, Peru, Chile, (including points in Bolivia), Mexico, Panama, Guatemala, Honduras, Costa Rica, El Salvador, Nicaragua, Belize, and Jamaica. It also authorizes the parties to charter vessels to each other or other parties in the trade. The parties have requested a shortened review period.

*Agreement No.:* 224-200755-001.

*Title:* Jacksonville Port Authority/Stevens Shipping and Terminal Company.

*Parties:* Jacksonville Port Authority, Stevens Shipping and Terminal Company.

*Synopsis:* The proposed amendment authorizes an annual rate and throughput increase to the Agreement.

By Order of the Federal Maritime Commission.

Dated: March 9, 1994.

Joseph C. Polking,

Secretary.

[FR Doc. 94-5904 Filed 3-14-94; 8:45 am]

BILLING CODE 6730-01-M

#### FEDERAL RESERVE SYSTEM

##### Meridian Bancorp, Inc., Reading, PA; Application To Engage in Nonbanking Activities

Meridian Bancorp, Inc., Reading, Pennsylvania (Applicant), has applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) (BHC Act) and § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)) to engage *de novo* through a wholly owned subsidiary, McGlinn Capital Management, Inc., Wyomissing, Pennsylvania (Company), in the following securities-related activities: (1) Providing portfolio investment advice to the general public, including the exercise of investment discretion on behalf of institutional customers and a limited number of individuals related to Company's management; (2) serving as general partner of, maintaining a

financial interest in, and, in its capacity as general partner, providing portfolio investment advice, including the exercise of investment discretion, to a series of limited partnerships now existing or to be established in the future (Partnerships); (3) engaging in the private placement of limited partnership interests in the Partnerships to institutional customers and certain additional employee benefit plans; and (4) performing certain administrative and recordkeeping functions for the Partnerships in its capacity as general partner. The scope of the proposed activity is nationwide.

Section 4(c)(8) of the BHC Act provides that a bank holding company may, with Board approval, engage in any activity that the Board, after due notice and opportunity for hearing, has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto. This statutory test requires that two separate tests be met for an activity to be permissible for a bank holding company. First, the Board must determine that the activity is, as a general matter, closely related to banking. Second, the Board must find in a particular case that the performance of the activity by the applicant bank holding company may reasonably be expected to produce public benefits that outweigh possible adverse effects.

A particular activity may be found to meet the "closely related to banking" test if it is demonstrated that banks have generally provided the proposed activity; that banks generally provide services that are operationally or functionally similar to the proposed activity so as to equip them particularly well to provide the proposed activity; or that banks generally provide services that are so integrally related to the proposed activity as to require their provision in a specialized form. *National Courier Ass'n v. Board of Governors*, 516 F.2d 1229, 1237 (D.C. Cir. 1975). In addition, the Board may consider any other basis that may demonstrate that the activity has a reasonable or close relationship to banking or managing or controlling banks. Board Statement Regarding Regulation Y (49 FR 806 (1984)).

Applicant believes that the provision of portfolio investment advice to any person, including the exercise of limited investment discretion for institutional customers, is authorized by regulation. See 12 CFR 225.25(b)(4)(iii). Applicant has stated that it will conduct its proposed investment advisory activities subject to the requirements and limitations of the Board's Regulation Y and the conditions and limitations of

the Board's previous orders, with one exception. Applicant proposes to exercise limited investment discretion on behalf of a small number of relatives of Company's proposed chief executive officer, but only for so long as this individual serves in this position. This individual has provided this service to these individuals for several years. Applicant believes that these individuals are suitable persons for whom Company may exercise investment discretion in view of their small number, their unique family relationship to Company's proposed chief executive officer, and the longstanding practice of Company's proposed chief executive officer to exercise investment discretion on their behalves.

Applicant believes that Company, in its capacity as general partner, also may provide portfolio investment advice, including the exercise of investment discretion, to the Partnerships. Applicant notes that the Partnerships are excluded from the definition of an investment company under the Investment Company Act of 1940 (15 U.S.C. 80a-1 *et seq.*) (1940 Act), and believes, for this and other reasons, that the provisions of section 225.125 of Regulation Y (12 CFR 225.125), including the prohibition therein against an investment adviser purchasing for its own account any shares of an investment company for which it serves as an investment adviser, are not applicable to Company's investment in the Partnerships or its activities as general partner of the Partnerships.

Each of the Partnerships is engaged solely in the business of investing in debt and equity securities, including indirect interests in real property that would qualify as securities. Applicant represents that the securities owned by the Partnerships, together with all other securities directly or indirectly owned or controlled by Applicant, do not include more than 5 percent of the voting shares of any company (except for certain securities held by the Partnerships that Applicant will cause the Partnerships to divest within a period of time acceptable to the Board). Applicant also represents that it will not directly or indirectly exercise a controlling influence over the management or policies of any company, or otherwise engage in the conduct of the activities of any company, the securities of which are owned by any of the Partnerships. On this basis, Applicant believes that Company may acquire an interest in each of the Partnerships without the

filing of an application for prior Board approval under the BHC Act.

Applicant has stated that the Partnerships will not, after the Partnerships are initially subscribed, admit new limited partners, or permit limited partners after their initial investment either to make additional contributions or to withdraw capital, more frequently than once per quarter. Applicant proposes to engage, as general partner, in the private placement of limited partnership interests in the Partnerships in this context. Applicant is seeking authority to engage in private placement activity only in this context, and is not seeking private placement authority in general. Applicant also will comply with all conditions and limitations contained in the Board's previous orders approving private placement activities generally and the requirements of the Securities and Exchange Commission's Regulation D (17 CFR 230.501 *et seq.*) (Regulation D) and the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). See J.P. Morgan & Company Incorporated, 76 Federal Reserve Bulletin 26 (1990); Bankers Trust New York Corporation, 75 Federal Reserve Bulletin 829 (1989); The Chase Manhattan Corporation, 74 Federal Reserve Bulletin 704 (1988); Manufacturers Hanover Corporation, 73 Federal Reserve Bulletin 930 (1987). Applicant believes that engaging in the issuance and private placement of limited partnership interests not more frequently than once per quarter is sufficiently infrequent that in doing so, while also observing Regulation D and the conditions and limitations described above, neither Company nor the Partnerships would be principally engaged in the issue, flotation, underwriting, public sale, or distribution of securities for purposes of section 20 of the Glass-Steagall Act.

The Board's previous orders do not authorize the private placement of securities with qualified employee benefit plans with assets less than \$1,000,000. Applicant believes, however, that qualified employee benefit plans with assets of not less than \$500,000 typically have the sophistication to evaluate an investment in the Partnerships. Applicant proposes on this basis that the private placement of limited partnership interests in the Partnerships with such smaller qualified employee benefit plans, and in conformity with all other conditions and limitations of the Board's previous orders and Regulation D, would be consistent with the Board's previous determinations that private placements are not the public sale or distribution of

securities for purposes of section 20 of the Glass-Steagall Act.

Applicant also proposes that Company will maintain such records and provide such services as are necessary and incidental to its exercising investment discretion on behalf of its institutional customers and other approved individual customers and acting as general partner of and exercising investment discretion on behalf of the Partnerships. In the case of Company's institutional customers and other approved individual customers, this would include records of customers' identities, securities holdings, securities transactions and settlements, account balances, and other records customarily retained by investment advisers or that investment advisers are required by law to retain. In the case of the Partnerships, this would include the foregoing and records relating to limited partners' identities and their ownership interests and account balances in the Partnerships, the payment of Partnership bills, the retention of legal, accounting, and financial professionals, and other activities incidental to acting as general partner of a limited partnership. Applicant believes that these activities are closely related to banking because they are incidental to investment advisory activities approved by the Board, and are permissible.

In order to satisfy the proper incident to banking test, section 4(c)(8) of the BHC Act requires the Board to find that the performance of the activities by Company 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 interest, or unsound banking practices. Applicant believes that the proposed activities will benefit the public by promoting competition in the delivery of high quality investment management services. Applicant also believes that approval of this application will allow Company to provide a wider range of services and serve a wider clientele. Applicant believes that the proposed activities will not result in any unsound banking practices or other adverse effects.

In publishing the proposal for comment, the Board does not take a position on issues raised by the proposal. Notice of the proposal is published solely in order to seek the views of interested persons on the issues presented by the application and does not represent a determination by the Board that the proposal meets, or is

likely to meet, the standards of the BHC Act.

Any comments or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than April 6, 1994.

Any request for a hearing on this application must, as required by § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement of the reasons why 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.

This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Philadelphia.

Board of Governors of the Federal Reserve System, March 9, 1994.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 94-5944 Filed 3-14-94; 8:45 am]

BILLING CODE 6210-01-P

## GENERAL SERVICES ADMINISTRATION

### Business Advisory Board; Meeting

Notice is hereby given that the General Services Administration (GSA) Business Advisory Board will meet March 14 and April 1, 1994, from 8 a.m. to 4 p.m. at the General Services Administration Building at 18th and F Streets, room 5141A, Washington, DC 20405. Notice is required by the Federal Advisory Committee Act, 5 U.S.C. App. 2, and the implementing regulation, 41 CFR part 101-6.

The purpose of these meetings is to provide a forum to discuss the development of asset management principles that will guide the management of GSA's real property portfolio. The agenda for this meeting will include discussions on and recommendations of asset management principles to guide GSA's ownership enterprise.

The meeting will be open to public.

For further information, contact Deborah Schilling (202) 501-9192 of the Public Buildings Service, Real Estate Reinvention Task Force, GSA, Washington, DC 20405.

Dated: March 1, 1994

David L. Bibb,

Deputy Commissioner, Public Buildings Service.

[FR Doc. 94-5910 Filed 3-14-94; 8:45 am]

BILLING CODE 6820-23-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Assistant Secretary for Health

#### Safe Medical Devices Act of 1990; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of authority to the Assistant Secretary for Health on February 10, 1994 by the Secretary of Health and Human Services, the Assistant Secretary for Health has delegated to the Commissioner of Food and Drugs, with authority to redelegate, all the authorities under the Safe Medical Devices Act of 1990 (Pub. L. 101-629), as amended hereafter. This delegation excludes the authority to submit reports to the Congress.

This delegation is effective upon date of signature. In addition, I hereby affirm and ratify any actions taken by the Commissioner of Food and Drugs or his subordinates which, in effect, involved the exercise of the authorities delegated herein prior to the effective date of the delegation.

Dated: February 23, 1994.

Philip R. Lee, M.D.,

Assistant Secretary for Health.

[FR Doc. 94-5914 Filed 3-14-94; 8:45 am]

BILLING CODE 4160-15-M

## Food and Drug Administration

### Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meeting and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

MEETING: The following advisory committee meeting is announced:

#### Food Advisory Committee

Date, time, and place. April 6, 1994, 1 p.m., April 7 and 8, 1994, 8 a.m.,

Renaissance Hotel-Dulles Airport, corner of Sully and McLearen Rds., Herndon, VA 22071.

*Type of meeting and contact person.* Open committee discussion, April 6, 1994, 1 p.m. to 5:30 p.m.; open committee discussion, April 7, 1994, 8 a.m. to 5 p.m.; open committee discussion, April 8, 1994, 8 a.m. to 9:15 a.m.; open public hearing, 9:15 a.m. to 10:15 a.m., unless public participation does not last that long; open committee discussion, 10:15 a.m. to 5 p.m.; Lynn A. Larsen, Center for Food Safety and Applied Nutrition (HFS-5), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-205-4727, or Catherine M. DeRoeper, Advisory Committee Staff (HFS-22), 202-205-4251, FAX 202-205-4970.

*General function of the committee.* The committee provides advice on emerging food safety, food science, and nutrition issues that FDA considers of primary importance in the next decade.

*Agenda—Open public hearing.* Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person by close of business March 31, 1994, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments. If necessary, comments may be limited to 5 minutes per participant.

*Open committee discussion.* The committee will undertake a scientific discussion of the safety review of whole foods produced by new biotechnologies. A genetically modified tomato currently under review by the agency will serve as an example and focus of the discussion.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized,

however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting may be requested in writing from the Freedom of Information Office (HFI-35), Food and Drug Administration, rm. 12A-16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting may be requested in writing from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory

Committee Act (5 U.S.C. app. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: March 9, 1994.

Jane E. Henney,  
Deputy Commissioner for Operations.  
[FR Doc. 94-5945 Filed 3-14-94; 8:45 am]  
BILLING CODE 4160-01-F

#### Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

**SUMMARY:** This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meeting and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

**MEETING:** The following advisory committee meeting is announced:

#### Biological Response Modifiers Advisory Committee

*Date, time, and place.* March 31, 1994, 1 p.m., Food and Drug Administration, Bldg. 29, conference rm. 121, 8800 Rockville Pike, Bethesda, MD.

*Type of meeting and contact person.* This meeting will be held by a telephone conference call. A speaker telephone will be provided in the conference room to allow public participation in the meeting. Open committee discussion on review of research, 1 p.m. to 1:45 p.m.; closed committee deliberations, 1:45 p.m. to 2:45 p.m.; open public hearing, 2:45 p.m. to 3:45 p.m., unless public participation does not last that long; William Freas or Pearline Muckelvene, Center for Biologics Evaluation and Research (HFM-21), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301-594-1054.

*General function of the committee.* The committee reviews and evaluates data relating to the safety, effectiveness, and appropriate use of biological response modifiers which are intended for use in the prevention and treatment of a broad spectrum of human diseases.

*Agenda—Open public hearing.* Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before March 24, 1994, and submit a brief statement of the general nature of the evidence or

arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

**Open committee discussion.** The committee will discuss the intramural scientific programs of the Laboratory of Molecular Immunology of the Division of Cellular and Gene Therapies, Center for Biologics Evaluation and Research.

**Closed committee deliberations.** The committee will discuss the intramural scientific program. This portion of the meeting will be closed to prevent disclosure of personal information concerning individuals associated with the research program, disclosure of which would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this Federal Register notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting may be requested in writing from the Freedom of Information Office (HFI-35), Food and Drug Administration, rm. 12A-16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting may be requested in writing from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

The Commissioner has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA) (5 U.S.C. app. 2, 10(d)), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in

accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, deliberation to formulate advice and recommendations to the agency on matters that do not independently justify closing.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (5 U.S.C. app. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: March 9, 1994.

Jane E. Henney,  
Deputy Commissioner for Operations.  
[FR Doc. 94-5946 Filed 3-14-94; 8:45 am]  
BILLING CODE 4160-01-F

## Health Resources and Services Administration

### Low Income Levels for Health Professions and Nursing Programs

The Health Resources and Services Administration (HRSA) is updating income levels used to identify a "low income family" for the purpose of providing training for individuals from disadvantaged backgrounds under various health professions and nursing programs included in titles VII and VIII of the Public Health Service Act (the Act).

The Department periodically publishes in the Federal Register low income levels used by the Public Health Service for grants and cooperative

agreements to institutions providing training for individuals from disadvantaged backgrounds. A "low income level" is one of the factors taken into consideration to determine if an individual qualifies as a disadvantaged student for purposes of health professions and nursing programs.

The programs under the Act that use "low income levels" as one of the factors in determining disadvantaged backgrounds include the Health Careers Opportunity Program, section 740 (previously section 787), the Program of Financial Assistance for Disadvantaged Health Professions Students, section 740(a)(2)(F) (previously section 787(b)), and Nursing Education Opportunities for Individuals from Disadvantaged Backgrounds, section 827. Loans to Disadvantaged Students, section 724 (previously section 740(c)), Scholarships for Health Professions Students from Disadvantaged Backgrounds, section 737 (previously section 760), Disadvantaged Health Professions Faculty Loan Repayment and Fellowships Program, section 738 (previously section 761) were added to title VII by the Disadvantaged Minority Health Improvement Act of 1990 (Pub. L. 101-527) and are also using the low income levels. Other factors used in determining "disadvantaged backgrounds" are included in individual program regulations and guidelines.

#### **Health Careers Opportunity Program (HCOP), Section 740**

This program awards grants to accredited schools of medicine, osteopathic medicine, public health, dentistry, veterinary medicine, optometry, pharmacy, allied health, podiatric medicine, chiropractic and public or nonprofit private schools which offer graduate programs in clinical psychology, and other public or private nonprofit health or educational entities to assist individuals from disadvantaged backgrounds to enter and graduate from health professions schools.

#### **Financial Assistance for Disadvantaged Health Professions Students (FADHPS), Section 740(a)(2)(F)**

This program awards grants to accredited schools of medicine, osteopathic medicine, and dentistry to provide financial assistance to individuals from disadvantaged backgrounds who are of exceptional financial need, to help pay for their health professions education. The provision of these scholarships shall be subject to section 795 relating to

residency training and practice in primary health care.

#### **Nursing Education Opportunities for Individuals from Disadvantaged Backgrounds, Section 827**

This program awards grants to public and nonprofit private schools of nursing and other public or nonprofit private entities to meet costs of special projects to increase nursing education opportunities for individuals from disadvantaged backgrounds.

#### **Loans to Disadvantaged Students, Section 724**

This program makes awards to certain accredited schools of medicine, osteopathic medicine, dentistry, optometry, pharmacy, podiatric medicine, and veterinary medicine for financially needy students from disadvantaged backgrounds.

#### **Scholarships for Health Professions Students from Disadvantaged Backgrounds, Section 737**

This program awards grants to schools of medicine, nursing, osteopathic medicine, dentistry, pharmacy, podiatric medicine, optometry, veterinary medicine, allied health, or public health, or schools that offer graduate programs in clinical psychology for the purpose of assisting such schools in providing scholarships to individuals from disadvantaged backgrounds who enrolled (or are accepted for enrollment) as full-time students.

#### **Disadvantaged Health Professions Faculty Loan Repayment and Fellowship Program, Section 738**

This program awards grants to repay the health professions education loans of disadvantaged health professionals who have agreed to serve for at least 2 years as a faculty member of a school of medicine, nursing, osteopathic medicine, dentistry, pharmacy, podiatric medicine, optometry, veterinary medicine, public health, or a school that offers a graduate program in clinical psychology. Section 738(a) allows loan repayment only for an individual who has not been a member of the faculty of any school at any time during the 18-month period preceding the date on which the Secretary receives the request of the individual for repayment contract (ie., "new" faculty).

The following income figures were taken from low income levels published by the U.S. Bureau of the Census, using an index adopted by a Federal Interagency Committee for use in a variety of Federal Programs. That index includes multiplication by a factor of

1.3 for adaptation to health professions and nursing programs which support training for individuals from disadvantaged backgrounds. The income figures have been updated to reflect increases in the Consumer Price Index through December 31, 1993.

Size of parents family <sup>1</sup>	Income level <sup>2</sup>
1 .....	\$9,700
2 .....	12,600
3 .....	15,000
4 .....	19,200
5 .....	22,600
6 or more .....	25,400

<sup>1</sup> Includes only dependents listed on Federal income tax forms.

<sup>2</sup> Rounded to the nearest \$100. Adjusted gross income for calendar year 1993.

Dated: March 9, 1994.

Ciro V. Sumaya, M.D., M.P.H.T.M.,  
Administrator.

[FR Doc. 94-5947 Filed 5-14-94; 8:45 am]  
BILLING CODE 4160-15-P-M

[RIN-0905-ZA15; PN 2176]

#### **Rural Health Outreach Grant Program**

**AGENCY:** Health Resources and Services Administration (PHS).

**ACTION:** Notice of Availability of Funds for Minority Community Health Coalition Development and Implementation of HIV/AIDS Centered Education/Prevention Demonstration Grant Project.

**SUMMARY:** The Office of Minority Health (OMH), Office of the Assistant Secretary for Health (OASH), and the Office of Rural Health Policy (ORHP), Health Resources and Services Administration (HRSA), announce the availability of funds for Fiscal Year 1994 to support rural Minority Community Health Coalition demonstration (MCHC) project grants for a period not to exceed three years. Given the nature of some of the activities conducted separately under the auspices of one Office or the other, the Offices are committed to jointly supporting activities whose underlying missions are similar. Therefore, the MCHC Project is designed to be a component of the existing Rural Health Outreach Grant Program.

The MCHC grant projects are designed to provide limited resources to plan and develop five rural minority community health coalitions. The purpose of these coalitions will be to develop strategies to implement an integrated HIV/AIDS-centered plan addressing HIV and related health problems associated with risk behaviors underlying HIV transmission. In addition, interventions

for other health-related areas (such as hypertension, obesity, cancer, diabetes) which have particular impact on minority populations are also strongly encouraged.

Awards will be made to five applicants from OMH funds authorized under section 1707 of the Public Health Service Act as amended by the Disadvantaged Minority Health Improvement Act of 1990, and transferred to the Office of Rural Health Policy. The Rural Health Outreach grants are authorized under section 301 of the Public Health Service Act. (See Federal Register published November 30, 1993, at 58 FR 63173.)

#### National Health Objectives for the Year 2000

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. The Minority Community Health Coalition Development and Implementation of HIV/AIDS Centered Education/Prevention Demonstration Grant Project (MCHC Project) is related to the priority areas for health promotion, health protection and preventive services. Potential applicants may obtain a copy of Healthy People 2000 (Full Report: Stock No. 017-001-00474-0) or Healthy People (Summary Report: Stock No. 017-001-00473-1) through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402-9325 (Telephone (202) 783-3238).

#### Funds Available

Approximately \$510,000 is available for the development and implementation of the MCHC Project through a joint effort between ORHP, in HRSA, and OMH, in OASH. Awards will be made to five grantees, at \$102,000 each, including indirect costs, for one year. Applicants may propose project periods for up to three years. However, applicants are advised that continued funding beyond Fiscal Year 1994 is subject to appropriation of funds and an acceptable level of performance.

#### Addresses/Contacts

Application kits may be obtained from Ms. Opal McCarthy, Office of Grants Management, Bureau of Primary Health Care, East-West Building, 4350 East-West Highway, 11th Floor, Rockville, Maryland 20857, (301) 594-4260. Application kits contain guidelines which outline program requirements indicated in the authorizing legislation. Applicants may contact Ms. McCarthy for assistance on

business management issues. Completed applications must be submitted to Ms. McCarthy.

The standard application form and general instructions for completing applications (Form PHS-5161-1, OMB #0937-0189) have been approved by the Office of Management and Budget.

**FOR FURTHER INFORMATION CONTACT:** Requests for technical or programmatic information regarding this announcement should be directed to Ms. Arlene Granderson, Office of Rural Health Policy, Room 9-05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-0835.

**Due Date:** Applications for the program must be received by the close of business on April 30, 1994. Applications will be considered as meeting the deadline if they are either (1) received on or before the deadline date; or (2) postmarked on or before the deadline date and received in time for orderly processing. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted as proof of timely mailing. Applications received after the announced closing date will not be considered for funding and will be returned to the applicant.

#### Eligible Applicants

All public and private entities, both nonprofit and for-profit, may participate as members of a minority community health coalition. The grant recipient must be a nonprofit or public entity which meets one of three geographic requirements and the other requirements noted below:

#### Geographic Requirements

(1) The applicant is located outside of a Metropolitan Statistical Area as defined by the Office of Management and Budget. A list of the cities and counties that are designated as being within a Metropolitan Statistical Area will be included with the application kit; or

(2) The applicant is located in a rural census tract of one of the counties listed in Appendix I of this notice. Although each of these counties is a Metropolitan Statistical Area, or part of one, large parts of the counties are rural. Organizations located in these rural areas are eligible for the program. Rural portions of these counties have been identified by census tract since this is the only way we have found to clearly differentiate them from urban areas in the large counties. Appendix I provides a list of these census tracts for each county. Appendix II includes the telephone numbers for regional offices of the Census Bureau. Applicants may call these offices to determine the

census tract in which they are located; or

(3) The applicant is an organization that is constituted exclusively to provide services to migrant and seasonal farmworkers in rural areas and is supported under section 329 of the Public Health Service Act. These organizations are eligible regardless of the urban or rural location of their administrative headquarters; and

#### Other

(1) The applicant is located in a State; and

(2) The applicant is a community-based organization that has a board of directors or governing body that is composed of more than 50 percent minorities.

**SUPPLEMENTARY INFORMATION:** The OMH and the ORHP are committed to activities targeted toward: improving the health status of rural minority populations; and improving the knowledge base and cultural competence of health providers, governmental entities and community-based organizations regarding the specific health concerns of these racial/ethnic minority populations. These concerns range from availability of and access to appropriate health care and social service—to the provision of education and service in health promotion and disease prevention—to the issues of education, identification, and treatment of contemporary diseases, such as AIDS and HIV infection. The two offices have mutual concerns for enhancing:

- (a) The dissemination of information regarding the health of rural minority populations;
- (b) The exchange of dialogue between rural minority populations and appropriate groups;
- (c) Policy makers' awareness and understanding of the unique problems of rural minority populations; and
- (d) The development of local, culturally appropriate strategies for improving the delivery of health and social services to rural minority populations.

#### Background

In Fiscal Year 1988, HIV infection and AIDS were recognized as an important public health problem in minority populations. The term "HIV infection" more appropriately describes the entire scope of this public health problem than the term "AIDS." HIV infection, especially in minority communities, does not occur as an isolated problem. It is intimately linked to many other health problems such as Tuberculosis, substance abuse and sexually

transmitted diseases like syphilis and Hepatitis B.

Because health promotion/risk reduction programs require influencing behavior which frequently is resistant to change, it is crucial that the methods used be sound and acceptable to the target population. Successful programs recognize that the health information/media approach alone is insufficient to motivate, effect, and sustain the desired change in either individual or group behavior. Moreover, even when additional educational interventions (e.g. counseling, workshops) are conducted, conventional health promotion activities are often ineffective in reaching minority populations; too often such programs disregard ethnic/cultural health beliefs and practices, or community norms which could contribute to or otherwise affect risk factors leading to illness.

The era of HIV or HIV/AIDS has seen the creation of a number of community-based organizations dedicated to the work of preventing HIV infection by providing the community with prevention information. These grassroots organizations have developed skills which can be transferred to other health prevention activities. This demonstration grant activity will allow small community-based organizations to come together to provide culturally relevant, integrated comprehensive health prevention information focusing on AIDS, but touching all areas which impact on HIV/AIDS. There is an urgent need for developing these organizations in rural areas of the country where HIV/AIDS and related illnesses are not adequately addressed in minority populations.

The MCHC project is based on the hypothesis that the community coalition approach to risk reduction can be effective in reaching minority target populations—even those most at risk or especially hard to reach. Among the merits of using coalitions is the likelihood that (1) the intervention will be culturally sensitive and credible to the target group, (2) the project will address the health problem(s) within the context of related socioeconomic issues, and (3) the effort will contribute to overall community empowerment by strengthening indigenous leadership and organizations. Therefore, the OMH and the ORHP are continuing, through this announcement, to promote the development and implementation of health promotion/disease risk reduction projects which will utilize community coalitions in rural areas of the country.

### Definitions

For purposes of the MCHC grant project, the following definitions are provided:

#### (1) *Minority Community Coalition*

The governing board of a minority community coalition consists of at least 60 percent representation from minority community-based organizations.

#### (2) *Community Coalition*

The coming together of organizations and institutions in a community for the purpose of collaborating on specific community concerns, and seeking resolution of those concerns. For purposes of this grant program, community coalitions are characterized by the six elements listed below.

- Requires resource participation. Each member organization brings certain resources (e.g., money, space, staff) to the coalition to enable the coalition to accomplish its mission.
- Requires that each member organization has a specific role within the coalition.
- Requires that each member organization establish both a relationship with the coalition as an entity (vertical relationship) and with other members of the coalition (horizontal relationship). These relationships must be formalized through the development of memoranda of understanding/agreement between each member organization and the coalition, and between members as necessary, in order to make the specified roles explicit.
- Requires a long-term commitment on the part of each member organization to participate, at a minimum, over the life of the funded project. We encourage coalitions to demonstrate a commitment to work together beyond the period for funding available under this announcement.
- Must document its activities to ensure a written history of and a continuity to its work.
- The coalition is not dependent solely upon the active participation of any particular member organization.

#### (3) *Minority Community-Based Organization*

A public or private, non-profit or for-profit organization which has a governing board composed of more than 50 percent racial/ethnic minority members, has a significant number of minorities in key program positions, and has an established record of service to a racial and ethnic minority community or communities. It may be a local affiliate of a national organization which has a national governing board

composed of more than 50 percent racial/ethnic minority members, has a significant number of minorities in key program positions, and has an established record of service to racial and ethnic minority communities.

#### (4) *Minority Institution*

A public or private, non-profit or for-profit institution which focuses predominantly on addressing the needs of racial/ethnic minority populations. Such institutions may include minority churches, Historically Black Colleges and Universities (HBCUs), Indian Tribal Colleges, and educational institutions that have an Hispanic enrollment of 25 percent or more.

#### (5) *Community*

A defined geographical area in which persons live, work, and recreate, characterized by: (a) Formal and informal communication channels; (b) formal and informal leadership structures for the purpose of maintaining order and improving conditions; and (c) its capacity to serve as a focal point for addressing societal needs, including health needs. A community should be an appropriate catchment area in which to address a population's social and health needs.

#### (6) *Target Population*

The population for whom the proposed project is directed. It can be described as a specific racial/ethnic population in a defined area for whom the interventions are planned, based on an assessment of their health risks and needs.

#### (7) *Risk Factors*

The environmental and behavioral influences capable of causing ill health with or without previous predisposition. The term "risk factor" is also used to denote an aspect of personal lifestyle and behavior known, on the basis of epidemiological evidence, to be associated with one or more diseases or health conditions considered important to prevent.

These include, for example, tobacco use, poor dietary habits, obesity, sedentary lifestyle, severe emotional stress, depression, conflict resolution behaviors, abuse of alcohol or drugs, intravenous drug use, late or no prenatal care, teen pregnancy, high risk sexual practices (e.g., unprotected intercourse with HIV infected persons), no or inadequate access to health care, and environmental and occupational hazards.

**(8) Intervention**

The process of carrying out an action(s) so as to alter or modify the condition or outcome. Risk reduction interventions, for purposes of this project, typically include a set of planned activities designed to change behavior so as to reduce the likelihood that a preventable health problem will occur or progress further.

**(9) Minority Populations**

As defined by the "Report of the Secretary's Task Force on Black and Minority Health," they include: Asians and Pacific Islanders; Blacks; Hispanics; and Native Americans/Alaska Natives (including Native Hawaiians).

**(10) State**

State means, in addition to the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Territories of the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands (Republic of Palau), the Compact of Free Association Jurisdictions of the Republic of the Marshall Islands, and the Federated States of Micronesia.

**Awards, in General**

Funding decisions will be based on the recommendations or ratings of objective review panels. In addition, efforts will be made to achieve geographic and minority distribution as well as cover the various health problems identified.

**Public Health System Impact Statement**

This program is subject to the Public Health System Reporting Requirements. Reporting requirements have been approved by the Office of Management and Budget—# 0937-0195. Under these requirements, the community-based nongovernmental applicant must prepare and submit a Public Health System Impact Statement (PHSIS). The PHSIS is intended to provide information to State and local health officials to keep them apprised of proposed health services grant applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernmental applicants are required to submit the following information to the head of the appropriate State and local health agencies in the area(s) to be impacted no later than the Federal application receipt due date:

- A copy of the face page of the application (SF 424)
- A summary of the project not to exceed one page, which provides:

(1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate State or local health agencies.

**Preparation of the Application**

Applicants should complete the application Form PHS-5161-1 for support for the Minority Community Health Coalition Development and Implementation of HIV/AIDS Centered Education/Prevention Demonstration Grant Project. Applicants should pay particular attention to the general and supplemental instructions provided in the application kit to ensure that their applications are responsive. In the program narrative section, applicants should pay particular attention to the issues described below under "Review Criteria." Applicants should not request Federal funds that exceed the stipulated limit of \$102,000 for the MCHC Project (including indirect costs). The narrative of the application must not exceed 20 pages. Applicants must submit an original and two copies of their complete application to the Office of Grants Management as directed earlier.

**Application Review Process**

Applications will be screened upon receipt. Those that are judged to be incomplete, non-responsive to this notice, or nonconforming, will be returned. Applications judged to be complete, responsive, and conforming, will be reviewed for technical merit in accordance with PHS policies. Applications will be evaluated by Federal and non-Federal reviewers chosen for their technical expertise in the health and human services area, their experience with similar projects, and their understanding and special knowledge of the problems confronting the target populations addressed by the proposals.

**Minority Community Health Coalition Development Project**

**Purpose:** This project is designed to provide limited resources to plan and develop a minority community health coalition to address the specific health education services needed by a defined population in a specified community. These grants are intended to provide support for:

- Developing a formal coalition of community-based organizations that will address minority-targeted health education and prevention strategies which will help eliminate or reduce risk for acquiring or transmitting HIV and other related health problems that are

acquired and/or transmitted or associated with similar risk behaviors. These include tuberculosis (TB), substance abuse and sexually transmitted diseases (STDs) and Hepatitis B and other health issues important to the target population (e.g., obesity and nutrition, asthma control, and management of diabetes); or

(2) Enabling an existing community coalition to modify and implement its organizational structure, purpose, policies, or practices to demonstrate an effective and efficient way of addressing the minority-targeted health education and prevention strategies which will help eliminate or reduce risk for acquiring or transmitting HIV and other related health problems that are acquired and/or transmitted or associated with similar risk behaviors. These include tuberculosis, substance abuse and sexually transmitted diseases and Hepatitis B and other health issues important to the target population (e.g., obesity and nutrition, asthma control, and management of diabetes).

**Review Criteria**

Applications will be reviewed and evaluated for the ability of the applicant to meet the following criteria. An indication of the quantitative weight appears in parentheses after each heading.

**Project Objectives: (25 Points)**

- Description of and justification for the choice of the target population and the targeted community's health education/prevention services needs and problems.
- Demonstration of ties with and credibility with the target population as evidenced by previous service to that population.
- Consistency of the coalition's developmental goals and objectives with those of the MCHC Project and the extent to which such goals and objectives are measurable.
- Description and justification of why the proposed coalition is the appropriate strategy to address the community's needs and circumstances.

**Operation Plans (30 Points)**

- Description and justification of the process for effective development of a new coalition or modification of an existing coalition.
- Coherence, feasibility, and realistic approach of the time-based action plan that sets out project goals, objectives, and milestones.
- Feasibility and adequacy of plans to involve the target population in carrying out the project.

- Description of the health education and prevention strategies for integrated HIV/AIDS Centered Education/Prevention Plan.

*Project Management and Staffing: (15 Points)*

- Description and justification of budget support requested, the coalition's organizational structure and board composition, and the management/staffing plan delineating the roles and responsibilities of each proposed coalition member.

- Appropriateness of relevant experience and qualifications of the applicant to function as the lead entity in developing the coalition and the experience and qualifications of the proposed project director and other key project personnel.

- Appropriateness of relevant experience and qualifications of the managers of the applicant organization to provide administrative and fiscal management of the grant.

*Resources: (15 Points)*

- Adequacy of the description of the proposed community coalition, documentation of endorsement by proposed coalition members and other organizations serving the target population, and degree of commitment of each proposed member to developing the coalition, including the amount or extent of support to be provided.

- Degree to which the composition of coalition members is a logical choice based on target population, target risk factor(s) and proposed intervention(s).

- Applicant's potential to develop financial support for continuing the project.

- Applicant should demonstrate linkages with units of State, county, local health departments, Ryan White-funded consortia in its catchment area, and the private sector.

*Evaluation: (15 Points)*

- Adequacy of the applicant's evaluation plan for evaluating the project, including a description of the process and outcome indicators which will be used to determine whether the project's objectives are met.

**Use of Grant Funds**

Funds up to \$100,000 per year, including indirect costs, may be requested to cover the cost of personnel to coordinate the coalition's activities; consultants; support services; materials; and justified domestic travel. The grantee must allocate sufficient travel funds to allow the Project Director to meet with Federal Project Officers, in Washington, D.C. twice annually. Funds

must also be allocated to travel to meet with Federal Project Officers in Washington, within 60 days of the Notice of Grant Award. Funds must be budgeted for staff development training for coalition building. Funds may not be used to purchase equipment except as may be acceptably justified in relation to conducting the project. Grant funds may not be used for sectarian instruction and other religious purposes.

**Terms and Conditions of Support**

A schedule of reporting requirements will be provided upon award.

**Executive Order 12372 (Intergovernmental Review)**

Executive Order 12372 sets up a system for State and local review of proposed Federal assistance applications. Applicants (other than federally-recognized Indian tribal governments) should contact their State Single Point of Contact (SPOC) as early as possible to alert them to the prospective application and receive any necessary instructions on the State process. A current list of SPOCs is included in the application kit. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each State. All SPOC recommendations should be submitted to Ms. Opal McCarthy, Office of Grants Management, Bureau of Primary Health Care, East-West Building, 11th Floor, 4350 East-West Highway, Rockville, MD 20857, (301) 594-4260. SPOCs will have 60 days to provide comments and must be received by seventy days after the application deadline. The granting agency does not guarantee to "accommodate or explain" for State process recommendations it receives after that date. (See part 148, Intergovernmental Review of PHS Programs under Executive Order 12372 and 45 CFR part 100 for a description of the review process and requirements.)

The OMB Catalog of Federal Domestic Assistance Number for this Program is 93.912.

Dated: January 7, 1994.

**William A. Robinson,**  
Acting Administrator.

**Appendix I**

\* Census tract numbers are shown below each county name.

**State/County/Tract Number**

*Alabama*

Baldwin

0101

0102

0106

0110

0114

0115

0116

Mobile

0059

0062

0066

0072.02

Tuscaloosa

0107

*Arizona*

Maricopa

0101

0405.02

0507

0611

0822.02

5228

7233

Pima

0044.05

0048

0049

*California*

Butte

0024

0025

0026

0027

0028

0029

0030

0031

0032

0033

0034

0035

0036

El Dorado

0301.01

0301.02

0302

0303

0304.01

0304.02

0305.01

0305.02

0305.03

0306

0310

0311

0312

0313

0314

0315

Fresno

0040

0063

0064.01

0064.03

0065

0066

0067

0068

0071

0072

0073

0074

0077

0078

0079	0427.02	0019.03
0080	0427.03	Santa Clara
0081	0429	5117.04
0082	0430	5118
0083	0431	5125.01
0084.01	0432	5127
0084.02	0444	Shasta
Kern	0452.02	0126
0033.01	0453	0127
0033.02	0454	1504
0034	0455	Sonoma
0035	0456.01	1506.04
0036	0456.02	1537.01
0037	0457.01	1541
0040	0457.02	1542
0041	0458	1543
0042	0459	Stanislaus
0043	0460	0001
0044	0461	0002.01
0045	0462	0032
0046	San Bernardino	0033
0047	0089.01	0034
0048	0089.02	0035
0049	0090.01	0036.05
0050	0090.02	0037
0051.01	0091.01	0038
0052	0091.02	0039.01
0053	0093	0039.02
0054	0094	Tulare
0055.01	0095	0002
0055.02	0096.01	0003
0056	0096.02	0004
0057	0096.03	0005
0058	0097.01	0006
0059	0097.03	0007
0060	0097.04	0026
0061	0098	0028
0063	0099	0040
Los Angeles	0100.01	0043
5990	0100.02	0044
5991	0102.01	Ventura
9001	0102.02	0001
9002	0103	0002
9004	0104.01	0046
9012.02	0104.02	0075.01
9100	0104.03	Colorado
9101	0105	Adams
9108.02	0106	0084
9109	0107	0085.13
9110	San Diego	0087.01
9200.01	0189.01	El Paso
9201	0189.02	0038
9202	0190	0039.01
9203.03	0191.01	0046
9301	0208	Larimer
Monterey	0209.01	0014
0109	0209.02	0017.02
0112	0210	0019.02
0113	0212.01	0020.01
0114.01	0212.02	0022
0114.02	0213	Pueblo
0115	San Joaquin	0028.04
Placer	0040	0032
0201.01	0044	0034
0201.02	0045	Weld
0202	0052.01	0019.02
0203	0052.02	0020
0204	0053.02	0024
0216	0053.03	
0217	0053.04	
0219	0054	
0220	0055	
Riverside	Santa Barbara	
0421	0018	

0025.01	Terrebonne	0102
0025.02	0122	0103.01
<i>Florida</i>	0123	<i>New York</i>
Collier	<i>Minnesota</i>	Herkimer
0111	St. Louis	0101
0112	0105	0105.02
0113	0112	0107
0114	0113	0108
Dade	0114	0109
0115	0121	0110.01
Marion	0122	0110.02
0002	0123	0111
0004	0124	0112
0005	0125	0113.01
0027	0126	<i>North Dakota</i>
Osceola	0127	Burleigh
0401.01	0128	0114
0401.02	0129	0115
0402.01	0130	Grand Forks
0402.02	0131	0114
0403.01	0132	0115
0403.02	0133	0116
0404	0134	0118
0405.01	0135	Morton
0405.02	0137.01	0205
0405.03	0137.02	<i>Oklahoma</i>
0405.05	0138	Osage
0406	0139	0103
Palm Beach	0141	0104
0079.01	0151	0105
0079.02	0152	0106
0080.01	0153	0107
0080.02	0154	0108
0081.01	0155	<i>Oregon</i>
0081.02	Stearns	Clackamas
0082.01	0103	0235
0082.02	0105	0236
0082.03	0106	0239
0083.01	0107	0240
0083.02	0108	0241
Polk	0109	0243
0125	0110	Jackson
0126	0111	0024
0127	<i>Montana</i>	0027
0142	Cascade	Lane
0143	0105	0001
0144	Yellowstone	0005
0152	0015	0007.01
0154	0016	0007.02
0155	0019	0008
0156	<i>Nevada</i>	0013
0157	Clark	0014
0158	0057	0015
0159	0058	0016
0160	0059	<i>Pennsylvania</i>
0161	Washoe	Lycoming
<i>Kansas</i>	0031.04	0101
Butler	0032	0102
0201	0033.01	<i>South Dakota</i>
0203	0033.02	Pennington
0204	0033.03	0116
0205	0033.04	0117
0209	0034	<i>Texas</i>
<i>Louisiana</i>	<i>New Mexico</i>	Bexar
Rapides	Dona Ana	1720
0106	0014	
0135	0019	
0136	Santa Fe	
	0101	

1821	0133
1916	0138
Brazoria	0143
0606	Whatcom
0609	0110
0610	Yakima
0611	0018
0612	0019
0613	0020
0614	0021
0615	0022
0616	0023
0617	0024
0618	0025
0619	0026
0620.01	
0620.02	Wisconsin
0621	Douglas
0622	0303
0623	
0624	Marathon
0625.01	0017
0625.02	0018
0625.03	0020
0626.01	0021
0626.02	0022
0627	0023
0628	
0629	Wyoming
0630	Laramie
0631	0016
0632	0017
Harris	0018
0354	
0544	
0546	
Hidalgo	
0223	Atlanta, GA 404-730-3957
0224	Alabama, Florida, Georgia
0225	Boston, MA 617-565-7078
0226	Connecticut, Maine, Massachusetts, New
0227	Hampshire, Rhode Island, Vermont,
0228	Upstate New York
0230	Charlotte, NC 704-344-6144
0231	Kentucky, North Carolina, South Carolina,
0243	Tennessee, Virginia
Washington	Chicago, IL 708-409-4617
Benton	Illinois, Indiana, Wisconsin
0116	Dallas, TX 214-767-7105
0117	Louisiana, Mississippi, Texas
0118	Denver, CO 303-969-7750
0119	Arizona, Colorado, Nebraska, New Mexico,
0120	North Dakota, South Dakota, Utah,
Franklin	Wyoming
0208	Detroit, MI 313-354-4654
King	Michigan, Ohio, West Virginia
0327	Kansas City, KS 913-236-3711
0328	Arkansas, Iowa, Kansas, Missouri, New
0330	Mexico, Oklahoma
0331	Los Angeles, CA 818-904-6339
Snohomish	California
0532	New York, NY 212-264-4730
0536	Brooklyn, Bronx, Manhattan, Queens,
0537	Staten Island, Nassau Co., Orange Co.,
0538	Suffolk Co., Rockland Co., Westchester
Spokane	Co.
0101	Philadelphia, PA 215-597-8313
0102	Delaware, District of Columbia, Maryland,
0103.01	New Jersey, Pennsylvania
0103.02	Seattle, WA 206-728-5314
	Idaho, Montana, Nevada, Oregon,
	Washington
	[FR Doc. 94-5948 Filed 3-14-94; 8:45 am]
	BILLING CODE 4160-15-P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Secretary—Office of Lead-Based Paint Abatement and Poisoning Prevention

[Docket No. N-94-3732; FR-3679-N-01]

### Task Force on Lead-Based Paint Hazard Reduction and Financing; Open Meeting

AGENCY: Office of Lead-Based Paint Abatement and Poisoning Prevention, HUD.

ACTION: Notice of open meetings.

**SUMMARY:** The Task Force was established by the Secretary pursuant to section 1015 of the Residential Lead-Based Paint Hazard Reduction Act of 1992. The charter of the Task Force was approved July 14, 1993.

The Task Force includes individuals representing the Department of Housing and Urban Development; the Farmers Home Administration; the Department of Veterans Affairs; the Federal Home Loan Mortgage Corporation; the Federal National Mortgage Association; the Environmental Protection Agency; employee organizations in the building and construction trades industry; landlords; tenants; primary lending institutions; private mortgage insurers; single-family and multifamily real estate interests; nonprofit housing developers; property liability insurers; public housing agencies; low-income housing advocacy organizations; national, State, and local lead-poisoning prevention advocates and experts; and community-based organizations located in areas with substantial rental housing. These members were selected on the basis of personal experience and expert knowledge. Three committees were established by the Task Force members; (1) Finance Committee; (2) Liability Committee; and (3) Implementation Committee. The members of these committees are members of the Task Force.

**DATES:** The committees will be meeting on April 4, 1994—Finance Committee (9 to 5:15), April 5, 1994—Implementation Committee (9 a.m. to 5:15 p.m.), and April 6—Liability Committee (9 a.m. to 5:15 p.m.), (EST), at the Capital Hilton Hotel, 16th & "K" Street NW., Washington, DC 20036, telephone number (202) 393-1000.

**ADDRESSES:** Members of the public are invited to provide written material to: Ruth Wright, Task Force Staff Director, Department of Housing and Urban Development, 451 7th Street SW, room B-133, Washington, DC 20410. The

Task Force encourages submission of materials.

**FOR FURTHER INFORMATION CONTACT:** Ruth Wright, Task Force Staff Director, Department of Housing and Urban Development, 451 7th Street SW, room B-133, Washington, DC 20410; telephone (202) 755-1805. The TTD numbers are (202) 708-9300 or 1-800-877-8339. (Except for the "800" number, these are not toll-free numbers.)

**SUPPLEMENTARY INFORMATION:** The last full Task Force meetings were held on February 9th & 10th, 1994 in Washington, DC. An announcement will be published in the Federal Register at least 15 days before each meeting. All meetings will be open to the public, with limited seating available on a first-come, first-served basis.

The mandate of the Task Force is to make recommendations to the Secretary of HUD and the Administrator of the Environmental Protection Agency (EPA) concerning:

- (1) Incorporating the need to finance lead-based paint hazard reduction into underwriting standards;
- (2) Developing new loan products and procedures for financing lead-based paint hazard evaluation and reduction activities;
- (3) Adjusting appraisal guidelines to address lead safety;
- (4) Incorporating risk assessments or inspections for lead-based paint as a routine procedure in the origination of new residential mortgages;
- (5) Revising guidelines, regulations, and educational pamphlets issued by the Department of Housing and Urban Development and other Federal agencies relating to lead-based paint poisoning prevention;
- (6) Reducing the current uncertainties of liability related to lead-based paint in rental housing, by clarifying standards of care for landlords and lenders and by exploring the "safe harbor" concept;
- (7) Increasing the availability of liability insurance for owners of rental housing and certified contractors and establishing alternative systems to compensate victims of lead-based paint poisoning; and
- (8) Evaluating the utility and appropriateness of requiring both risk assessments or inspections and notification to prospective lessees of rental housing.

Authority: 42 U.S.C. 4852a, 4852b.

Dated: March 3, 1994.

**Ronald J. Morony,**

Deputy Director, Office of Lead-Based Paint Abatement and Poisoning Prevention.

[FR Doc. 94-5754 Filed 3-14-94; 8:45 am]

BILLING CODE 4210-32-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[A-060-04-4350-08]

#### Intent To Prepare Northern and Eastern Colorado Desert Coordinated Management Plan, To Amend the California Desert Plan, and To Analyze Impacts in an Environmental Impact Statement (EIS); Invitation To Participate In the Identification of Issues

**AGENCY:** Bureau of Land Management, Department of the Interior.

**ACTION:** Amended notice of intent.

**SUMMARY:** Amended notice is hereby given that the Bureau of Land Management (BLM), in cooperation with the U.S. Fish and Wildlife Service (FWS), the California Department of Fish and Game (DFG), and Joshua Tree National Monument (JTNM), will develop a comprehensive land use plan and environmental impact statement (EIS) for federal public lands in California's Northern and Eastern Colorado Desert.

**AREA:** Portions of California counties of Imperial, Riverside, and San Bernardino.

The plan will identify measures to implement the recovery tasks called for by the FWS in its "Recovery Plan for the Desert Tortoise (Mojave Population)", and address the needs of other significant and special status plants and wildlife. The plan will amend BLM's California Desert Conservation Area Plan of 1980.

The plan and EIS for the Eastern Colorado Desert, the original target area, has been expanded for efficiency to include the Northern Colorado Desert and the cooperating agencies. The original Notice of Intent, published on January 4, 1993, is hereby amended.

**DATES:** BLM is seeking the involvement of interested publics, organizations and other local, state and federal agencies in the identification of issues that should be addressed in the plan and EIS. Written comments should be received or post-marked by [30 days after publication] to allow for compilation into a report on issues assessment.

A new series of public workshops has been scheduled as follows:

- March 29, 1994, 7-9 p.m.  
Blythe City Council Chambers, 220 N. Spring St., Blythe, CA  
March 30, 1994, 7-9 p.m.  
Needles City Council Chambers, 1111 Bailey Ave., Needles, CA  
March 31, 1994, 7-9 p.m.  
Imperial Irrigation District

Auditorium, 1285 Broadway, El Centro, CA

April 5, 1994, 7-9 p.m.

BLM Yuma District Office, 3150 Winsor Ave., Yuma, AZ

April 6, 1994, 7-9 p.m.

BLM Palm Springs Office, 63-500 Garnet Ave., Palm Springs, CA

April 7, 1994, 7-9 p.m.

Park Headquarters Conference Room, Joshua Tree National Monument, 54485 National Monument Dr., Twenty-Nine Palms, CA

With the reinitiation of this plan all comments received during the last year from previous public meetings and by letter will still be considered and need not be resubmitted.

**ADDRESSES:** Send written comments to Team Leader, Northern & Eastern Colorado Desert Coordinated Management Plan, Bureau of Land Management, 6221 Box Springs Blvd. Riverside, CA 92507.

#### FOR ADDITIONAL FURTHER INFORMATION

##### CONTACT:

Richard E. Crowe, Bureau of Land Management, 6221 Box Springs Blvd., Riverside, CA 92507, (909) 697-5216/5200.

**SUPPLEMENTARY INFORMATION:** The Desert Tortoise, *Gopherus agassizii*, was listed as a threatened species by the FWS on April 2, 1990, under the federal Endangered Species Act. It is also listed as threatened under the State's endangered species act. Populations have been in decline for a number of years due to human and disease factors. In April, 1993, the FWS issued a Draft Recovery Plan for the Desert Tortoise (Mojave Population). This document requires that federal land managing jurisdictions prepare and implement plans for the recovery and delisting of the Mojave populations of Desert Tortoise. Three of the target Desert, Wildlife Management Areas—the Chuckwalla Bench, Joshua Tree (in part), and Chemehuevi—are in the Northern and Eastern Colorado Desert Recovery Units in California. One or another of them are common to BLM, JTNM and also the Chocolate Mountains Gunnery Range, administered by the U.S. Marine Corps Air Station, Yuma. A request is being made to the U.S. Marine Corps for that agency to become a cooperating member of the project.

The boundary for the planning area, which is about 5.5 million acres in size, is described as follows: I-40 Freeway to the north, the boundary of the California Desert Conservation Area to the east, the north edge of the Imperia Sand Dunes to the south, and the eastern boundary of the West Mojave Coordinated Management Plan to the west.

The two tortoise recovery units are very large in area, overlaying private and public lands managed by many jurisdictions. Recovery has many implications for use and management of the desert by the public and agencies. Therefore, this plan will be an ecosystem management plan. The goal is that it be comprehensive enough to satisfy the goal of the Recovery Plan, to meet the needs of agencies' resource management programs, and to preclude the need for further major land use plans and additional listings of species under the ESA.

At the heart of managing desert resources (both their uses and protection), including tortoise populations, is the management of access for vehicles. Therefore, the designation of vehicle routes as open, closed and limited will become an important element of this plan. Comments from the public and government agencies on specific routes of travel will be accepted throughout the period of development of the draft and final plan and EIS, scheduled to end in December, 1995.

Dated: March 9, 1994.

Henri R. Bisson,  
District Manager.

[FR Doc. 94-6072 Filed 3-14-94; 8:45 am]  
BILLING CODE 4310-40-M

[NM-920-02-4120-02]

### San Juan River Regional Coal Team (RCT) Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of RCT meeting.

SUMMARY: The San Juan RCT will meet to discuss current activities on Federal coal lands in New Mexico and southwest Colorado and to consider future development plans for Federal coal in the region. The public is invited to attend.

1. The primary purposes of the meeting are to:

1. Discuss renewal of the RCT charter and possible changes;
2. Discuss Indian voting RCT membership; and
3. Inform the RCT on the status of coal Preference Right Lease Applications (PRLA's).

DATES: The RCT will meet at 9 a.m. on Tuesday, April 12, 1994.

ADDRESSES: The meeting will be held in the Stagecoach Room of the Iron Horse Inn, 5800 North Main, Durango, Colorado.

FOR FURTHER INFORMATION CONTACT:

Jim Olsen at the Bureau of Land Management, New Mexico State Office, Branch of Solid and Fluid Minerals (92113), P.O. Box 27115, Santa Fe, New Mexico 87502-0115, telephone (505) 438-7455.

**SUPPLEMENTARY INFORMATION:** At this meeting, the RCT will discuss renewal of the RCT Charter, which will expire on October 5, 1994, whether the requirement for annual meetings should be modified, and Indian voting membership on the RCT.

The BLM will report on the status of the outstanding coal PRLA's in New Mexico, in particular, actions leading to termination of those PRLA's. The RCT will consider information obtained from the public in making decisions at this meeting. Anyone who wishes to be scheduled to speak at the meeting or bring up additional topics for discussion should provide written copies of their remarks or suggestions to Jim Olsen, Bureau of Land Management, at the above address by Friday, April 1, 1994. Written materials will also be accepted in lieu of or in addition to any oral presentation.

Following is a preliminary agenda for this meeting:

1. Introduction
2. Approval of Minutes of Last Meeting
3. Annual BLM Coal Market/Industry Interest Assessment
4. Current Activity and Production on Existing Leases
  - a. New Mexico
  - b. Colorado
5. Status of Coal Actions in New Mexico
6. Indian Voting Representation on the RCT
7. Indian Coal Issues
8. RCT History
9. RCT Chapter Renewal
10. Public Comment
11. Scheduling of Next Meeting
12. Adjourn

Dated: March 8, 1994.

Frank Splendoria,  
Acting Chairman, San Juan River Regional Coal Team.

[FR Doc. 94-5936 Filed 3-14-94; 8:45 am]  
BILLING CODE 4310-FB-M

[CA-010-01-4210-05; CA 28617; 4-00160-GP4-010-08]

### Realty Action; Recreation and Public Purposes (R&PP) Act Classification; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The following public lands in Kern County, California have been

examined and found suitable for classification for lease to the Kern County Sheriff's Search and Rescue under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*).

All that land located in section 7 encompassing a portion of Lots 7 and 10, and a portion of NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Township 27 South, Range 33 East, M.D.M., Kern County, California, described as follows:

Beginning at the BLM BC marked for the West  $\frac{1}{16}$  corner of sections 6 and 7 of said Township 27 South, said BLM BC also being the Point of Beginning, thence the following nine courses:

1. North 89°41'00" East along the North line of said Section 7 39.33 feet;
2. South 03°05'49" East 193.16 feet;
3. South 73°47'28" West 215.26 feet;
4. South 70°08'42" West 48.36 feet;
5. South 53°39'35" West 60.09 feet;
6. South 49°07'04" West 92.21 feet;
7. North 01°02'08" West 32.75 feet to a BLM BC property corner;
8. Continuing North 01°02'08" West 330.63 feet to the North line of said section 7 and a BLM BC;
9. North 89°41'00" East 327.12 feet to the Point of Beginning.

Kern County, California

Containing Approximately 2.18 acres a portion of AP #348-060-03

The Kern County Sheriff's Search and Rescue organization proposes to use the lands for storage of equipment and vehicles used in search and rescue operations, to include building enclosures, and parking and maintenance areas. The site provides a central location for quick response to emergency situations.

The lands are not needed for Federal purposes at the present time. Lease is consistent with current BLM land use planning and would be in the public interest. The land is currently withdrawn for Power Project 382 and Power Site Reservation 655. The Federal Energy Regulatory Commission has no objection to the lease of public land subject to condition #1 below.

The lease, when issued, will be subject to the following terms, conditions, and reservations:

1. That the United States, its permittees, lessees, and licensees, shall not be responsible or held liable or incur any liability for the damage, destruction, or loss of any land, crops, facility installed or erected, income, or other property or investments resulting from the use of such lands, or portions thereof, for hydroelectric development at any time where such hydroelectric development is made by or under the authority of the United States. Furthermore, in the event the reserved lands are required for hydroelectric

development, any structures or improvements placed thereon found to interfere with such development shall be removed or relocated as necessary to eliminate such interference at no cost to the United States, its permittees, or licensees.

2. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

3. A right-of-way for ditches and canals constructed by the authority of the United States; Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

4. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

5. All valid existing rights documented on the official public land records at the time of lease issuance.

6. Any other reservations that the authorized officer determines appropriate to ensure public access and proper management of Federal lands and interests therein.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Caliente Resource Area, 4301 Rosedale Highway, Bakersfield, California.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all other 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. For a period of 45 days from the date of publication of this notice, until April 29, 1994, interested persons may submit comments regarding the proposed lease or classification of the lands to the Area Manager, Caliente Resource Area Office, 4301 Rosedale Highway, Bakersfield, CA 93308.

**Classification Comments:** Interested parties may submit comments involving the suitability of the land for a vehicle and equipment storage facility. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

**Application Comments:** Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the

land for a vehicle and equipment storage facility.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the **Federal Register**.

Dated: February 8, 1994.

Stephen F. Larson,  
Acting Caliente Resource Area Manager.  
[FR Doc. 94-4179 Filed 3-14-94; 8:45 am]  
BILLING CODE 4310-40-M

[NV-930-4210-05; N-58520; formerly N-53989]

#### Realty Action: Non-Competitive Sale of Public Lands

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Non-competitive sale of public lands in Clark County, NV.

**SUMMARY:** The following described public land in Henderson, 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. 63 E.,  
Sec. 33: NE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
containing 83.730 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, 1890 (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/the City of Las Vegas.

2. Those rights for slope easement purposes which have been granted to the City of Henderson by Permit No. N-54101 under the Act of October 21, 1976 (43 U.S.C. 1761).

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 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: March 3, 1994.

Gary Ryan,  
District Manager, Las Vegas, NV.  
[FR Doc. 94-5911 Filed 3-14-94; 8:45 am]  
BILLING CODE 4310-HC-M

[OR-120-04-6332-01; GP4-089; 1-00151]

#### Occupancy and Camping Stay Limit; Coos Bay District, OR

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of occupancy and camping stay limit for campgrounds and undeveloped public lands administered by the Coos Bay District, OR.

**SUMMARY:** This occupancy and camping stay limit applies to designated campgrounds and to undeveloped Bureau of Land Management administered public lands within the Coos Bay District, Oregon, that are not

closed to camping or regulated under different stay limitations as a result of a separate Federal Register Notice. Persons may camp or occupy any specific location on these public lands for a period of not more than 14-days within any period of 28 consecutive days. The 28-day period will begin when a person initially occupies a specific location on public land. The 14-day limit may be reached through a number of separate visits or through 14 days of continuous occupation during the 28-day period. After the 14-day stay limit is reached, occupants must move with all of their personal possessions and cannot camp on BLM-administered lands within a 10-mile radius of the previous location.

For purposes of this notice, camping is defined as the erection and use of tents or shelters of natural or synthetic material, preparing a sleeping bag or bedding material for use, mooring a vessel, or parking a vehicle or trailer for the apparent purpose of occupancy. Occupancy is defined as the taking, maintaining or holding possession of a camp or residence on public land, either by personal presence or leaving property at a location.

**EFFECTIVE DATE:** March 15, 1994.

**FOR FURTHER INFORMATION CONTACT:** Dennis Turowski, Outdoor Recreation Planner, Bureau of Land Management, Coos Bay District, 1300 Airport Lane, North Bend, Oregon 97459, (503) 756-0100.

**SUPPLEMENTARY INFORMATION:** This occupancy and camping stay limit is being established to provide consistency and uniformity for the camping public on Bureau of Land Management-administered lands in the Coos Bay District, Oregon, and to assist the Bureau in: preventing persons from camping for excessively long periods, thereby denying recreation opportunities to others; preventing or reducing the incidence of unauthorized, long-term occupancy of public lands under the guise of camping; and minimizing unacceptable sanitary conditions and other resource impacts.

Authority for this stay limit is contained in CFR Title 43, Chapter II part 8360, subparts 8364.1 and 8365.1-2(a). Violations of the supplementary rules under authority of 43 CFR 8365.1-2 are subject to a fine not to exceed \$1,000 and/or imprisonment not to exceed 12 months.

Dated: February 15, 1994.

**M. Lee Douthit,**

Acting District Manager, Coos Bay.

[FR Doc. 94-4305 Filed 3-14-94; 8:45 am]

BILLING CODE 4310-33-P

## INTERSTATE COMMERCE COMMISSION

### Motor Passenger Carrier or Water Carrier; Finance Applications Under 49 U.S.C. 11343-11344

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties of, or acquire control of motor passenger carriers or water carriers under 49 U.S.C. 11343-11344. The applications are governed by 49 CFR part 1182, as revised in *Pur., Merger & Cont.—Motor Passenger & Water Carriers*, 5 I.C.C. 2d 786 (9189). The findings for these applications are set forth at 49 CFR 1182.18. Persons wishing to oppose an application must follow the rules under 49 CFR part 1182, subpart B. If no one timely opposes the application, this publication automatically will become the final action of the Commission.

*MC-F-20469*, filed February 25, 1994. FRANCIS A. TEDESCO AND MARK TEDESCO—CONTROL—COMMUTER BUS LINE, INC. AND ACADEMY BUS TOURS, INC. Applicant's representative: David H. Radcliff, 2216 Walnut St., Harrisburg, PA 17103. Francis A. Tedesco and Mark Tedesco, both noncarrier individuals, are in control of Commuter Bus Line, Inc. (Commuter) (MC-162133), of Hoboken, NJ, and Academy Bus Tours, Inc. (Academy) (MC-215354), of Philadelphia, PA, both motor carriers of passengers. Francis A. Tedesco is president and treasurer of both Commuter and Academy, and Mark Tedesco is secretary of both Academy and Commuter. These individuals own all the stock of Commuter and will acquire all of the stock of Academy.

*MC-F-20470*, filed February 25, 1994. ACADEMY BUS TOURS, INC.—PURCHASE—COLONIAL COACH CORP. Applicants' representatives: David H. Radcliff, 2216 Walnut St., Harrisburg, PA 17103, and Edward Ciemnecki, 1 Liberty Pl., 32nd Floor, Philadelphia, PA 19103. Academy Bus Tours, Inc. (Academy) (MC-215354), seeks approval of its purchase of the interstate operating authority of Colonial Coach Corp. (Colonial) in Certificate No. MC-39491, issued October 10, 1978. This certificate authorizes the transportation of passengers, over regular and irregular routes.

As part of this transaction, Academy is acquiring all of Colonial's intrastate authority issued by Pennsylvania Public Utility Commission in docket A-94605. Transfer of the intrastate authority is effected pursuant to 49 U.S.C. 11341(a).

Approval for common control of Academy and Commuter Bus Line, Inc. (MC-162133) by noncarrier individuals Francis A. Tedesco and Mark Tedesco was concurrently filed and docketed as MC-F-20469.

Temporary authority under 49 U.S.C. 11349 was granted March 7, 1994.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 94-5965 Filed 3-14-94; 8:45 am]

BILLING CODE 7035-01-P

[Docket No. AB-57 (Sub-No. 35X)]

### Soo Line Railroad Co.—Abandonment Exemption—in Dakota County, MN

The Soo Line Railroad Company (Soo) has filed a notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon service on 4.1 miles of Mendota Heights Line between milepost 160.84 and milepost 164.92 at Mendota Heights, Dakota County, MN.

Soo has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental report); 49 CFR 1105.8 (historic report); 49 CFR 1105.11 (transmittal letter); 49 CFR 1105.12 (newspaper publication); and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on April 14, 1994, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup>

<sup>1</sup> A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its

Continued

formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29<sup>3</sup> must be filed by March 25, 1994. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 4, 1994, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Larry D. Starns, Esq., 1000 Soo Line Bldg., 150 S. 5th St., Minneapolis, MN 55402.

If the notice of exemption contains false or misleading information, the exemption is void ab initio.

Soo has filed an environmental report which addresses the abandonment's effects, if any, on the environmental and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by March 18, 1994. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA is available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: March 7, 1994.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,  
Secretary.

[FR Doc. 94-5964 Filed 3-14-94; 8:45 am]

BILLING CODE 7035-01-P

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 94018]

### NASA Advisory Council; Reorganization of the NASA Advisory Council and Related Committees

AGENCY: National Aeronautics and Space Administration.

independent investigation) cannot be made before the effective date of the notice of exemption. See Exemption of Out-of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental grounds is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

<sup>2</sup> See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

<sup>3</sup> The Commission will accept late-filed trail use statements as long as it retains jurisdiction to do so.

**ACTION:** Notice of reorganization of the NASA Advisory Council and related committees.

**SUMMARY:** Pursuant to section 14(b)(1) of the Federal Advisory Committee Act, Public Law 92-463, and after consultation with the Committee Management Secretariat, General Services Administration, the National Aeronautics and Space Administration has determined that a reorganization of the committees of the NASA Advisory Council is in the public interest in connection with the performance of duties imposed upon NASA by law. As a result of this reorganization, (1) the NASA Advisory Council History Advisory Committee has been abolished; (2) the NASA-NIH (National Institutes of Health) Advisory Committee on Biomedical and Behavioral Research has been established as a standing committee of the NASA Advisory Council; and (3) the NASA Advisory Council Space Station Advisory Committee has been renamed and rechartered as the Advisory Committee on the International Space Station, also a standing committee of the NASA Advisory Council.

The following committees remain in place:

- NASA Advisory Council.
- Aeronautics Advisory Committee.
- Life and Microgravity Sciences and Applications Advisory Committee.
- Space Science Advisory Committee.
- Minority Business Resource Advisory Committee.
- Technology and Commercialization Advisory Committee.
- Earth System Science and Applications Advisory Committee.

**FOR FURTHER INFORMATION CONTACT:** Ms. Anne L. Accola, Mail Code I, National Aeronautics and Space Administration, Washington, DC 20546 (202/358-0682).

**SUPPLEMENTARY INFORMATION:** The function of the Council is to consult with and advise the NASA Administrator or designee with respect to plans for, work in progress on, and accomplishments of NASA's aeronautics and space programs.

Dated: March 9, 1994.

Timothy M. Sullivan,

Advisory Committee Management Officer,  
National Aeronautics and Space Administration.

[FR Doc. 94-5903 Filed 3-14-94; 8:45 am]

BILLING CODE 7510-01-M

## NATIONAL ENDOWMENT FOR THE ARTS

### Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Composers Fellowships Prescreening #1 Section) to the National Council on the Arts will meet on March 15-16, 1994 from 9 a.m. to 5:30 p.m. This meeting will be held in room M-14, at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting is for the purpose of application evaluation, 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 by grant applicants. In accordance with the determination of the Chairman of February 8, 1994, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(B) of section 552b of title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne Sabine, Advisory Committee Management Office, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5439.

Dated: March 8, 1994.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 94-5982 Filed 3-14-94; 8:45 am]

BILLING CODE 7537-01-M

### Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Composers Fellowships Prescreening #2 Section) to the National Council on the Arts will meet on March 17-18, 1994, from 9 a.m. to 5:30 p.m. This meeting will be held in room M-14, at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting is for the purpose of application evaluation, 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 by grant applicants. In accordance with the determination of the Chairman of February 8, 1994, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(B) of section 552b of title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne Sabine, Advisory Committee Management Office, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5439.

Dated: March 8, 1994.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 94-5981 Filed 3-14-94; 8:45 am]

BILLING CODE 7537-01-M

### Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Composers Fellowships Prescreening #3 Section) to the National Council on the Arts will meet on March 24-25, 1994 from 9 a.m. to 5:30 p.m. This meeting will be held in room, at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting is for the purpose of application evaluation, 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 by grant applicants. In accordance with the determination of the Chairman of February 8, 1994, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(B) of section 552b of title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne Sabine, Advisory Committee Management Office, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5439.

Dated: March 8, 1994.

Yvonne M. Sabine,

Director, Panel Operations, National Endowment for the Arts.

[FR Doc. 94-5983 Filed 3-14-94; 8:45 am]

BILLING CODE 7537-01-M

### NATIONAL SCIENCE FOUNDATION

#### Collection of Information Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting a notice of information collection that will affect the public. Interested persons are invited to submit comments by April 14, 1994. Comments may be submitted to:

(A) *Agency Clearance Officer*. Herman G. Fleming, Division of Personnel and

Management, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, or by telephone (703) 306-1243. Copies of materials may be obtained at the above address or telephone.

Comments may also be submitted to: (B) *OMB Desk Officer*. Office of Information and Regulatory Affairs, ATTN: Dan Chenok, Desk Officer, OMB, 722 Jackson Place, room 3208, NEOB, Washington, DC 20503.

*Title*: Evaluation—User-Friendly Project Evaluation Handbook.

*Affected Public*: Individuals.

*Respondents/Reporting Burden*: 5,000 respondents; 30 minutes per response.

*Abstract*: This survey will be used to evaluate how the "User-Friendly Handbook for Project Evaluation" was used; is it clearly understood; and recommend changes to the Handbook.

Dated: March 9, 1994.

Herman G. Fleming,

Reports Clearance Officer.

[FR Doc. 94-5924 Filed 3-14-94; 8:45 am]

BILLING CODE 7555-01-M

### NUCLEAR REGULATORY COMMISSION

[Docket No. 50-440]

#### Cleveland Electric Illuminating Co., et al.; Perry Nuclear Power Plant, Unit No. 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-58 issued to the Cleveland Electric Illuminating Company, Centerior Service Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, and Toledo Edison Company (the licensees) for operation of the Perry Nuclear Power Plant, Unit No. 1, located in Lake County, Ohio.

#### Environmental Assessment

##### Identification of Proposed Action

The proposed action would revise the provisions in the Technical Specifications (TS) to (1) change primary containment pressure and temperature limits, (2) reflect the expected peak pressure in requirements for containment integrated leak rate testing, and (3) change suppression pool and upper containment pool temperature and level limits.

The proposed action is in accordance with the licensee's application for amendment dated June 24, 1992, as

supplemented by letter dated September 25, 1992, and application dated November 16, 1992.

#### The Need for the Proposed Action

The proposed amendment is needed in order to prevent unnecessary plant shutdowns due to high water temperatures in Lake Erie, and to provide additional operational flexibility with respect to suppression pool and upper containment pool water levels.

#### Environmental Impact of the Proposed Action

The NRC staff has completed its evaluation of the proposed revision to the TS and concludes that the containment temperature and pressure response following a postulated loss-of-coolant accident (LOCA) will remain acceptable after implementation of the proposed changes. The NRC staff also concludes that the containment will continue to meet the requirements for sufficient margin from temperature and pressure limits as described in 10 CFR part 50, appendix A, General Design Criterion 50, "Containment design basis." Therefore, the proposed changes do not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the NRC staff concludes that this proposed action would result in no significant radiological environmental impact.

With regard to potential nonradiological impacts, the proposed changes to the TS involve systems located within the restricted area as defined in 10 CFR part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the NRC staff concludes that there are no significant nonradiological environmental impacts associated with the proposed amendment.

#### Alternative to the Proposed Action

Because the Commission's staff has concluded that there are no significant environmental impacts associated with the proposed action, any alternatives would have either no significantly different environmental impact or greater environmental impact.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts as a result of plant operations.

**Alternative Use of Resources**

This action does not involve the use of resources not previously considered in the Final Environmental Statement related to operation of the Perry Nuclear Power Plant, Units 1 and 2, dated August 1982.

**Agencies and Persons Consulted**

The NRC staff reviewed the licensee's request and consulted with the State of Ohio.

**Finding of No Significant Impact**

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the licensee's application for amendment dated June 24, 1992, as supplemented by letter dated September 25, 1992, and application for amendment dated November 16, 1992, which are available for public inspection at the Commission's Public Document Room, Gelman Building, 2120 L Street NW., Washington, DC 20555 and at the local public document room at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

Dated at Rockville, Maryland, this 8th day of March 1994.

For the Nuclear Regulatory Commission,  
John N. Hannon,  
Director, Project Directorate III-3, Division of Reactor Project—III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 94-5973 Filed 3-14-94; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-528, 50-529, 50-530]

**Arizona Public Service Co. (Palo Verde Nuclear Generating Station); Receipt of Petition for Director's Decision**

Notice is hereby given that by Petition dated February 1, 1994, Thomas J. Saporito, Jr. (Petitioner) has requested that the NRC: (1) institute a show cause proceeding pursuant to 10 CFR 2.202 to modify, suspend or revoke the licensee's operating licenses for Palo Verde Nuclear Generating Station (Palo Verde); (2) initiate "appropriate actions" to cause the licensee to recognize the Buckeye, Arizona Regional Office of the National Whistleblower Center as an agency to which licensee employees may raise safety concerns about operations at Palo Verde without fear of retaliation by the licensee; (3) initiate

"appropriate actions" to cause the licensee to encourage employees at Palo Verde to contact the Buckeye, Arizona Regional Office of the National Whistleblower Center to identify safety concerns about operations at the facility as part of its procedural requirements to ensure a working environment which is free of hostility and promotes the raising of safety concerns by employees without fear of retaliation; and (4) initiate "appropriate actions" to cause the licensee to encourage employees at Palo Verde to contact the NRC to identify safety concerns about operations at the facility as part of its procedural requirements to ensure a working environment which is free of hostility and promotes the raising of safety concerns by employees without fear of retaliation.

As grounds for this request, Mr. Saporito asserts that: (1) The NRC has identified Palo Verde as the second highest source of whistleblower complaints in the nation, with 72 of the 621 harassment and intimidation allegations received by the NRC between October 1988 and April 1993 received from Palo Verde employees; (2) the licensee's "spokesman" for Palo Verde, Mark Fallon, made public comments to the *West Valley View* newspaper which increase the "chilling effect" at the facility by discouraging employees from raising safety concerns to the Buckeye, Arizona Regional Office of the National Whistleblower Center; and (3) Mr. Fallon's comments to the *West Valley View* newspaper increased the existing "chilling effect" at Palo Verde by clearly discouraging employees from raising safety concerns to the NRC.

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. The request has been referred to the Director of Enforcement.

A copy of the Petition is available for inspection at the Commission's Public Document Room at 2120 L Street NW., Washington, DC 20555.

Dated at Rockville, Maryland this 8th day of March 1994.

For the Nuclear Regulatory Commission,  
James Lieberman,  
Director, Office of Enforcement.

[FR Doc. 94-5972 Filed 3-14-94; 8:45 am]

BILLING CODE 7590-01-M

**SECURITIES AND EXCHANGE COMMISSION****Form Under Review by Office of Management and Budget**

Agency Clearance Officer—John J. Lane (202) 942-8800.

Upon written request copies available from: Securities and Exchange Commission, Office of Filings, Information and Dissemination Services, Washington, DC 20549.

**Extension**

Filing Fees Account ID Form, File No. 270-352

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et. seq.*), the Securities and Exchange Commission has submitted to the Office of Management and Budget request for approval of extension on the following currently approved form:

The *Filing Fees Account ID Form* is used by the SEC for notification and retrieval of Filing Fees Account information. There are approximately 20,000 potential respondents who will file the *Filing Fees Account ID Form* annually at an estimated .17 burden hours per response with a total annual burden of 3,400 hours.

General comments regarding the estimated burden hours should be directed to Gary Waxman at the address below. Any comments concerning the accuracy of the estimated average burden hours for compliance with Commission rules and forms should be directed to John J. Lane, Associate Executive Director, Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549 and Gary Waxman, Clearance Officer, Office of Management and Budget, (Project Number 3235-0398), room 3208, New Executive Building, Washington, DC 20503.

Dated: March 2, 1994.

Margaret H. McFarland,  
Deputy Secretary.

[FR Doc. 94-5951 Filed 3-14-94; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-33740]

**EDGAR Filer Conference and Roundtable Discussion**

**ACTION:** Notice of EDGAR Filer Conference and Roundtable Discussions.

**SUMMARY:** This is to give notice that the Office of Information Technology will conduct an EDGAR Filer Conference and Roundtable Discussions on April 18 and 19, 1994 in room 1C30 at the Commission's main offices, 450 Fifth Street NW., Washington, DC, beginning at 9 a.m. The conference will be open to the public.

**FOR FURTHER INFORMATION CONTACT:**

George Pospolita, Office of Information Technology, (202) 942-8846, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Alexandria, VA 22312-2413.

**SUPPLEMENTARY INFORMATION:** The Office of Information Technology, Securities and Exchange Commission, will present an EDGAR Filer Conference on April 18, 1994, in room 1C30 at the Commission's main offices, 450 Fifth Street NW., Washington, DC, beginning at 9 a.m.

At the conference, the SEC will present an update on the status of the EDGAR project, a discussion of the EDGAR Rules, and a demonstration of the new EDGARLink™ software, which will include support for handling Financial Data Schedules. There is no preregistration for the conference.

On April 19, the Office of Information Technology will present two roundtable discussions at the same location. The subject of the morning discussion, which will begin at 9 a.m., is the Future Prospects for the EDGAR System. The purpose of this discussion is to better understand the filer perspective on the technological evolution of the EDGAR system.

The subject of the afternoon discussion, which will begin at 1:30 p.m., is EDGAR Information Dissemination Issues. The purpose of this discussion is to enhance the SEC's understanding of the needs of both information disseminators and consumers.

Both roundtable discussions will be organized as panel discussions with audience participation. Members of the public who want to participate on the panels; or, who have suggested topics for discussion; or, who have technical and/or position papers that they would like to place before the panels, should contact George Pospolita, Office of Information Technology, (202) 942-8846. Any documents placed before the panels will be considered public and copies will be made available upon request.

Dated: March 9, 1994.

**Jonathan G. Katz,**  
Secretary.

[FR Doc. 94-5931 Filed 3-14-94; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-33735; File No. SR-Amex-87-33]

**Self-Regulatory Organizations;  
American Stock Exchange, Inc.; Order  
Granting Approval to Proposed Rule  
Change Relating to Telephone Access  
to the Floor**

March 8, 1994.

**I. Introduction**

On December 30, 1987, the American Stock Exchange, Inc. ("Amex" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to allow members to establish direct telephone communications between the floor of the Exchange and non-members located off of floor. The proposal will formalize the Amex's existing telephone policy. The proposed rule change also prohibits Amex members from using a portable telephone on the Exchange floor.<sup>3</sup>

The proposed rule change was published for comment in Securities Exchange Act Release No. 25287 (January 22, 1988), 53 FR 2555 (January 28, 1988). No comments were received on the proposal. Notice of Amendment No. 1 was published in Securities Exchange Act Release No. 26604 (March 7, 1989) 54 FR 10599 (March 14, 1989). The Commission did not receive any comments to the amendment.

**II. Description**

The proposed rule change amends Amex rules 220, 221, and 222 concerning communication to the Floor and Floor wire privileges. Amex rule 220 will be amended to provide that no member may establish or maintain any telephonic or electronic communication between the Floor and any other location without the prior written approval of the Exchange. In addition, the proposed rule change adds three commentaries to rule 220 (.01, .02, and .03).

Commentary .01 permits, with the approval of the Exchange, a telephone line to be established by a member or member organization on the Floor to communicate with a non-member located off the Floor. Commentary .01 also prohibits the use of portable telephones or other portable communication devices on the Floor which would facilitate direct voice

communication between members and non-members.

Commentary .02 permits a specialist unit, with the approval of the Exchange, to maintain a telephone line at its trading post location to the off-floor offices of the specialist unit; the unit's clearing firm; the floor of another securities, commodities, or options exchange; or the upstairs offices of a member organization. With respect to entering orders, the commentary prohibits the use of such telephones for transmitting to the Floor orders for the purchase or sale of securities, but permits the specialist to enter orders in options, futures, or underlying securities for execution in such other markets, or with a member firm's off-floor offices.<sup>4</sup> Finally, the commentary also permits the specialist to obtain market information through use of the post phone.

Commentary .03 places responsibility upon any member or member organization, which has been granted approval of any means of communication under rule 220, for assuring compliance with all Exchange rules and requirements in connection with any business conducted by means of such electronic or telephonic communication.

The proposed amendments to rule 221 will delete paragraphs (a)(1) and (a)(2) concerning wire connections between a regular members' floor booth and a member not represented on the floor of the Exchange.

The proposed amendment to rule 222 concerning revocation of floor wire privileges deletes the current text of the rule and substitutes language which provides that the Exchange, to the extent not inconsistent with the Act, may deny, limit or revoke approval of any electronic or telephonic communication between the Floor and any other location when it determines<sup>5</sup> that such Communication is inconsistent with the public interest, the protection of investors, or just and equitable principles of trade, or such communication has been or is being used to facilitate any violations of the

<sup>4</sup> Amex rule 175(b) permits a specialist to purchase or sell options on its specialty stock only when such transaction is appropriate to permit the specialist to offset the risk of making a market in the underlying stock. Any such options transaction must be made in accordance with Amex's "Guidelines for Specialists' Stock Options Transactions".

<sup>5</sup> Such action by the Exchange must be in accordance with the procedures set forth in Amex rule 40 ("Denial of Membership") which provides due process procedures on actions by the Exchange which may prohibit or limit a person with respect to access to services offered by the Exchange.

<sup>1</sup> 15 U.S.C. 78s(b)(1) (1988).

<sup>2</sup> 17 CFR 240.19b-4 (1991).

<sup>3</sup> This prohibition is the substance of Amendment No. 1, submitted on November 16, 1988.

Act, the rules thereunder, or the Exchange Constitution or rules.

### III. Discussion

In its filing with the Commission, the Amex stated that the proposed rule change will codify current Exchange policies relating to communications to and from the Floor. These policies, states the Amex, have developed in keeping with the general premise that since transacting business on the floor of an exchange is an essential privilege of exchange membership, communications to and from the Floor should be restricted.

The Commission has reviewed closely the provisions of the proposed Amex rule change. The Commission notes that the substantive provisions of the proposed Amex rule change are very similar to the New York Stock Exchange ("NYSE") telephone access rules previously approved by the Commission.<sup>6</sup> In its June 23 order approving the proposed NYSE rule, the Commission carefully considered the provisions of the proposed rule and the comments and arguments raised in favor of and in opposition to the NYSE rule change. In particular, the Commission carefully considered the issues and arguments concerning the proposal to limit the installation of such telephone links to a member's booth on the floor and the proposed prohibition on the use by members of portable telephones. In the more recent NYSE order, the Commission carefully reviewed the possible effects from permitting specialists to communicate with, and enter orders directly to, a member on the floor of an option or futures exchange. For the same reasons as set forth in the NYSE orders with respect to the aforementioned issues, we now believe the Amex's proposal should be approved.

First, the Commission believes that permitting members to communicate from their floor booths to non-members located off-floor is reasonable and consistent with the Act, and, in particular, with sections 6(b)(5), 6(b)(8), and 11A(a)(1)(C)(ii) of the Act.<sup>7</sup> The

Commission believes that this may permit smaller floor broker firms to compete more effectively for order flow and can result in benefits to investors by improving execution of orders.

Second, the Commission continues to believe that prohibiting members' use of portable telephones is reasonable and consistent with the Act. In its proposal the Amex states that portable telephones will enable a non-member to communicate directly with a member in the trading crowd. The Amex is concerned that this could lead to loss of investor confidence because generally larger, more active customers would be granted the privilege of communicating with the crowd. The Commission believes these concerns are valid because the ability of a customer to communicate directly with a broker in a trading crowd could provide time and place advantages to the customer which are unavailable to others. Moreover, the Commission does not believe that a prohibition against the use of portable telephones violates section 6(b)(8) of the Act by imposing a burden on competition not necessary or appropriate in furtherance of the purposes of the Act. In summary, although it is a close question, the Commission believes there are valid regulatory reasons for prohibiting the use of portable telephones. Thus, in the Commission's view, the proposed Amex prohibition on the use of portable telephones on the Exchange floor constitutes a reasonable response by the Amex to its regulatory concerns, and therefore is consistent with sections 6(b)(5) and 6(b)(8) of the Act.

Third, the Commission continues to believe it is reasonable to permit specialist units to communicate from the Amex floor with their off-floor office or clearing firm. By allowing such necessary communication links, the Exchange is enabling the specialist units to function more effectively on the Amex floor. This is consistent with section 6(b)(5), in that it will facilitate transactions in securities. Similarly, the Commission believes that the Amex's proposed prohibition against the use of such communication links to transmit to the Amex floor orders for the purchase or sale of securities is reasonable and consistent with the requirements of the Act in view of the specialist unit's integral role in maintaining stability in the market. In particular, the Commission would be concerned that, without this restriction, large customers

"it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure . . . fair competition among brokers and dealers . . ."

could be provided with time and place informational advantages that are not available to other public customers. The Commission also notes that such a restriction does not impose an unnecessary or inappropriate competitive burden on specialist units in conflict with the requirements of section 6(b)(8) of the Act.

Finally, the Commission believes that the portion of the proposal allowing a specialist unit to use a telephone linkage at the specialist post to enter orders in operations, futures, or underlying securities through a member on the floor of an options, futures, or other securities exchange is consistent with section 6(b)(5) of the Act. In this regard, the Commission believes that this will facilitate transactions in securities by providing specialists with the ability to hedge their positions more rapidly by enabling them to communicate directly with a member on the floor of the exchange where the order is being placed. Further, it is the Commission's belief that the execution of the hedging order will be more cumbersome and less timely if the specialist is limited to routing such an order through an off-floor office or clearing firm. Moreover, by expanding the available processes by which specialists can transfer the risk of their market making responsibilities, specialists will be better able to fulfill their responsibilities.

Nevertheless, the Commission has always been concerned that transactions from a specialist post ensure a course of fair dealing and not allow abuses such as frontrunning and tape racing due to the specialist's position. In this context, the Commission, in originally approving the use of options by specialists for hedging their speciality stocks, was sensitive to concerns over the potential for specialist frontrunning, tape racing, or other abuses arising from the specialist's informational advantage.<sup>8</sup> The Commission notes that the Amex rule permitting a specialist to enter into options transactions is limited to hedging (i.e., offsetting the risk of making a market in the underlying specialty stock) purposes in that it places restrictions on the size, timing, and purpose of such transactions.<sup>9</sup> In addition, the Commission emphasizes that the proposal being approved does not affect the restrictions currently in place for placing options orders. The proposal only provides a more efficient

<sup>6</sup> See Securities Exchange Act Release Nos. 25842 (June 23, 1988), 53 FR 24539 (June 29, 1988); and 33686 (February 25, 1994).

<sup>7</sup> 15 U.S.C. 78f(b)(5), 78f(b)(8), and 78k-1(a)(1)(C)(ii) (1988). Section 6(b)(5) of the Act requires that the rules of an exchange be designed to "prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, . . . to remove impediments to and perfect the mechanism of a free and open market . . . and, in general, to protect investors and the public interest . . ." Section 6(b)(8) requires that the rules of an exchange "not impose any burden on competition not necessary or appropriate in furtherance of the purposes of [the Act]." Section 11A(a)(1)(C)(ii) states the Congressional finding that

<sup>8</sup> See Securities Exchange Act Release No. 21710 (February 4, 1985), 50 FR 5708.

<sup>9</sup> See Amex Rule 175 and note 4, *supra*.

means for specialists to relay their hedging orders to options exchanges.<sup>10</sup>

With respect to the entry of futures orders, the Amex is able to conduct surveillance of specialists' futures transactions through information sharing agreements with the futures exchanges.<sup>11</sup> In addition, the Amex has agreed to establish procedures to surveil certain futures activity.<sup>12</sup> The Commission also notes and the Amex has stated, as a practical matter, that the entry of futures orders by specialists, in addition to orders by options specialists in the underlying securities, is generally done for hedging purposes and the Commission believes that any such activity would have to be consistent with the specialist's obligation to maintain a fair and orderly market.

Based on the above, the Commission believes that any increased potential for frontrunning, tape racing, or other abuses by specialists that would be created by the proposed rule change is minimal, due to the restrictions placed on the specialists' options activity and the special surveillance procedures to monitor equity specialists' use of options, options specialists' activity in underlying securities, and the use of futures by both equity and options specialists.

In view of the above, the Commission concludes that the proposed Amex rule change is reasonable and consistent with the Act, particularly sections 6(b)(5), 6(b)(6) and 11A(1)(C)(ii).

It is therefore ordered, pursuant to section 19(b)(2) of the Act,<sup>13</sup> that the proposed rule change (SR-Amex-87-33) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>14</sup>

<sup>10</sup> We also note that the rules of the Chicago Board Options Exchange and those of the NYSE prohibit market makers and specialists, respectively, from accepting orders over the telephone at the trading post.

<sup>11</sup> We also that surveillance information is also shared through the Intermarket Surveillance Group ("ISG"). ISG was formed on July 14, 1983 to, among other things, coordinate more effectively surveillance and investigative information sharing arrangements in the stock and options markets. See Intermarket Surveillance Group Agreement, July 14, 1983. Because of potential opportunities for trading abuses involving stock index futures, stock options and the underlying stock and the need for greater sharing of surveillance information for these potential intermarket trading abuses, the major stock index futures exchanges (e.g., CME & CBT) joined the ISG as affiliate members in 1990.

<sup>12</sup> Conversation between Tom Brown, Managing Director, Trading Analysis & Inquiries/Derivatives, Amex, Julio Mojica, Assistant Director, Market Operations and Surveillance, Division of Market Regulation, Commission, and Joe McDonald, Branch Chief, Options Inspections, Division of Market Regulation, Commission on March 2, 1994.

<sup>13</sup> 15 U.S.C. 78s(b)(2) (1988).

<sup>14</sup> 17 CFR 200.30-3(a)(12) (1991).

[FR Doc. 94-5921 Filed 3-14-94; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-33737; File No. SR-NASD-93-48]

**Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving a Proposed Rule change to the By-Laws and Rules of Fair Practice Relating to Rule Approval Procedures**

March 8, 1994.

**I. Introduction**

On September 17, 1993, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("SEC" or "Commission") a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder.<sup>2</sup> The rule change amends the NASD By-Laws and Rules of Fair Practice to make uniform all rule approval and amendment procedures under the NASD's By-Laws and to convert certain appendices of Rules of Fair Practice into Rules of Fair Practice themselves.

Notice of the proposed rule change appeared in the *Federal Register* on September 28, 1993.<sup>3</sup> The Commission received four comment letters opposing the proposal.<sup>4</sup> This order approves the rule change.<sup>5</sup>

**II. Description of the Rule Change**

The NASD is proposing to amend the NASD By-Laws and Rules of Fair Practice to make all rule approval and

amendment procedures under the NASD's By-Laws uniform<sup>6</sup> and, thus, eliminate the requirement that certain rules be submitted to the membership for their approval as part of the rulemaking process.<sup>7</sup> The rule change conforms the NASD's procedure to those of other securities industry self-regulatory organizations ("SRO"), which do not require member vote for rule changes.<sup>8</sup> The rule change is effective immediately and applies only to proposed rule changes approved by the Board or the Executive Committee<sup>9</sup> after the effective date of the rule change.<sup>10</sup> Thus, rule changes currently pending before the Commission or approved by the Board prior to the date of effectiveness of this order will not be affected by the rule change.

**A. Amendments to the By-Laws**

Article VII, Section 1(a) of the By-Laws sets forth certain authority of the Board. The rule change amends this section with respect to the Board's authority to amend the NASD rules; to amend its Certificate of Incorporation or By-Laws, the NASD will continue to be required to obtain membership approval. To reflect this distinction, Article VII, section 1(a)(1) of the By-Laws has been divided into two subsections. Amended section 1(a)(1) provides that amendments to the By-Laws require membership approval and new section 1(a)(2) specifies that the Board has the authority to adopt and amend Rules of Fair Practice. This new section also provides that the Board

<sup>6</sup> In addition, the rule change converts certain appendices of Rules of Fair Practice into Rules of Fair Practice themselves.

<sup>7</sup> Currently, the NASD By-Laws and Rules of Fair Practice require Board and membership approval to amend Rules of Fair Practice while amendment to other NASD rules only requires Board approval. Thus, the NASD By-Laws currently provide that the Board may adopt Rules of Fair Practice for submission to NASD members. *NASD Manual, By-Laws, Art. XII, Sec. 1* (CCH ¶ 1251. Certain Rules of Fair Practice adopted by the Board and approved by the membership, however, authorize the Board to establish rules, regulations and/or procedures concerning NASD members without recourse to the membership for approval. *NASD Manual, Rule of Fair Practice, Art. III, Secs. 30(b)* (Margin accounts), 31 (Securities "failed to receive" and "failed to deliver"), 32(b) (Fidelity bonds), 33(c) (Options), 34(c) (Direct participation programs) & 37 (Operating rules for ITS/CAES and CAES). (CCH) ¶¶ 2180, 2181, 2182, 2183, 2191 & 2197.

<sup>8</sup> See, e.g., Amex, Const., Art. II, Sec. 2; Chicago Stock Exchange, Const., Art. XI, Sec. 2; Midwest Clearing Corp., By-Laws, Art. VII, Sec. 1; NYSE, Const., Art. VIII, Sec. 1.

<sup>9</sup> Between Board meetings, the Executive Committee has authority to act on behalf of the Board during emergency or extraordinary market conditions. *NASD Manual, By-Laws, Art. VII, Sec. 3*, (CCH) ¶ 1182A.

<sup>10</sup> Letter from Suzanne Rothwell, Associate General Counsel, NASD, to Selwyn Notelovitz, Branch Chief, SEC (Jan. 27, 1994).

<sup>1</sup> 15 U.S.C. 78s(b)(1) (1988).

<sup>2</sup> 17 CFR 240.19b-4 (1993).

<sup>3</sup> Securities Exchange Act Release No. 32942 (Sept. 22, 1993), 58 FR 50609 (Sept. 28, 1993).

<sup>4</sup> Letter from Marle I. Hoch, Executive Director, Securities Traders Association of New York, to Jonathan G. Katz, Secretary, SEC (Oct. 15, 1993) ("STANY Comment Letter"); letter from Dennis Marion, President and Chief Executive Officer, Sherwood Securities, to Jonathan G. Katz, Secretary, SEC (Oct. 15, 1993) ("Sherwood Comment Letter"); letter from David E. Rosendahl, Chairman, Federal Regulation Committee, Securities Industry Association ("SIA"), and Mark T. Commander, Chairman, Self-Regulatory and Supervisory Practices Committee, SIA, to Jonathan Katz, Secretary, SEC (Nov. 4, 1993) ("SIA Comment Letter"); and letter from Kenneth S. Spiner, General Counsel, Private Client Group, Merrill Lynch, to Jonathan G. Katz, Secretary, SEC (Oct. 25, 1993) ("Merrill Lynch Comment Letter").

<sup>5</sup> The rule change was approved for filing with the Commission at a meeting of the NASD Board of Governors ("Board") on November 13, 1992. The change was submitted to a vote of the NASD membership in NASD Notice to Members 93-15 (Mar. 1993), and was approved by the membership, as required by Article XII, Section 1, and Article XVII, Section 1 of the NASD By-Laws by a vote of 1,683 in favor, 478 opposed, and 11 not voting out of 2,172 ballots received.

may, in its discretion, still choose to submit certain rule changes or additions to Rules of Fair Practice to the membership for consideration.

Redesigned section 1(a)(3) (formerly section 1(a)(9)) generally provides broad authority to the Board to exercise the action necessary or appropriate to implement the provisions of the Act. The rule change deletes from redesignated section 1(a)(3) language referencing the Government Securities Act of 1986 because the pertinent provisions of the Government Securities Act of 1986 are incorporated in the Act, as amended.<sup>11</sup>

Article XII, Section 1 of the By-Laws is also amended to delete the reference to the member vote procedure for adoption and amendment of Rules of Fair Practice, and to remove references to emergency rules. Because the NASD may now amend Rules of Fair Practice without membership vote, the procedures for member vote and references to emergency rules are no longer.

#### B. Amendments to Rules of Fair Practice

Currently, the text of Rules of Fair Practice, Article III, Sections 30 through 34 contain general Rules of Fair Practice and set forth the procedures for adopting the specific requirements underlying these general rules, which procedures include that the Board may adopt or amend these rules without recourse to the membership.<sup>12</sup> The specific requirements underlying these general rules appear in appendices to each of these rules, which include a reiteration of the general rule. As noted above, the rule change amends Article VII of the By-Laws to provide the Board authorization to and the procedure for amending all Rules of Fair Practice without recourse to the membership. Accordingly, the rule change deletes the text of Sections 30 through 34, which are now superfluous, and converts the substantive provisions found in the appendices to each of these rules into their respective sections. To conform the former appendices to the format of Rules of Fair Practice, the appropriate numbering, lettering and cross referencing, changes have been made.<sup>13</sup>

<sup>11</sup> The rule change also amends redesignated sections 1(a) (5), (6) and (8) (formerly sections 1(a) (3), (4) and (6)) because the language in these sections specifying that no member vote is needed is now superfluous. In addition, redesignated sections 1(a) (9) and (10) (formerly sections 1(a) (7) and (8)) have been amended stylistically, with no substantive implications.

<sup>12</sup> NASD Manual, Rule of Fair Practice, Art. III, Secs. 30(b), 31, 32(b), 33(c), 34(c) & 37, (CCH) ¶¶ 2180, 2181, 2182, 2183, 2191 & 2197.

<sup>13</sup> The numbering convention for former Appendix A, however, is not changed at this time

Finally, the rule change deletes Rules of Fair Practice, Section 37, which provided the Board authority to adopt and amend CAES Operating Rules and ITS/CAES Operating Rules without seeking membership approval. As amended, redesignated Sections 1(a) (3), (8) and (9) (formerly sections 1(a) (9), (6) and (7)) generally provide the Board authority to adopt rules and operate systems such as CAES and ITS/CAES without membership approval; thus, section 37 is unnecessary.

#### III. Comment Letters

The Commission received four comment letters opposing the rule change. Commentators noted, among other things, that it violated the traditionally democratic process of the NASD<sup>14</sup> and is unnecessary given the Board's authority to adopt rules in the event of an emergency.<sup>15</sup> One commenter opposed the NASD's rule change because it believed that member vote provides a mechanism for NASD members to give careful consideration to rule changes.<sup>16</sup> In addition, this commenter argued that the NASD should establish a uniform comment period for all rule changes.

In response, the NASD noted that its members have access to the NASD's rulemaking process through means other than membership vote.<sup>17</sup> In particular, the NASD noted, members participate in this process through their representatives on Standing and District committees and through the election of a Board member from their district. In addition, the NASD noted, the Board has reserved the option of submitting to its members for consideration proposed changes to Rules of Fair Practice. Moreover, the NASD reiterated its representation that it will continue to notify its members of proposed rule changes through regular publication of Notice to Members and periodic summaries of Board meetings and noted that it will still respond to member comments.

#### IV. Discussion

The Commission believes that the NASD's rule change is consistent with

because, as explained in SR-NASD-92-35, the NASD's new margin rule is based on rules of the NYSE and, for purposes of comparison, the NASD considers using the same numbering scheme for the NASD's and NYSE's rules useful. See Securities Exchange Act Release No. 31918 (Feb. 24, 1993), 58 FR 12286 (Mar. 3, 1993) (order approving File No. SR-NASD-92-35).

<sup>14</sup> STANY and Sherwood Comment Letters.

<sup>15</sup> STANY and SLA Comment Letters.

<sup>16</sup> Merrill Lynch Comment Letter.

<sup>17</sup> Letter from T. Grant Callery, Vice President and General Counsel, NASD, to Selwyn Notelovitz, Branch Chief, SEC (Nov. 29, 1993).

the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, therefore, has determined to approve the rule change. Specifically, the Commission believes that the rule change is consistent with the provisions of sections 15A(b)(4) and (6) of the Act.<sup>18</sup> These sections require, in part, that the NASD's rules assure fair representation in the selection of its directors and the administration of its affairs and be designed to foster cooperation and coordination of securities transactions, to remove impediments to a free and open market, and to protect investors and the public interest.

By eliminating the need for member vote prior to amending certain of the Rules of Fair Practice, the rule change simplifies the NASD's ability to amend its rules. With the change, the NASD's procedures for amending its rules will be consistent with those of other SROs in the securities industry, which do not require member vote for rule changes. According to the NASD, the change will not only reduce delays in making rule changes effective, but will also result in administrative cost savings. A member vote will, however, continue to be required for amendments to the NASD's By-Laws. Further, the Board has specifically provided that it may seek a member vote on any rule change if it considers such a vote appropriate.

The rule change does not alter the substance of the NASD's Rules of Fair Practice. Rather, it simplifies the NASD's ability to amend its rules by eliminating the requirement for member vote. Nonetheless, mechanisms for members to participate in the formulation of and comment on NASD proposed rule changes remain. As noted above, members will continue to be able to participate in this process through the election of a Board member from their district and through representation on more than twenty Standing and District committees.<sup>19</sup> Each Standing committee consists of at least one Board member and of members from across the country with expertise in the committee's business. In addition, section 19(b) of the Act provides NASD members the mechanism to comment in writing directly to the Commission on all NASD rule changes.<sup>20</sup>

To facilitate access to its committees, in addition to publishing the names and titles of all its officers, the NASD provides in the front of its manual a list

<sup>18</sup> 15 U.S.C. 78o-3(b)(4) and (6).

<sup>19</sup> NASD Manual, By-Laws, Sec. 4(a), (CCH)

¶ 1183; By-Laws, Art. III, Secs. 1-12, (CCH)

¶¶ 1191-1202; By-Laws, Art. XI, Secs. 1-4, (CCH)

¶¶ 1241-44.

<sup>20</sup> 15 U.S.C. 78s(b)(1).

of its committees and the names of the committee members. Each committee has a mission statement which provides it authority to make recommendations to the Board concerning specific areas of concentration. When the jurisdiction for an issue overlaps, all the relevant committees are presented an opportunity to provide input before a final recommendation is presented to the Board.

The NASD's current process of electing Board members and selecting committee members provides fair representation of local, regional and national firms on the Board and on committees. To provide greater representation to each board member, in 1990, the NASD decreased the size of the Board.<sup>21</sup> Finally, the Commission notes that an overwhelming majority (77%) of the members voting on the NASD's proposal voted to approve the rule change.

Recognizing that some rule changes will engender more debate than others, the Board has reserved the option of submitting to its members for consideration proposed changes to Rules of Fair Practice. Furthermore, the NASD has reiterated its representation that it will continue to notify its members of proposed rule changes through regular publication of Notice to Members and periodic summaries of Board meetings.

Section 15A(b)(4) requires the NASD's rules assure fair representation of its members in the selection of its directors and administration of its affairs. This can be accomplished in several ways, not just by requiring member votes on specific rules. Accordingly, the Commission encourages the NASD not to underestimate the benefits derived from membership comment. In the Commission's experience, this provides members the opportunity to review proposals carefully, and often members provide useful comments which may lead to changes in the proposal.<sup>22</sup> Committee members, therefore, should be encouraged to obtain the views of all interested members and committee chairman should be reminded of the NASD's obligation to provide fair representation to a cross-section of members pursuant to section 15A(b)(4) of the Act.

<sup>21</sup> Securities Exchange Act Release No. 28406 (Sept. 4, 1990), 55 FR 37782 (Sept. 13, 1990).

<sup>22</sup> See, e.g., SR-NASD-93-3 (amendment to Section 34, Appendix F, Rules of Fair Practice to limit member participation in unfair roll-up transactions); SR-NASD-92-46 (amendment to Schedule E, Schedule to the By-Laws concerning conflicts of interest).

## V. Conclusion

For the reasons stated above, the Commission believes the rule change is consistent with the Act and, therefore, has determined to approve it. The rule change will provide the NASD greater flexibility to amend its rules. This will enable the NASD to respond quickly to the needs of its members and to protect investors and the public interest in this era of rapidly changing market conditions.

The Commission does not believe that the rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the rule change SR-NASD-93-48 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>23</sup>

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94-5920 Filed 3-14-94; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-33725; File No. SR-NASD-94-12]

## Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Article III, Section 44 of the Rules of Fair Practice and Schedules A and E to the NASD By-Laws

March 7, 1994.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 28, 1994, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the NASD. By this Release, the Commission: (i) Solicits comments on the proposed rule change from interested persons, and (ii) approves the proposed rule change on an accelerated basis.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Below is the text of the proposed rule change. Proposed new language is in italics; proposed deletions are in brackets.

<sup>23</sup> 17 CFR 200.30-3(a)(12).

## RULES OF FAIR PRACTICE

### THE CORPORATE FINANCING RULE

#### Underwriting Terms and Arrangements

Sec. 44.

(b) Filing Requirements.

\* \* \* \* \*

(6) Information Required to be Filed.

\* \* \* \* \*

(G) a detailed explanation and any documents related to the modification of any item of underwriting compensation subsequent to the review and approval of such compensation by the NASD.

\* \* \* \* \*

(10) Filing Fees.

\* \* \* \* \*

(B) Amendments to the initially filed documents which increase the number of securities being offered shall be accompanied by an additional amount of filing fee equal to .01% of the per share offering price of the new or additional securities, multiplied by the number of new or additional securities being offered [increase in the amended gross dollar amount of the offering], not to exceed \$30,500 when aggregated with all fees previously paid.

\* \* \* \* \*

## SCEDULES TO THE BY-LAWS

### SCHEDULE A

Sec. 6. Fees for Filing Documents Pursuant to the Corporate Financing Rule

\* \* \* \* \*

(b) Amendments to the initially filed documents which increase the number of securities being offered shall be accompanied by an additional amount of filing fee equal to .01% of the per share offering price of the new or additional securities, multiplied by the number of new or additional securities being offered [increase in the amended gross dollar amount of the offering], not to exceed \$30,500 when aggregated with all fees previously paid.

\* \* \* \* \*

### SCHEDULE E

Distribution of Securities of Members and Affiliates

\* \* \* \* \*

Sec. 3. Participation in Distribution of Securities of Member or Affiliate

\* \* \* \* \*

(c) If a member proposes to underwrite, participate as a member of the underwriting syndicate or selling group, or otherwise assist in the distribution of a public offering of its own or an affiliate's securities subject to

this section [without limitation as to the amount of securities to be distributed by the member], one or more of the following three criteria shall be met. \* \* \*

## II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

### (A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

#### Filing Requirements

The filing requirements of Subsection (b) to Article III, Section 44 of the Rules of Fair Practice ("Corporate Financing Rule")<sup>1</sup> require submitting to the Corporate Financing Department for review each pre-effective and post-effective amendment to the registration statement and any other amended document previously filed, marked to show changes. The final registration statement declared effective by the Securities and Exchange Commission or an equivalent final offering document must also be filed. The required filings allow the Corporate Financing Department to review what effect, if any, such changes have on the fairness and reasonableness of the underwriting compensation and arrangements. Additionally, the Corporate Financing Department's "no objections" letter restates the requirement to file amendments and the final prospectus and indicates that modification of the terms and arrangements of the offering may result in a change in the Department's fairness opinion.

The Corporate Financing Department is aware that certain items or underwriting compensation received by underwriters and related persons in connection with the distribution of a public offering, and approved by the Department, are sometimes modified subsequent to the effectiveness of the offering. Such modifications include, for example, payments to an underwriter

for the buyout or waiver of a right of first refusal, adjustments to the exercise price (usually downward)<sup>2</sup> or to the term of the underwriter's warrants (usually lengthening), payments under financial consulting contracts, and other negotiated changes in connection with additional services sometimes provided by the underwriter to the issuer. The NASD is concerned that modifications to items of underwriting compensation, particularly if such modifications occur after the effectiveness of the offering, might not be disclosed in amendments or other documents and may not come to the attention of the Corporate Financing Department. Such modifications to compensation may be found to be unfair or unreasonable in light of the approved compensation and arrangements of the public offering and the applicable compensation guidelines for such offering. The proposed rule change would add new subsection (G) to subsection (b)(6) to section 44 to the Rules of Fair Practice to clarify the requirement that the Corporate Financing Department be notified in detail of any change in, or modification of, any item of underwriting compensation approved by the Department.

#### Filing Fees

Subsection (b)(10) to the Corporate Financing Rule and Section 6 of Schedule A to the NASD By-Laws ("Schedule A")<sup>3</sup> require a filing fee for the Corporate Financing Department's review of underwriting terms and arrangements. Offerings filed with the Department are charged a fee equal to \$500 plus .01% of the gross dollar amount of the offering, not to exceed a fee of \$30,500. The "gross dollar amount of the offering" is the public offering price of all securities offered to the public plus securities included in any overallotment option, the registration price of securities to be paid to the underwriter and related persons, and the registration price of any securities underlying other securities. Subsection (b)(10)(B) to the Corporate Financing Rule and Subsection 6(b) to Schedule A contain identical language stating that when the number of securities being registered is modified by an amendment to the initially filed documents, an additional amount of filing fee may also be required. The Corporate Financing Department has always calculated such additional filing fees by multiplying the number of new or additional securities

being registered by the proposed public offering price, consistent with Rule 457 under the Securities Act of 1933, which sets forth the method of calculating SEC filing fees.<sup>4</sup>

Questions have arisen regarding the calculation of any additional filing fee where the number of securities being offered is increased by an amendment. The language of the Corporate Financing Rule and Schedule A did not contemplate an amendment where the number of securities is increased and the proposed public offering price is decreased, resulting in no change in the gross dollar amount of the offering. Thus, the proper calculation of an additional filing fee could be unclear where, for example, a one million share offering at \$10.00 per share is amended to a two million share offering at \$5.00 per share. In such a situation, the existing rule language could be interpreted to call for no additional fee since the gross dollar amount of the offering is unchanged. The actual practice, however, is that an additional fee is assessed based on the additional one million shares multiplied by the new price of \$5.00.

The NASD has determined that it is important to conform the language of the Corporate Financing Rule and Schedule A to SEC Rule 457 to clarify the calculation of fees for securities which have been added by amendment to the amount of securities being offered in the initial filing documents. The proposed rule change amends subsection (b)(10)(B) to section 44 to Article III of the Rules of Fair Practice and subsection (b) to section 6 of Schedule A to clarify that the calculation of the additional fee required as a result of additional securities being offered pursuant to an amendment to the initially filed documents shall be equal to .01% of the result of the number of new shares being offered multiplied by the offering price of the new shares.

#### Schedule E to the By-Laws

Subsection 3(c) to Schedule E to the NASD By-Laws states that if a member proposes to underwrite, participate as a member of the underwriting syndicate or selling group, or otherwise assist in the distribution of a public offering of securities of members or affiliates "without limitation as to the amount of

<sup>4</sup> SEC Rule 457(a) states, in part, "If the number of shares or other units of securities, or the principal amount of debt securities to be offered is increased by an amendment filed prior to the effective date of the registration statement, an additional filing fee, computed on the basis of the offering price of the additional securities, shall be paid." 17 CFR 230.457.

<sup>2</sup> But see Securities Exchange Act Release No. 33119 (October 29, 1993), 58 FR 65084 (November 5, 1993).

<sup>3</sup> NASD Manual, (CCH) ¶ 1757.

<sup>1</sup> NASD Manual, (CCH) ¶ 2200D.

securities to be distributed by the member," then one of three conditions must be met. The conditions are that: (1) A qualified independent underwriter must be engaged to establish the price and participate in the preparation of the registration statement and the prospectus; or (2) the offering is of a class of equity securities for which a bona fide independent market exists; or (3) the offering is of a class of securities which is rated as investment grade by Moody's, Standard & Poor's or some other acceptable rating service.

The phrase "without limitation as to the amount of securities to be distributed by the member" is a carryover from an early provision of Schedule E, eliminated in 1988,<sup>5</sup> that restricted a member's participation in the syndicate or selling group to an amount not exceeding 10% of the dollar amount of an offering underwritten on a firm commitment basis and managed by a qualified independent underwriter. At the time the restriction on participation was operable, two qualified independent underwriters were required by Schedule E. If the member's participation was limited to 10% or less, only one qualified independent underwriter was required. The removal of the restrictive provision renders the quoted phrase superfluous. The proposed rule change amends subsection (c) to section 3 of Schedule E to remove that part of the subsection which is superfluous and no longer operable.

The NASD believes that the proposed rule change is consistent with the provisions of section 15A(b)(5) of the Act,<sup>6</sup> which require that the rules of the Association provide for the equitable allocation of reasonable dues, fees and other charges among members, and is also consistent with the provisions of section 15A(b)(6) of the Act, which require that the rules of the Association be designed to prevent fraudulent and manipulative acts, promote just and equitable principles of trade, and protect investors and the public interest, in that the proposed rule change clarifies the correct calculation of a filing fee on members, clarifies the requirement of members to provide detailed documentation related to the modification of underwriting compensation subsequent to the review and approval of such compensation by the NASD and, finally, clarifies that when members issue, or participate in the distribution of, any amount of their own securities or securities of an

affiliate, they must satisfy one of three options under subsection 3(c) to Schedule E to the NASD By-Laws.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

The NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments were neither solicited nor received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD, and in particular, sections 15A(b) (5) and (6) of the Act. The Commission believes that the rule change, which clarifies the requirement that members provide detailed documentation concerning modifications in underwriting compensation subsequent to the review and approval of such compensation by the NASD, promotes just and equitable principles of trade and protects investors and the public interest by ensuring compliance with the NASD's Corporate Financing Rule in terms of fair and reasonable underwriting terms and arrangements. In addition, the Commission believes that the rule change protects investors and the public interest by clarifying the correct calculation of filing fees for the NASD's review of underwriting arrangements, and by clarifying members' obligations under subsection 3(c) of Schedule E to the NASD By-Laws.

The Commission finds good cause for approving the rule change prior to the thirtieth day after publication of the proposal in the *Federal Register*. As indicated above, the Commission recognizes that the rule change clarifies members' obligations under Schedules A and E to the NASD By-Laws, and under the NASD's Corporate Financing Rule. The Commission believes that accelerated approval will avoid unnecessary delay in effectiveness of the rule change.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions

should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by April 5, 1994.

*It is therefore ordered*, Pursuant to section 19(b)(2) of the Act, that the proposed rule change SR-NASD-94-12 be, and hereby is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Margaret H. McFarland,  
Deputy Secretary.

[FR Doc. 94-5930 Filed 3-14-94; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-33736; File No. SR-PHLX-93-27]

**Self-Regulatory Organizations; Order Approving Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Amendments to Floor Procedure Advice F-5, Material Changes to Terms of a Matched Trade**

March 8, 1994.

On July 23, 1993, the Philadelphia Stock Exchange, Inc. ("PHLX" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to amend Floor Procedure Advice ("Advice") F-5, "Material Changes to Terms of a Matched Trade," to designate the Advice's current language as paragraph (a)<sup>3</sup> and to add

<sup>1</sup> 15 U.S.C. 78s(b)(1) (1988).

<sup>2</sup> 17 CFR 240.19b-4 (1993).

<sup>3</sup> Specifically, paragraph (a) requires that all correction sheet submissions which change material terms of a transaction (security, price, volume, series, class and customer to firm participation) be signed by all of the parties to the transaction and

Continued

<sup>5</sup> Securities Exchange Act Release No. 25525 (March 29, 1988), 53 FR 11156 (April 5, 1988).

<sup>6</sup> 15 U.S.C. 78o-3.

paragraph (b), which will require any person signing a correction sheet to use due diligence to confirm the correction before signing the correction sheet, including checking the appropriate floor tickets or computerized report ("run") in any case where a sizeable error may result if appropriate corrective action is not taken. The proposed rule change was noticed for comment in Securities Exchange Act Release No. 32894 (September 14, 1993), 58 FR 49078.<sup>4</sup> No comments were received on the proposed rule change.

Currently, Advice F-5 provides that all correction sheet submissions which change material terms of a transaction (security, price, volume, series, class and customer to firm participation) must be signed by all parties to the transaction and by a representative of the specialist unit. If one of the parties to the transaction is not present at the time the matter is being resolved, the signature of one of the Exchange's Surveillance staff is required to acknowledge the contra side's absence. The Advice states that the signature of the Surveillance staff member does not relieve any party to the trade from liability in connection with the change.

The PHLX proposes to amend Advice F-5 to emphasize that correction sheets

by a representative of the specialist unit. In addition, paragraph (a) states that if one of the parties to the transaction is not present when the matter is being resolved, then a member of the Exchange's Surveillance staff must sign the correction sheet to acknowledge the contra side's absence.

<sup>4</sup> On February 2, 1994, the PHLX submitted a letter defining a "sizeable error." Specifically, the PHLX views a sizeable error in equity or index options, where the average trade size is approximately 10 contracts, as an error of \$1,000 or more. For foreign currency options, where the average trade size is approximately 80 contracts, the PHLX views an error of \$3,000 or more as a "sizeable error." See Letter from Gerald D. O'Connell, Vice President, Market Surveillance, PHLX, to Sharon Lawson, Assistant Director, Division of Market Regulation ("Division"), Commission, dated February 2, 1994 ("February 2 Letter"). In its February 2 Letter the PHLX also amended the title of Advice F-5 to "Material Changes to Terms of a Matched Trade" rather than "Material Changes to Terms of a Cleared Trade." Subsequently, the PHLX submitted a letter incorporating its definition of "sizeable error" into the text of Advice F-5. See Letter from Gerald D. O'Connell, Vice President, Market Surveillance, PHLX, to Sharon Lawson, Assistant Director, Division, Commission, dated February 28, 1994 ("February 28 Letter"). In its February 28 Letter the PHLX also noted that the amounts specified as constituting a "sizeable error" are guidelines and that the circumstances surrounding a correction must be considered. In addition, in its February 28 Letter the PHLX deleted language indicating that the correction confirmation requirement would apply only where the person "has reason to believe" that a sizeable error will result without appropriate corrective action. Instead, as noted above, the correction confirmation requirement applies at any time when a sizeable error may result in the absence of appropriate corrective action.

should not be signed absent the use of due diligence to confirm the correct terms of the trade. Specifically, the Exchange proposes to amend Advice F-5 to add paragraph (b), which would require that a person signing a correction sheet use due diligence to confirm the correction by checking the appropriate floor tickets or the Exchange-provided computer "run." Recognizing that certain corrections are so minor that a fine pursuant to proposed paragraph (b) would not be warranted, the Exchange proposes to limit the imposition of a fine under proposed paragraph (b) to situations where the person signing the correction sheet has reason to believe that a sizeable error<sup>5</sup> may result if the terms of the correction sheet are not confirmed.

The proposed rule change will apply to all options traded on the PHLX.<sup>6</sup> The Exchange plans to increase the fine imposed for violations of paragraph (a) from \$50.00 to \$100.00.<sup>7</sup> The PHLX states that the proposed increase is designed to impose a more realistic fine in view of the violation; the PHLX notes that the current \$50.00 fine has been in place since 1986. In addition, the PHLX proposes to add the following fine schedule for violations of proposed paragraph (b): \$250.00 for the first occurrence; \$500.00 for the second occurrence; and a sanction discretionary with the Exchange's Business Conduct Committee ("BCC") for the third and subsequent occurrences.

The PHLX proposes to include proposed paragraph (b), as well as paragraph (a), as amended, in the Exchange's minor rule violation enforcement and reporting plan ("minor rule plan").<sup>8</sup> In addition, the PHLX proposes to place Advice F-5 on a three-year rolling cycle for the imposition of fines, so that repeat violations during the same three-year period would result in escalating fines.<sup>9</sup>

<sup>4</sup> See February 2, Letter and February 28 Letter, *supra* note 3, for the PHLX's definition of a "sizeable error."

<sup>5</sup> Telephone conversation between Edith Hallahan, Attorney, Market Surveillance, PHLX, and Yvonne Fratelli, Staff Attorney, Options Branch, Division of Market Regulation, Commission, on August 4, 1993.

<sup>7</sup> See note 3, *supra*, for a description of paragraph (a).

<sup>8</sup> The Exchange's minor rule plan is administered pursuant to PHLX Rule 970, "Floor Procedure Advises: Violations, Penalties, and Procedures."

<sup>9</sup> In November 1993, the Commission approved a PHLX proposal to place nine Advices on a three-year rolling cycle for the imposition of fines. See Securities Exchange Act Release No. 33130 (November 2, 1993), 58 FR 59502 (order approving File No. SR-PHLX-93-28). Currently, most fines accrue under the Exchange's minor rule plan on a one-year rolling calendar basis, so that a second violation of the same provision within one year is

The PHLX believes that the proposed amendments to Advice F-5 should provide an incentive to improve the handling of corrections to executed transactions by increasing the fee for violations and adding a correction confirmation requirement, consistent with the purposes of section 6(b)(5) of the Act.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b)(5)<sup>10</sup> in that the proposal is designed to facilitate transactions in securities and to protect investors and the public interest. Specifically, the Commission believes that paragraph (b), which requires a person to use due diligence to confirm a correction by checking the appropriate floor ticket or computerized report, should benefit investors and help the PHLX to maintain a fair and orderly market by enhancing the accuracy of corrections to executed transactions. The Commission believes that the fine schedule applied to paragraph (b), which is graduated to account for repeat offenders and will be administered on a three-year rolling calendar basis under the PHLX's minor rule plan, should provide a prompt, effective and appropriate means to enforce compliance with the correction confirmation requirement. Likewise, the Commission believes that it is appropriate for the PHLX to increase the fine applicable to violations of paragraph (a) from \$50.00 to \$100.00 because of the importance of ensuring the accuracy of corrections to executed transactions.

In addition, the Commission believes that it is appropriate to include paragraph (b), as well as paragraph (a), in the PHLX's minor rule plan because a violation of the correction confirmation requirement for sizeable errors through failure to check the appropriate floor ticket or computerized

subject to the next highest fine (i.e. the second violation within that calendar year is treated as a second occurrence). If the violation is not repeated in that calendar year, then a subsequent violation of that provision is treated as the person's first violation. Under the three-year rolling cycle, a violation of Advice F-5 which occurs within three years of the first violation of the Advice will be treated as a second occurrence, and any violation of the Advice within three years of the previous violation of the Advice will be subject to the next highest fine. Thus, a third violation of Advice F-5 within less than three years after a fine for a second violation of Advice F-5 will be treated as a third violation of that Advice, even though more than three years may have elapsed since the first violation of Advice F-5.

<sup>10</sup> 15 U.S.C. 78f(b)(5) (1988).

report is easily verifiable and should not entail the complicated factual and interpretative inquiries associated with more sophisticated Exchange disciplinary actions. Moreover, under the PHLX's minor rule plan, a person fined under the Advice will be permitted to contest the fine pursuant to PHLX Rule 970(d) and be entitled to full due process. In addition, the Commission notes that the proposal provides the PHLX with flexibility in administering the Advice, in that the requirement to use due diligence to confirm a correction applies only where the person has reason believe that a sizeable error may result in the absence of appropriate corrective action. At the same time, the PHLX's definition of a "sizeable error"<sup>11</sup> should help to ensure that fines are not imposed under the Advice in an arbitrary manner. The Advice also sets forth specifically what action is expected to be taken to confirm the correction.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,<sup>12</sup> that the proposed rule change (SR-PHLX-93-27) is hereby approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>13</sup>

Margaret H. McFarland,  
Deputy Secretary.

[FR Doc. 94-5919 Filed 3-14-94; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-33732; International Series Release No.; File No. SR-PHLX-93-10]

**Self-Regulatory Organizations; Order Approving Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval of Amendment to Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to the Listing of Cash/Spot Foreign Currency Option Contracts**

March 8, 1994.

**I. Introduction**

On March 12, 1993, the Philadelphia Stock Exchange, Inc. ("PHLX" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to

list cash-settled, European-style<sup>3</sup> cash/spot foreign currency option contracts ("cash/spot FCOs") on the German mark ("DM").<sup>4</sup> The DM cash/spot FCOs will have the same contract size as the PHLX's current U.S. dollar/DM based options (62,500 German marks) and will trade in one-week and two-week expirations.

The proposed rule change was noticed for comment in Securities Exchange Act Release No. 32685 (July 28, 1993), 58 FR 41529. No comments were received on the proposal. This order approves the proposal.<sup>5</sup>

<sup>3</sup> A European-style option may be exercised only during a limited period time before the option expires.

<sup>4</sup> The PHLX amended its filing on June 1, 1993 ("Amendment No. 1") to indicate that trading in an expiring cash/spot contract ceases at 10:30 a.m. on its expiration Monday, rather than 9 a.m. On July 16, 1993, the PHLX amended its filing to provide that a market information vendor(s) would be the PHLX's designated agent(s) for purposes of determining the closing settlement price for the cash/spot contracts ("Amendment No. 2"). On September 27, 1993, the PHLX amended its proposal to provide a list of the Exchange holidays and designated bank holidays on which cash/spot contracts will not expire. If a cash/spot contract is scheduled to expire on an Exchange holiday or on a designated bank holiday, then the option will expire at 11:59 p.m. Eastern Time ("ET") on the previous business date ("Amendment No. 3"). On April 29, 1993, the PHLX submitted a letter stating that the PHLX's automated trading systems, as well as those of the Options Price Reporting Authority ("OPRA"), have sufficient capacity to adequately process quotations and trades in the DM cash/spot FCOs. See Letter from Murray L. Ross, Secretary, PHLX, to Richard Zack, Branch Chief, Options Regulation, Division of Market Regulation ("Division"), Commission, and to Eugene Lopez, Assistant Director, Automation and International Markets, Division, Commission, dated April 28, 1993 ("April 28 Letter"). On July 7, 1993, the PHLX submitted a letter describing the procedures it will use to calculate the settlement value for cash/spot contracts. See Letter from Murray L. Ross, Secretary, PHLX, to Richard Zack, Branch Chief, Options Regulation, Division, Commission, dated July 7, 1993. On January 4, 1994, the PHLX submitted a letter that: (1) Withdraws File No. SR-PHLX-93-12 (proposing margin for cash/spot contracts of 2.5%); (2) proposes a margin level of 4% for cash/spot contracts; and (3) states that the Exchange will aggregate cash/spot contracts with existing FCOs on the same underlying currency for position limit purposes. See Letter from Eric W. Noll, Assistant Vice President, New Product Development, PHLX, to Richard Zack, Branch Chief, Options Regulation, Division, Commission, dated January 4, 1994 ("January 4 Letter"). In addition, the PHLX proposes to collect margin for the cash/spot contracts on a two-day basis. See Letter from Murray L. Ross, Secretary, PHLX, to Richard Zack, Branch Chief, Options Regulation, Division, Commission, dated January 21, 1994 ("January 21 Letter"). Finally, the PHLX submitted a letter indicating that cash/spot FCOs will be aggregated with other FCOs on the same underlying currency for the exercise limit as well as position limit purposes. See Letter from Murray L. Ross, Secretary, PHLX, to Yvonne Fraticelli, Staff Attorney, Options Branch, Division, Commission, dated February 9, 1994 ("February 9 Letter").

<sup>5</sup> This order specifically approves DM cash/spot FCOs. In the future, the listing of additional cash/spot FCOs based on different foreign currencies will require separate 19b-4 filings with the Commission.

**II. Description of the Proposal**

Cash/spot FCOs are cash-settled, European-style options issued by the Options Clearing Corporation ("OCC")<sup>6</sup> that allow holders to receive U.S. dollars representing the difference between the current foreign exchange spot/price<sup>7</sup> and the exercise price of the cash/spot FCO. Specifically, upon exercise of an in-the-money cash/spot FCO structured as a call, the holder will receive from OCC U.S. dollars representing the difference between the exercise strike price and the closing settlement value of the cash/spot FCO contract multiplied by the number of units of currency covered by the contract. For a cash/spot FCO structured as a put, the holder will receive U.S. dollars representing the excess of the exercise price over the closing settlement value of the cash/spot FCO contract multiplied by the number of units of foreign currency covered by the contract.

Unlike other PHLX-traded FCOs, cash/spot FCOs which are in-the-money by any amount on the expiration date will be exercised automatically by OCC.<sup>8</sup> Cash/spot FCOs which are out-of-the-money at expiration will expire worthless.

The closing settlement value, which will be disseminated through OPRA, will be determined by a designated agent(s) of the Exchange under proposed PHLX Rule 1057, "Cash/Spot Foreign Currency Option Closing Settlement Value." Pursuant to PHLX Rule 1057, at 10 a.m. (Eastern Standard Time ("EST")) or Eastern Daylight Time ("EDT")) on every expiration date for cash/spot contracts, the market information vendor(s) acting as the Exchange's designated agent(s) will collect a bid and offer quotation for the current foreign exchange spot/price from the quotations submitted to the designated agent(s) by at least 15 interbank foreign

<sup>6</sup> OCC submitted a proposal to accommodate the trading of cash/spot FCOs. The Commission approved the OCC's proposal on January 19, 1994. See Securities Exchange Act Release No. 33491 (January 19, 1994), 59 FR 3898 (order approving File No. SR-OCC-93-10).

<sup>7</sup> The "spot price" with respect to an option contract on a foreign currency means the price, in terms of U.S. dollars, quoted by various commercial banks in the interbank foreign exchange market for the sale of a single unit of such foreign currency for immediate delivery, which generally means delivery within two business days following the date on which the terms of such sale are agreed upon. See Securities Exchange Act Release No. 33491 (January 19, 1994), 59 FR 3898 (order approving File No. SR-OCC-93-10).

<sup>8</sup> The PHLX notes that the cash/spot FCOs will be the first PHLX-traded FCO to utilize a feature which does not depend on any manual submission of exercise notices or the ability to opt out of exercise procedures.

<sup>11</sup> See February 2 Letter and February 28 Letter, *supra* note 3.

<sup>12</sup> 15 U.S.C. 78s(b)(2) (1988).

<sup>13</sup> 17 CFR 200.30-3(a)(12) (1992).

<sup>1</sup> 15 U.S.C. 78s(b)(1) (1982).

<sup>2</sup> 17 CFR 240.19b-4 (1993).

exchange participants, which the designated agent(s) will select randomly from a list of 25 active interbank foreign exchange market participants.<sup>9</sup> After discarding the five highest offers and five lowest bids, the Exchange's designated agent(s) will arithmetically average the remaining ten bids and ten offers to arrive at a closing settlement value. This value will be calculated and sent to the PHLX every 30 seconds until 10:30 a.m.,<sup>10</sup> when the designated agent(s) will determine the final settlement value. At that time, the settlement value will be entered manually into the PHLX's systems, disseminated through OPRA and sent to the OCC for entry into the OCC clearing systems.<sup>11</sup>

As noted above, the Exchange proposes, initially, to list and trade weekly DM cash/spot FCOs which have the same contract size as the PHLX's current U.S. dollar/DM based options (62,500 German marks). The PHLX plans to designate a three-letter contract symbol, with the third letter presenting each expiration week of the month.<sup>12</sup> At the time a new expiration is listed, the PHLX plans to list three exercise strike prices for each cash/spot FCO around the current spot price. The PHLX may add new exercise prices during the life of the option, consistent with Exchange Rule 1012, "Series of Options Open for Trading."<sup>13</sup> The strike prices will be listed at half-cent intervals.<sup>14</sup>

Cash/spot FCOs will trade during the same hours as the FCOs trading

currently on the PHLX,<sup>15</sup> and will be listed, initially, in one-week and two-week expirations, with new series listed each Monday at 1:30 a.m. EST. The expiring cash/spot contract will cease trading at 10:30 a.m. and expire at 11:59 p.m. on its expiration Monday, unless such Monday is an Exchange holiday or an Exchange designated bank holiday, when, under PHLX Rule 1000(b)(21), "Expiration Date," as amended, the cash/spot FCO will expire at 11:59 p.m. on the preceding business date (*i.e.*, Friday).<sup>16</sup>

Accordingly, on Exchange holidays and Exchange designated bank holidays, the expiring cash/spot FCO will cease trading at 10:30 a.m. on the preceding business day. In addition, when Monday is an exchange holiday, a new two-week contract will be listed on the following Tuesday at 1:30 a.m. EST as opposed to the normal Sunday morning listing.

The cash/spot FCOs will trade in accordance with the rules governing all PHLX FCOs, including sales practice rules and floor trading procedures. In addition, the PHLX proposes to amend PHLX Rule 1014, "Obligations and Restrictions Applicable to Specialists and Registered Options Traders," to provide that bid/ask differentials for cash/spot FCOs shall be determined by reference to the underlying foreign currency. For example, the DM cash/spot contract would be subject to the bid/ask differential for DM options. The PHLX also proposes to amend PHLX Rule 1033, "Bids and Offers—Premium," to provide that bids and offers for cash/spot FCOs shall be expressed in terms of dollars per unit of the underlying foreign currency. For position limit and exercise limit purposes, cash/spot contracts will be aggregated with other existing contracts on the same underlying currency.<sup>17</sup>

The PHLX proposes to apply Exchange Rule 722, "Margin Accounts," to cash/spot FCOs, so that the current margin requirements for FCOs will apply to cash/spot FCOs. Specifically,

<sup>15</sup> FCOs currently trade Monday through Friday from 1:30 a.m.—2:30 p.m. EST.

<sup>16</sup> See Amendment No. 3, *supra* note 4. The following holidays are currently observed by the Exchange: New Year's Day, Presidents' Day, Good Friday, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas. In addition, the PHLX has listed the following holidays as designated bank holidays in 1994: November 1 (French holiday), December 28 and 27 (Boxing Day, U.K.), January 17 (Martin Luther King Day), April 4 (Easter Monday, U.K.), May 2 (May Day, U.K.), May 23 (German holiday), August 1 (Swiss holiday), August 15 (French holiday), August 29 (U.K. bank holiday), October 3 (German holiday), and October 10 (U.S. bank holiday).

<sup>17</sup> See January 4 Letter and January 9 Letter, *supra* note 4.

for any put or call cash/spot option issued, guaranteed or carried "short" in a customer's account the required margin shall be 100% of the options premium plus 4% of the value of the underlying contract less any out-of-the-money amount, with an adjustment for out-of-the-money options to be not less than 100% of the option premium plus ¼ of the underlying contract value.<sup>18</sup> The PHLX plans to collect margin within two days following the date on which a customer enters into a cash/spot FCO position.<sup>19</sup>

The Exchange believes that cash/spot FCOs should respond to the continuing needs of market participants, particularly portfolio managers and other institutional currency market participants, by providing protection from short-term market movements while offering an alternative to hedging currency portfolios with short duration futures, forward contracts, or off-exchange customized derivative instruments. In this regard, the PHLX notes that FCOs provide a strategic investment tool for sophisticated retail options customers, multi-national corporations, and proprietary traders who manage and hedge foreign currency exposure. In addition, banks trade short-term FCOs to hedge the risks of trading in the foreign currency forward and cash markets.

### III. Commission Findings and Conclusions

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b)(5).<sup>20</sup>

Specifically, the Commission believes that the proposal is designed to provide investors with a new and innovative means to hedge foreign currency portfolios and cash flows from short-term market risk, thereby facilitating transactions in FCOs. The Commission believes that the one- and two-week expirations for the cash/spot FCOs will provide investors with greater flexibility to tailor foreign currency options positions to satisfy their investment objectives.<sup>21</sup> In this regard, the

<sup>18</sup> See January 4 Letter, *supra* note 4.

<sup>19</sup> See January 21 Letter, *supra* note 4.

<sup>20</sup> 15 U.S.C. 78f(b)(5) (1982).

<sup>21</sup> Pursuant to section 6(b)(5) of the Act the Commission must predicate approval of exchange trading for new products upon a finding that the introduction of the product is in the public interest. Such a finding would be difficult with respect to a product that served no investment hedging or other economic function, because any benefits that might be derived by market participants would likely be outweighed by the potential for

<sup>9</sup> The PHLX will select the list of interbank market participants by evaluating the number of times each contributor supplies DM spot quotes to the market information vendor(s) on Monday mornings between 10 a.m. and 10:30 a.m. The pool of quote contributors will be reviewed every six months based on these criteria and substitutions will be made, if necessary. If at any time an interbank market participant ceases to distribute DM spot quotes or is no longer in the business of making DM markets, that entity will be replaced before the end of the six-month period. See July 7 Letter.

<sup>10</sup> Telephone conversation between Murray Ross, Secretary, PHLX, and Yvonne Fraticelli, Staff Attorney, Options Branch, Division, Commission, on March 8, 1994.

<sup>11</sup> See July 7 Letter.

<sup>12</sup> The PHLX plans to reserve five symbols, with the first two letters, XD, representing the DM cash/spot contract and the third letter representing the week of the month that the contract expires. Thus, the symbol ZXDA would represent weekly cash/spot German market contracts expiring on the first Monday of the month, and XDB would represent an expiration on the second Monday of the month.

<sup>13</sup> Telephone conversation between Murray Ross, Secretary, PHLX, and Yvonne Fraticelli, Staff Attorney, Options Branch, Division, Commission, on March 8, 1994.

<sup>14</sup> The PHLX has represented that the Exchange's automated trading systems as well as those of OPRA have sufficient capacity to adequately process quotations and trades in the proposed cash/spot FCOs. See April 28 Letter, *supra* note 4.

Commission notes that the PHLX has stated that FCOs provide a strategic investment tool for sophisticated retail options customers, multi-national corporations, and proprietary traders who manage and hedge foreign currency exposure, as well as for banks, which trade short-term FCOs to hedge the risks of trading in the foreign currency forward and cash markets. The Exchange states, in addition, that international financial markets are focusing increasingly on shorter term FCO instruments and that there is an active over-the-counter ("OTC") market for short-term FCOs, both in the U.S. and abroad.<sup>22</sup>

The PHLX's cash/spot FCOs are a response by the Exchange to meet the demands of sophisticated foreign currency market participants who are concentrations increasingly on shorter term FCO products. The Commission believes that the cash/spot FCOs will also broaden the hedging opportunities of foreign currency market participants by providing them with an alternative to using futures contracts, forward contracts and/or off-exchange customized derivative instruments to satisfy their short-term foreign currency investment needs, thereby promoting competition among these markets.

The Commission believes that the PHLX's proposal will help to promote the maintenance of a fair and orderly market by extending the benefits of a listed currency market to an instrument designed to meet the investment needs of foreign currency market participants. The attributes of the Exchange's markets versus the OTC market for short-term FCOs include, but are not limited to, a regulated market center, an auction market, with posted market quotations and transaction reporting, standardized contract specifications, parameters and procedures and procedures for clearance and settlement, and the guarantee of the OCC.

The trading of cash/spot FCOs, however, raises several issues, including issues related to product design, customer protection, surveillance, and market impact. For the reasons

manipulation, diminished public confidence in the integrity of the markets, and other valid regulatory concerns.

<sup>22</sup> In conjunction with the PHLX's approval order for cash/spot FCOs, the Commission also approved for distribution a revised Options Disclosure document entitled *Characteristics and Risks of Standardized Options* that describes the characteristics and risks of trading in cash/spot FCOs. This disclosure document must be provided to investors in cash/spot FCOs before their accounts are approved for transactions in cash/spot FCOs or their orders for cash/spot FCOs are accepted. See Securities Exchange Act Release No. 33582 (February 4, 1994), 59 FR 6661.

discussed below, the Commission believes that the PHLX has adequately addressed these issues.

#### A. Pricing and Settlement Value

The Commission believes that the methodology described in PHLX Rule 1957 for calculating the settlement value of the cash/spot FCOs is designed to provide an accurate reflection of the foreign currency spot price. As noted above, pursuant to PHLX Rule 1057, at 10 a.m. (EST or EDT) on expiration day, the market information vendor(s) acting as the Exchange's designated agent(s) will collect bid and offer quotations for the current foreign exchange spot/price from the quotations submitted to the designated agent(s) by at least 15 interbank foreign exchange participants, which the designated agent(s) will select randomly from a list of 25 active interbank foreign exchange market participants. After discarding the five highest offers and five lowest bids, the Exchange's designated agent(s) will arithmetically average the remaining ten bids and ten offers to arrive at a closing settlement price, which will be calculated and sent to the PHLX every 30 seconds or every minute until 10:30 a.m., when the designated agent(s) will determine the final settlement price. The PHLX states that the spot market for foreign currencies is active and highly competitive,<sup>23</sup> so that the variations among the quotations of interbank market participants are relatively small. The Commission believes that the PHLX's procedures and the competitive nature of the spot market for foreign currencies should help to ensure that the settlement values for cash/spot contracts will accurately reflect the spot price for foreign currencies.

In addition, the Commission believes that the PHLX's procedures should guard against unreliable or manipulated quotes. In this regard, the Commission notes that the cash/spot settlement value will be determined on the basis of quotes obtained from 15 randomly selected active interbank foreign exchange market participants obtained from a universe of 25 interbank market participants. After discarding the five

<sup>23</sup> The Commission has found previously that the DM spot market is very active and that the interbank foreign currency spot market, in general, is an extremely large, diverse market comprised of banks and other financial institutions worldwide. The foreign currency spot market is supplemented by equally deep and liquid markets for standardized options and futures on foreign currencies and options on those futures. There is also an active OTC market for FCOs. See Securities Exchange Act Release No. 31627 (December 21, 1992), 57 FR 62399 (order approving File No. SR-Amex-92-36) ("Multiple Foreign Currency Warrants Approval Order").

highest offers and five lowest bids, the Exchange's designated agent(s) will arithmetically average the remaining ten bids and ten offers to arrive at a final settlement price. The Commission believes that by having its designated agent(s) choose interbank market participants at random for the purposes of collecting quotes, and then averaging those randomly obtained figures to arrive at the final settlement value, the PHLX has designed procedures which minimize the Commission's concerns for manipulation and inaccuracy in calculating the cash/spot settlement value.

#### B. Customer Protection

The Commission believes that a regulatory system designed to protect public customers must be in place before the trading of sophisticated financial instruments, such as cash/spot FCOs, can commence on a national securities exchange. The PHLX proposes to amend several rules to address these concerns. Specifically, the PHLX proposes to apply PHLX Rule 1024, "Conduct of Accounts Open for Trading," PHLX Rule 1025, "Supervision of Accounts," and PHLX Rules 1026, "Suitability," and 1027, "Discretionary Accounts," to cash/spot FCOs.<sup>24</sup> Under paragraph (b) of PHLX Rule 1024, as amended, members will be prohibited from accepting a customer order to purchase or write a cash/spot FCO unless such customer's account has been specially approved in writing by a designated Foreign Currency Options Principal of the member for transactions in cash/spot FCOs. Exchange Rule 1026 is designed to ensure that options, including cash/spot FCOs, will be sold only to customers capable of evaluating and bearing the risks associated with trading in the instruments. Finally, under Exchange Rule 1027, members will be permitted to exercise discretionary power with respect to trading cash/spot FCOs in a customer's account only if the member has received prior written authorization from the customer and the account has been accepted in writing by a designated Foreign Currency Options Principal. In addition, under Exchange Rule 1027, the Foreign Currency Options Principal or a Registered Options Principal must approve and initial each discretionary cash/spot FCO order on the day the order is entered.

The Commission notes that the Options Disclosure Document ("ODD") has been amended to include cash/spot FCOs and that the Exchange plans to deliver a circular to its members

<sup>24</sup> See Amendment No. 3, *supra* note 4.

describing the specific risks associated with cash/spot FCOs.

Because the PHLX has taken steps to ensure that the risks of trading cash/spot FCOs will be disclosed to public customers and to members, and because the cash/spot FCOs will be subject to the same regulatory regime as FCOs currently traded on the PHLX, the Commission believes that the PHLX has provided adequate safeguards to ensure the protection of investors in cash/spot FCOs.

#### C. Surveillance

The Commission notes, in addition, that the PHLX plans to integrate the cash/spot FCOs into existing PHLX market surveillance programs.<sup>25</sup> In light of the design of the cash/spot contracts and the developed market for foreign currencies, the Commission believes that the markets for the cash/spot FCOs will not be readily susceptible to manipulation.

#### D. Position and Exercise Limits and Margin Requirements

As noted above, cash/spot FCOs will be aggregated with other existing contracts on the same underlying currency for position and exercise limit purposes.<sup>26</sup> The Commission believes that aggregation of cash/spot FCOs with existing contracts on the same underlying currency for position and exercise limit purposes will reduce concerns regarding manipulations or disruptions of the markets for cash/spot FCOs, other currency options, and the underlying currencies, while at the same time not hampering the depth and liquidity of the market for cash/spot FCOs.

The Commission believes the proposed margin levels for cash/spot contracts, which are consistent with the margin levels for the PHLX's other FCOs, will result in adequate coverage of contract obligations and are designed to preclude the systemic risks arising from excessively low margin levels. As noted above, the margin requirement on any put or call cash/spot option issued, guaranteed or carried "short" in a customer's account shall be 100% of the option premium plus 4% of the value of the underlying contract less any out-of-the-money amount, with an adjustment for out-of-the-money options to be not less than 100% of the option premium plus 3/4% of the underlying contract value. The PHLX plans to collect margin within two days following the date on which a customer enters into a cash/spot FCO position. The PHLX has

indicated that the proposed margin would cover the historical volatility of the DM over a two-day period with a 99.40% level of confidence.

Accordingly, the Commission believes that the PHLX's proposed margin level will result in adequate coverage for cash/spot contracts. Because the volatility of foreign currencies can change significantly, the Commission expects the PHLX to monitor the adequacy of margin levels for cash/spot FCOs to ensure that the required margin remains appropriate in view of the volatility of the underlying instrument.<sup>27</sup>

#### E. Other Proposed Rule Changes

The Commission believes that the other rules changes proposed by the PHLX to accommodate the trading of cash/spot FCOs are consistent with the Act. First, the Commission believes it is reasonable for the PHLX to list at least three exercise strike prices for each cash/spot FCO, and to list the strike prices at half-cent intervals, because such intervals will provide market participants with the flexibility to tailor their cash/spot FCO positions to achieve their investment objectives. At the same time, the Commission does not believe that the proposal will result in excessive proliferation of options series.<sup>28</sup> The Commission notes, in addition, that the PHLX has represented that the Exchange and OPRA have adequate capacity to process quotations and trades in cash/spot FCOs.<sup>29</sup>

Second, the Commission believes that it is reasonable for the Exchange to amend PHLX Rule 1014 to provide that the bid/ask differentials for cash/spot FCOs shall be determined by reference to the underlying currency. The Commission believes that these bid/ask differentials should facilitate tightly quoted markets without impairing specialists' and Registered Options Traders' ("ROTs") ability to provide market depth and liquidity. Accordingly, the Commission believes the quote spread parameters for cash/spot FCOs are consistent with the obligation of PHLX specialists and ROTs under the Act to provide fair and orderly markets.

Third, the Commission believes that it is reasonable for the PHLX to amend PHLX Rule 1000(b)(21), "Expiration Date," to clarify the procedures the PHLX will follow when a cash/spot FCO

expires on an Exchange holiday or Exchange designated bank holiday.

#### F. Market Impact

The Commission believes that the listing and trading of DM cash/spot FCOs will not adversely affect the spot or derivative foreign currency markets. First, the Commission notes, as it has concluded in the past,<sup>30</sup> that the interbank foreign currency spot market is an extremely large, diverse market comprised of banks and other financial institutions worldwide. That market is supplemented by equally deep and liquid markets for standardized options and futures on foreign currencies and options on those futures. There is also an active OTC market for FCOs. Given the probable expense of attempting to affect the FCO spot market underlying a cash/spot FCO (or any derivative market related thereto), the Commission believes that it would be difficult for a market participant to manipulate the underlying spot market, or any derivative market related thereto, to benefit a previously established cash/spot FCO position.

Further, as noted above, the PHLX will apply its existing FCO surveillance procedures to the cash/spot FCOs, which should enable the Exchange to conduct, deter, as well as detect, other trading abuses involving the cash/spot FCO market and the markets for the underlying FCOs.

The Commission finds good cause for approving Amendment No. 3 to the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the *Federal Register*. Amendment No. 3, which provides that contracts scheduled to expire on Exchange holidays and designated bank holidays will expire on the previous business day, is technical in nature and raise no new regulatory issues. Therefore, the Commission believes it is consistent with sections 6(b)(5) and 19(b)(2) of the Act to approve Amendment No. 3 to the PHLX's proposal on an accelerated basis.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendments No. 3 to the proposed rule change. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written

<sup>27</sup> In this regard, the Commission would view coverage of less than 97% as problematic.

<sup>28</sup> When listing additional strikes, the Commission expects the Exchange to consider whether the listing of such strikes will be consistent with the maintenance of a fair and orderly market.

<sup>29</sup> See April 28 Letter, *supra* note 4.

<sup>25</sup> See Amendment No. 3, *supra* note 4.

<sup>26</sup> See February 9 Letter, *supra* note 4.

<sup>30</sup> See Multiple Foreign Currency Warrants Approval Order, *supra* note 22.

statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by April 5, 1994.

*It is Therefore Ordered*, Pursuant to section 19(b)(2) of the Act,<sup>31</sup> that the proposed rule change (File No. SR-PHLX-93-10) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>32</sup>

Margaret H. McFarland,  
Deputy Secretary.

[FR Doc. 94-5929 Filed 3-14-94; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Fitness Determination of Dallas Express Airlines, Inc.

**AGENCY:** Department of Transportation.  
**ACTION:** Notice of commuter air carrier fitness determination—order 94-3-15; order to show cause.

**SUMMARY:** The Department of Transportation is proposing to find that Dallas Express Airlines, Inc., is fit, willing, and able to provide commuter air service under section 419(e) of the Federal Aviation Act.

**RESPONSES:** All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with Barbara P. Dunnigan, Air Carrier Fitness Division, X-56, room 6401, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than March 23, 1994.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Barbara P. Dunnigan, Air Carrier Fitness Division, Department of Transportation,

400 Seventh Street, SW., Washington, DC 20590, (202) 366-2342.

Dated: March 8, 1994.

Patrick V. Murphy,

Acting Assistant Secretary for Aviation and International Affairs.

[FR Doc. 94-5923 Filed 3-14-94; 8:45 am]

BILLING CODE 4910-62-P

### National Highway Traffic Safety Administration

[Docket No. 93-86; Notice 2]

#### General Tire, Inc.; Grant of Petition for Determination of Inconsequential Noncompliance

General Tire, Inc., (General Tire) of Akron, Ohio, determined that some of its tires failed to comply with 49 CFR 571.119, Federal Motor Vehicle Safety Standard (FMVSS) No. 119, "New Pneumatic Tires for Vehicles other Than Passenger Cars," and filed an appropriate report pursuant to 49 CFR part 573, "Defect and Noncompliance Reports." General Tire has also petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) on the basis that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published on December 9, 1993, (58 FR 64793), and an opportunity afforded for comment.

Section S6.5 of FMVSS No. 119 specifies that each tire be labeled with the name of the manufacturer or brand name, and number assigned to the manufacturer in the manner specified in part 574. In addition, if the tire is manufactured for a brand name owner, a code must be included for this brand name owner.

During the week of August 8 to August 14, 1993, General Tire manufactured approximately 420 285/75R24.5 M101Z Toyo truck tires that bear incorrect serial numbers. These tires were produced with the GTY code for Yokohama (6B) and the brand name owner code for Yokohama (9LA). These tires should have been produced with the GTY plant code for Toyo (3C) and the brand name owner code for Toyo (9LB). The remaining nomenclature in the serial number is correct. The full serial number on the tires was labeled as 6B4K9LA323. Instead, the serial number should have been 3C4K9LB323.

General Tire supported its petition for inconsequential noncompliance with the following:

The tires can still be identified as to the GTY Tire Company and the appropriate plant of manufacture, size and date of manufacture. The tires are branded with the correct brand owner name "Toyo."

This is the type of labeling failure that may be said to have a consequential effect upon safety if it were of such a nature that it would affect the ability of its manufacturer to notify and remedy in the event that it was noncompliant or contained a safety-related defect. After review of their petition and a telephone call to the petitioner, NHTSA has concluded that the recall process should not suffer because of the noncompliance. Both the 6B and 3C plant codes allow the tires to be identified as being produced by the GTY Tire Company. General Tire has confirmed to NHTSA that both codes also allow the tires to be traced back to General Tire in Mt. Vernon, Illinois. These facts and the manufacturer's data base should be sufficient for the manufacturer to notify dealers and consumers in the event of a recall, and for the dealers and consumers to identify whether their tires are the subject of the campaign.

In consideration of the foregoing, it is hereby found that the petitioner has met its burden of persuasion that the noncompliance with FMVSS No. 119 described herein is inconsequential as it relates to motor vehicle safety, and its petition is granted.

**Authority:** 15 U.S.C. 1417; delegations of authority at 49 CFR 1.50 ammd 501.8.

Issued on: March 9, 1994.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 94-5918 Filed 3-14-94; 8:45 am]

BILLING CODE 4910-69-M

[Docket No. 93-82; Notice 2]

#### Rover Group Ltd.; Grant of Petition for Determination of Inconsequential Noncompliance

Rover Group Ltd. (Rover) of Lanham, Maryland, determined that some of its spare wheels fail to comply with 49 CFR 571.120, "Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars," (Federal Motor Vehicle Safety Standard (FMVSS) No. 120), and filed an appropriate report pursuant to 49 CFR part 573 "Defect and Noncompliance Reports." Rover also petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) on the basis that the noncompliance is inconsequential as it relates to motor vehicle safety.

<sup>31</sup> 15 U.S.C. 78s(b)(2) (1988).

<sup>32</sup> 18 CFR 200.30-3(a)(12) (1993).

Notice of receipt of the petition was published on November 4, 1993, and an opportunity afforded for comment (58 FR 59780). This notice grants the petition.

Paragraph S5.2 of FMVSS No. 120 requires that each rim shall be marked with the following:

(a) A designation which indicates the source of the rim's published nominal dimensions \* \* \*

(b) The rim size designation \* \* \*

(c) The symbol DOT, constituting a certification by the manufacturer of the rim that the rim complies with all applicable motor vehicle safety standards.

(d) A designation that identifies the manufacturer of the rim by name, trademark, or symbol.

(e) The month, day, and year, or the month and year, of manufacture, expressed in numerals.

Between March 8, 1993 and July 9, 1993, Rover produced 1,703 model year 1993 Range Rover County and County LWB vehicles with spare wheels that do not comply with Paragraph S5.2 of FMVSS No. 120. In addition, approximately 39 noncompliant replacement wheels were manufactured that may have entered the U.S. parts distribution system with the same noncompliance.

The rims on the subject wheels may be lacking the designation that indicates the source of the rim's published nominal dimensions (S5.2(a)), the "DOT" certification (S5.2(c)), and wholly numerical date code (S5.2(e)).

Rover cites the following reasons for requesting an exemption from the notification and remedy requirements:

A. The tire and rim of the affected spare wheels are properly matched, and are appropriate for the load-carrying characteristics of these vehicles. The lack of complete rim marking has no effect on the performance of the tire/rim combination.

B. The alloy wheels attached to the vehicles contain all of the FMVSS No. 120 required information. As these alloy wheels are the same size as the steel spare wheel, they should provide an adequate reference for any required information required by the owner/operator/mechanic.

C. The persons who change tires rely primarily on the information marked on the sidewalls of the tires being removed. Under this circumstance, the most likely source of information to be consulted on the wheel is the wheel size, which is included on the subject steel wheels.

D. The vehicle owner's manual references the proper wheel and tire size, and wheel/tire information appears on the certification label fitted to the edge of the driver's door. (Certain of these vehicles built before May 22, 1993 are also the subject of a July 2, 1993 Part 573 Report, and subsequent recall campaign.)

E. The subject spare wheels include a date code that can be decoded by Rover Group

and the wheel manufacturer, Dunlop, which companies, in accordance with a 49 CFR 571.120 S5.2(d), may be contacted should there be any confusion about the source of the published nominal dimensions of the wheel or its certification status.

F. NHTSA has long maintained the policy that the omission of the certification (DOT) symbol is not the type of non-compliance requiring notification and remedy.

\* \* \* \* \*

Rover believes that the safety goals of FMVSS 120 have been achieved by means of the wheel size (the information most often referenced by service personnel) being marked on the steel spare wheel and all required information being provided to the vehicle operator or service personnel (1) on the four alloy wheels installed on the vehicle axles, (2) the vehicle owner's manual and (3) the certification label fitted to the edge of the driver's door. Therefore, we submit that the failure to provide a wholly numerical date code, "DOT" certification mark and the source of the rim's published nominal dimensions on the subject spare wheels is inconsequential as it relates to motor vehicle safety.

No comments were received on the petition.

There are two rim marking failures here of the spare wheel that NHTSA regards as constituting a noncompliance with FMVSS NO. 120. The first is the failure to designate a source of the rim's published nominal dimensions. The petitioner argued that this failure is inconsequential because the required information is on the four wheels that are attached to the vehicle, in the operator's manual, and on the certification label fitted to the driver's door. NHTSA believes that the availability of this information in three other locations affords sufficient reference if the information is needed.

The second failure is to provide a wholly numerical date code. The petitioner points out that the date code that is provided can be decoded by the petitioner and the wheel manufacturer. The agency agrees that the information that is provided is sufficient to identify the wheel rims in question should the need arise.

Finally, the failure to mark the rims with the symbol "DOT" is not a failure to comply with FMVSS No. 120 of a nature that the company would be required to institute a notification and remedy campaign were it the only failure that had occurred. This is a simple failure to certify compliance of the rim with all applicable Federal motor vehicle safety standards. This does not raise a safety issue in the context of this petition because the petitioner has stated that the rim, in fact, meets all performance requirements of FMVSS No. 120.

For the foregoing reasons, it is hereby found that the petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is granted.

Authority: 15 U.S.C. 1417; delegations of authority at 49 CFR 1.50.

Issued on: March 9, 1994.

Barry Felrice,

Associate Administrator for Rulemaking.  
[FR Doc. 94-5917 Filed 3-14-94; 8:45 am]

BILLING CODE 4910-59-M

## DEPARTMENT OF THE TREASURY

### Public Information Collection Requirements Submitted to OMB for Review

March 9, 1994.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 2110, 1425 New York Avenue NW., Washington, DC 20220.

#### Office of Thrift Supervision

OMB Number: 1550-0020.

Form Number: OTS Form H-(b)10.

Type of Review: Extension.

Title: Savings and Loan Holding Company Registration Statement H-(b)10.

Description: This form is used to determine a savings and loan holding company's adherence to the statutes, regulations and conditions of approval to acquire an insured institution and whether any of the Holding Company's (H.C.'s) activities would be injurious to the operation of any subsidiary savings association.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 99.

Estimated Burden Hours Per Respondent: 8 hours.

Frequency of Response: Other (once, after becoming a savings and loan holding company).

Estimated Total Reporting Burden: 792 hours.

Clearance Officer: Colleen Devine (202) 906-6025, Office of Thrift

Supervision, 2nd Floor, 1700 G Street NW., Washington, DC 20552.

OMB Reviewer: Gary Waxman, (202) 395-7340, Office of Management and Budget, room 3208, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 94-5969 Filed 3-14-94; 8:45 am]

BILLING CODE 4810-25-M

### Public Information Collection Requirements Submitted to OMB for Review

March 9, 1994.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

#### Internal Revenue Service

OMB Number: New.

Form Number: IRS Forms 945, 945-V and 945-A.

Type of Review: New collection.

Title: Annual Return of Withheld Federal Income Tax; Annual Record of Federal Tax Liability.

Description: Form 945 is used to report income tax withholding on nonpayroll payments including backup withholding and withholding on pensions, annuities, IRA's, military retirement, and gambling winnings. Form 945-A is used to record nonpayroll tax liabilities.

Respondents: Individuals or households, State or local governments, Farms, Businesses or other for-profit, Federal agencies or employees, Non-profit institutions, Small businesses or organizations.

Estimated Number of Respondents/Recordkeepers: 300,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

	Form 945	Form 945-A
Record-keeping.	4 hr., 47 min.	8 hr., 37 min.
Preparing and sending the form to the IRS.	5 min. ....	8 min.

Frequency of Response: Annually.  
Estimated Total Reporting/Recordkeeping Burden: 1,972,470 hours.

OMB Number: 1545-0183.

Form Number: IRS Form 4789.

Type of Review: Extension.

Title: Currency Transaction Report.

Description: Financial institutions are required to file Form 4789 within 15 days of any transaction of more than \$10,000. The information is used to check tax compliance.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 788,871.

Estimated Burden Hours Per Respondent: Paper—24 minutes; Tape—2 minutes

Frequency of Response: On occasion.  
Estimated Total Reporting Burden: 2,185,624 hours.

OMB Number: 1545-1131.

Regulation ID Number: INTL-485-89 Final.

Type of Review: Extension.

Title: Taxation of Gain or Loss From Certain Nonfunctional Currency Transactions (Section 988 Transactions).

Description: Sections 988(c)(1)(D) and (E) require taxpayers to make certain elections which determine whether section 988 applies. In addition sections 988(a)(1)(B) and 988(d) require taxpayers to identify transactions which generate capital gain or loss of which are hedges of other transactions.

Respondents: Individuals or households, Businesses or other for-profit, Small businesses or organizations

Estimated Number of Respondents: 5,000.

Estimated Burden Hours Per Respondent: 40 minutes.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 3,333 hours.

Clearance Officer: Garrick Shear, (202) 622-3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 94-5970 Filed 3-14-94; 8:45 am]

BILLING CODE 4830-01-P

### Fiscal Service

[Dept. Circ. 570, 1993—Rev., Supp. No. 11]

#### Surety Companies Acceptable on Federal Bonds; Western Atlantic Reinsurance Corp.; Correction

A notice was published in 58 FR 68988 dated December 29, 1993, whereby a Certificate of Authority as an acceptable surety on Federal bonds was issued to Western Atlantic Reinsurance Corporation, under section 9304-9308, title 31 CFR part 223, of the United States Code. The effective date of certification for Western Atlantic Reinsurance Corporation is hereby changed to November 5, 1993, from December 23, 1993.

Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1993 Revision, to reflect this change.

Questions concerning this notice may be directed to the Department of the Treasury, Financial Management Service, Funds Management Division, Surety Bond Branch, Washington, DC 20227, telephone (202) 874-6602.

Dated: March 4, 1994.

Charles F. Schwan III,

Director, Funds Management Division,  
Financial Management Service.

[FR Doc. 94-5900 Filed 3-14-94; 8:45 am]

BILLING CODE 4810-35-M

# Sunshine Act Meetings

Federal Register

Vol. 59, No. 50

Tuesday, March 15, 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).

## BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

**TIME AND DATE:** 10:00 a.m., Wednesday, March 16, 1994.

The business of the Board requires that this meeting be held with less than one week's advance notice to the public and no earlier announcement of the meeting was practicable.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

**STATUS:** Open.

### MATTERS TO BE CONSIDERED:

1. Publication for comment of proposed amendments to the Board's risk-based capital guidelines for state member banks and bank holding companies to recognize the risk-reducing benefits of netting arrangements.

Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for \$5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: March 11, 1994.

**Jennifer J. Johnson,**

*Associate Secretary of the Board.*

[FR Doc. 94-6142 Filed 3-11-94; 2:50 pm]

BILLING CODE 6210-01-P

## BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

**TIME AND DATE:** 12:00 noon, Monday, March 21, 1994.

**PLACE:** Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551

**STATUS:** Closed.

### MATTERS TO BE CONSIDERED:

1. Proposed acquisition of computer equipment within the Federal Reserve System.

2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

3. 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: March 11, 1994.

**Jennifer J. Johnson,**

*Associate Secretary of the Board.*

[FR Doc. 94-6143 Filed 3-11-94; 2:50 pm]

BILLING CODE 6210-01-P

## UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE-94-09]

**TIME AND DATES:** March 17, 1994 at 2:30 p.m.

**PLACE:** Room 101, 500 E Street SW., Washington, DC 20436.

### STATUS: OPEN TO THE PUBLIC.

1. Agenda for future meeting
2. Minutes
3. Ratification List
4. Inv. No. 701-TA-359 (Preliminary) (Certain Steel Wire Rod From Germany) and Inv. Nos. 731-TA-686-687 (Preliminary) (Certain Steel Wire Rod From Belgium and Germany)—briefing and vote.
5. Inv. No. 731-TA-646 and 648 (Final) (Certain Steel Wire Rod from Brazil and Japan)—briefing and vote.
6. Outstanding action jacket:
  1. INV-94-017, Scheduling of additional hearing in Inv. No. 22-54, Wheat, Flour and Semolina.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Donna R. Koehnke, Secretary (202) 205-2000.

Issued: March 10, 1994.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 94-6025 Filed 3-11-94; 8:45 am]

BILLING CODE 7020-02-U

## NUCLEAR REGULATORY COMMISSION

**DATE:** Weeks of March 14, 21, 28, and April 4, 1994.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

### MATTERS TO BE CONSIDERED:

#### Week of March 14

*Monday, March 14*

2:00 p.m.

Briefing by Nuclear Waste Technical Review Board (NWTRB) (Public Meeting) (Contact: Paula Alford, 703-235-4473)

*Friday, March 18*

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting)

a. Supplemental Ethics Regulations (Tentative)

(Contact: John Szabo, 301-504-1610)

1:00 p.m.

Briefing on Investigative matters (Closed—Ex. 5 and 7)

#### Week of March 21—Tentative

There are no meetings scheduled for the Week of March 21.

#### Week of March 28—Tentative

*Thursday, March 31*

9:00 a.m.

Briefing by Nuclear Energy Institute (NEI) (Public Meeting)

(Contact: Richard Myers, 202-293-0770)

2:00 p.m.

Briefing by ABB/CE on Status of System 80+ Application for Design Certification (Public Meeting)

(Contact: 301-881-7040)

*Friday, April 1*

10:00 a.m.

Briefing on Low Level Radioactive Waste Performance Assessment Development Plan (Public Meeting)

(Contact: John Greeves, 301-504-3334)

11:30 a.m.

Affirmative/Discussion and Vote (Public Meeting)

a. Sequoyah Fuels Corp.—Petition for Review of LBP-93-25 (Tentative)

(Contact: Cecilia Carson, 301-504-1625)

b. Final Rule on Equal Access to Justice Act (10 CFR Part 12) (Tentative)

(Contact: Susan Fonner, 301-504-1634)

#### Week of April 4—Tentative

*Thursday, April 7*

10:00 a.m.

Briefing by Westinghouse on AP-600 Design Certification (Public Meeting)

(Contact: Brian McIntyre, 412-374-4334)

11:30 a.m.

Affirmative/Discussion and Vote (Public Meeting) (if needed)

**Note:** Affirmation sessions are initially scheduled and announced to the public on a

time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 504-1292.

**CONTACT PERSON FOR MORE INFORMATION:**  
William Hill, (301) 504-1661.

Dated: March 11, 1994.

**William M. Hill, Jr.,**

*SECY Tracking Officer, Office of the Secretary.*

[FR Doc. 94-6141 Filed 3-11-94; 2:48 pm]

BILLING CODE 7590-01-M

**UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS**

**Notice of Vote to Close Meeting**

At its meeting on March 7, 1994, the Board of Governors of the United States Postal Service voted unanimously to

close to public observation its meeting scheduled for April 4, 1994, in Chicago, Illinois. The members will consider an additional funding request for the Chicago, Illinois, General Mail Facility.

The meeting is expected to be attended by the following persons: Governors Alvarado, Daniels, del Junco, Dyhrkopp, Mackie, Pace, Setrakian and Winters; Postmaster General Runyon, Deputy Postmaster General Coughlin, Secretary to the Board Harris, and General Counsel Elcano.

The Board determined that pursuant to section 552b(c)(6) and (9)(B) of Title 5, United States Code, and section 7.3(f) and (i) of Title 39, Code of Federal Regulations, this portion of the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act [5 U.S.C. 552b(b)] because it is likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy and further, is likely to disclose information,

the premature disclosure of which would significantly frustrate proposed procurement actions.

The Board further determined that the public interest did not require that the Board's discussion of the matter be open to the public.

In accordance with section 552b(f)(1) of Title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in her opinion the meeting may properly be closed to public observation pursuant to section 552b(c)(6) and (9)(B) of Title 5, United States Code; and section 7.3(f) and (i) of Title 39, Code of Federal Regulations.

Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268-4800.

**David F. Harris,**  
*Secretary.*

[FR Doc. 94-6099 Filed 3-11-94; 1:40 pm]

BILLING CODE 7710-12-M

# Corrections

Federal Register

Vol. 59, No. 50

Tuesday, March 15, 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.

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD13-93-028]

#### Drawbridge Operation Regulations; Lake Washington, WA

##### Correction

In rule document 94-4763 beginning on page 10076 in the issue of Thursday, March 3, 1994, make the following correction:

#### § 117.1049 [Corrected]

On page 10077, in the first column, amendatory item 2 correctly reads as set forth below.

2. Section 117.1049 is temporarily amended by suspending paragraph (d) and revising paragraphs (a) and (c) to read as follows.

BILLING CODE 1505-01-D

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 151

[CGD 93-030]

RIN 2115-AE44

#### Shipboard Oil Pollution Emergency Plans

##### Correction

In proposed rule document 94-3522 beginning on page 8086 in the issue of Thursday, February 17, 1994, make the following corrections:

1. On page 8087, in the second column, in the tenth line from the bottom, "regulations" should read "regulation".

2. On the same page, in the third column, in the sixth full paragraph, in the fifth line from the bottom, "prime" should read "prima".

3. On page 8088, in the second column, in the last paragraph, in the first line, "Ships" should read "ships".

4. On page 8089, in the first column, in the third paragraph, in the second line, "cost" should read "costs".

BILLING CODE 1505-01-D

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## DEPARTMENT OF THE TREASURY

### Customs Service

#### 19 CFR Part 175

#### Receipt of Domestic Interested Part Petition Concerning Country of Origin Marking for Cast Iron Soil Pipe

##### Correction

In proposed rule document 94-5262 beginning on page 10764 in the issue of Tuesday, March 8, 1994, make the following correction:

On page 10765, in the first column, under DATES, beginning in the second line, "60 days from the date of publication in the Federal Register." should read "May 9, 1994."

BILLING CODE 1505-01-D

# Federal Register

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Tuesday  
March 15, 1994

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Part II

## Office of Personnel Management

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SES Positions That Were Reserved  
During 1993; Notice

**OFFICE OF PERSONNEL  
MANAGEMENT****SES Positions That Were Career  
Reserved During 1993**AGENCY: Office of Personnel  
Management.

ACTION: Notice.

SUMMARY: As required by the Civil  
Service Reform Act of 1978, this givesnotice of all positions in the Senior  
Executive Service (SES) that were career  
reserved during 1993.**FOR FURTHER INFORMATION CONTACT:**  
Charles Vaughn, Office of Executive and  
Management Policy, (202) 606-1927.**SUPPLEMENTARY INFORMATION:** Below is a  
list of titles of SES positions that were  
career reserved any time in calendar  
year 1993 whether or not they were stillcareer reserved on December 31, 1993.  
Section 3132(b)(4) of title 5, United  
States Code, requires that the head of  
each agency publish the list by March  
of the following year. OPM is publishing  
a consolidated list for all agencies.

U.S. Office of Personnel Management.

**Lorraine A. Green,**  
*Deputy Director.***POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993**

Agency organization	Career reserved positions
Action: Office Inspector General ..... Assoc Director For Mgmt & Budget .....	Inspector General. Associate Director for Management & Budget. Asst Dir for Financial Management.
Administrative Conference of the U.S.: Administrative Conference of the U.S .....	Executive Director. Research Director. General Counsel.
Advisory Council on Historic Preservation: Ofc of the Exec Director .....	Executive Director.
Department of Agriculture: Ofc of the Inspector General .....	Deputy Inspector General. Asst Inspector General for Investigations. Dep Asst Inspector General for Investigation. Asst Inspector General for Audit. Dep Assistant Inspector General for Audit. Dep Asst Inspector General for Audit. Asst Inspector Gen for Pol Dev & Res Mgmt. Dep Asst Insp Gen for Invest Immediate Office. Deputy Chief Financial Officer. Director Office of Operations. Deputy Dir for Procurement & Real Property. Director, Applications Systems Division. Dir, Info Resources Management Division. Director, Financial Services Division. Dir, Thrift Savings Plan Division. Deputy Administrator for Management. Assistant Administrator, Finance Office. Asst Admr for Automated Information Services. Asst Admr, Community and Business Programs. Assistant Manager for Administration. Assistant Manager for Insurance Services. Asst Manager for Research & Development. Asst Admr Fin Prog. Deputy Administrator, Management. Director, Fruit & Vegetable Division. Director, Cotton Division. Director, Dairy Division. Director, Livestock Division. Director, Tobacco Division. Agricultural Marketing Svc, Dir Poultry Div. Director, Compliance Staff. Dir, Commodity Scientific Support Division. Director
Office of Asst Sec'y Administration ..... Office of Operations .....	Deputy Administrator for Management. Assistant Administrator, Finance Office. Asst Admr for Automated Information Services. Asst Admr, Community and Business Programs. Assistant Manager for Administration. Assistant Manager for Insurance Services. Asst Manager for Research & Development. Asst Admr Fin Prog. Deputy Administrator, Management. Director, Fruit & Vegetable Division. Director, Cotton Division. Director, Dairy Division. Director, Livestock Division. Director, Tobacco Division. Agricultural Marketing Svc, Dir Poultry Div. Director, Compliance Staff. Dir, Commodity Scientific Support Division. Director
Office of Finance and Management .....	Deputy Administrator for Management. Assistant Administrator, Finance Office. Asst Admr for Automated Information Services. Asst Admr, Community and Business Programs. Assistant Manager for Administration. Assistant Manager for Insurance Services. Asst Manager for Research & Development. Asst Admr Fin Prog. Deputy Administrator, Management. Director, Fruit & Vegetable Division. Director, Cotton Division. Director, Dairy Division. Director, Livestock Division. Director, Tobacco Division. Agricultural Marketing Svc, Dir Poultry Div. Director, Compliance Staff. Dir, Commodity Scientific Support Division. Director
Farmers Home Administration .....	Deputy Administrator for Management. Assistant Administrator, Finance Office. Asst Admr for Automated Information Services. Asst Admr, Community and Business Programs. Assistant Manager for Administration. Assistant Manager for Insurance Services. Asst Manager for Research & Development. Asst Admr Fin Prog. Deputy Administrator, Management. Director, Fruit & Vegetable Division. Director, Cotton Division. Director, Dairy Division. Director, Livestock Division. Director, Tobacco Division. Agricultural Marketing Svc, Dir Poultry Div. Director, Compliance Staff. Dir, Commodity Scientific Support Division. Director
Federal Crop Insurance Corporation .....	Deputy Administrator for Management. Assistant Administrator, Finance Office. Asst Admr for Automated Information Services. Asst Admr, Community and Business Programs. Assistant Manager for Administration. Assistant Manager for Insurance Services. Asst Manager for Research & Development. Asst Admr Fin Prog. Deputy Administrator, Management. Director, Fruit & Vegetable Division. Director, Cotton Division. Director, Dairy Division. Director, Livestock Division. Director, Tobacco Division. Agricultural Marketing Svc, Dir Poultry Div. Director, Compliance Staff. Dir, Commodity Scientific Support Division. Director
Rural Development Administration ..... Agricultural Marketing Service .....	Deputy Administrator for Management. Assistant Administrator, Finance Office. Asst Admr for Automated Information Services. Asst Admr, Community and Business Programs. Assistant Manager for Administration. Assistant Manager for Insurance Services. Asst Manager for Research & Development. Asst Admr Fin Prog. Deputy Administrator, Management. Director, Fruit & Vegetable Division. Director, Cotton Division. Director, Dairy Division. Director, Livestock Division. Director, Tobacco Division. Agricultural Marketing Svc, Dir Poultry Div. Director, Compliance Staff. Dir, Commodity Scientific Support Division. Director
Animal & Plant Health Inspection Service .....	Deputy Administrator for Management. Assistant Administrator, Finance Office. Asst Admr for Automated Information Services. Asst Admr, Community and Business Programs. Assistant Manager for Administration. Assistant Manager for Insurance Services. Asst Manager for Research & Development. Asst Admr Fin Prog. Deputy Administrator, Management. Director, Fruit & Vegetable Division. Director, Cotton Division. Director, Dairy Division. Director, Livestock Division. Director, Tobacco Division. Agricultural Marketing Svc, Dir Poultry Div. Director, Compliance Staff. Dir, Commodity Scientific Support Division. Director
Veterinary Services .....	Deputy Administrator for Management. Assistant Administrator, Finance Office. Asst Admr for Automated Information Services. Asst Admr, Community and Business Programs. Assistant Manager for Administration. Assistant Manager for Insurance Services. Asst Manager for Research & Development. Asst Admr Fin Prog. Deputy Administrator, Management. Director, Fruit & Vegetable Division. Director, Cotton Division. Director, Dairy Division. Director, Livestock Division. Director, Tobacco Division. Agricultural Marketing Svc, Dir Poultry Div. Director, Compliance Staff. Dir, Commodity Scientific Support Division. Director
Plant Protection & Quarantine Service .....	Deputy Administrator for Management. Assistant Administrator, Finance Office. Asst Admr for Automated Information Services. Asst Admr, Community and Business Programs. Assistant Manager for Administration. Assistant Manager for Insurance Services. Asst Manager for Research & Development. Asst Admr Fin Prog. Deputy Administrator, Management. Director, Fruit & Vegetable Division. Director, Cotton Division. Director, Dairy Division. Director, Livestock Division. Director, Tobacco Division. Agricultural Marketing Svc, Dir Poultry Div. Director, Compliance Staff. Dir, Commodity Scientific Support Division. Director

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Science and Technology .....	Director, Operational Support PPQ. Director, Science and Technology.
Federal Grain Inspection Service .....	Dir, Field Management Division.
Food Safety and Inspection Service .....	Asst Deputy Admin Technical Services.
	Dep Admr-Administrative Mgmt.
	Dir, Northeast Region, Phila., PA.
	Regl Director, Atlanta Georgia.
	Dir, North Central Region, Des Moines, Iowa.
	Director, Southwest Region, Dallas, Texas.
	Asst Dep Admr Comp & Staff Operations.
	Asst Dep Admin (Admin Mgt).
	Deputy Administrator, Science.
	Dep Admr, Internal Programs.
	Asst to the Dep Admr International Programs.
	Asst Deputy Administrator.
	Regional Director.
	Assistant Deputy Administrator.
	Associate Deputy Administrator.
	Associate Deputy Administrator.
	Associate Administrator.
	Deputy Administrator.
	Matrix Manager, Track II.
	Deputy Administrator.
	Director.
	Deputy Administrator.
	Assistant Deputy Administrator.
	Deputy Administrator.
Food & Nutrition Service .....	Deputy Admin for Financial Management.
Agricultural Stabilization & Conservation Service .....	Deputy Admr for Management.
Foreign Agricultural Service .....	Accounting Officer.
Agriculture Research Service .....	Director, Budget Division.
	Dir, Grain & Feed Div.
	Deputy Asst Administrator for Management.
	Dep Admr for Adm Mgmt.
	Assoc Dep Admin for Administrative Management.
	Asst Adm for Cooperative Interactions.
	Global Change Research Staff Assistant.
National Program Staff Office .....	Deputy Administrator National Program Staff.
	Assoc Dep Admr.
Beltsville Area Office .....	Associate Dep Administrator, Animal Sciences.
	Dir, Beltsville Human Nutrition Research Ctr.
	Director, Beltsville Area Office.
	Assoc Dir Beltsville Area.
	Assoc Dep Admr, Natural Resources/Systems.
	Associate Deputy Admin Genetic Resources.
	Associate Deputy Administrator.
	Supervisory Research Chemist.
	Dir, US National Arboretum.
	Dir, Beltsville Human Nutrition Research Ctr.
North Atlantic Area Office .....	Director, Eastern Regl Research Center.
	Research Programs Director.
	Director, North Atlantic Area.
	Assoc Dir, North Atlantic Area.
South Atlantic Area Office .....	Res Leader-Plant Physio & Photosynthesis Res.
	Associate Dir, South Atlantic Area.
	Director, Russell Research Center.
	Supervisory Research Geneticist.
	Supervisory Research Physiologist.
	Director, South Atlantic Area.
Midwest Area Office .....	Dir, Midwest Area.
	Dir, Northern Regional Research Center.
	Assoc Dir, Midwest Area.
	Supervisory Veterinary Medical Officer.
	Supervisory Research Chemist.
	Supervisory Research Geneticist (Plants).
Midsouth Area Office .....	Dir, Southern Regional Res Center, New Orleans.
	Director, Mid-South Area.
	Associate Director, Mid South Area.
Central Plains Area Office .....	Dir, Natl Animal Disease Center.
Southern Plains Area Office .....	Director, Southern Plains Area.
	Director, Conservation & Production Res Lab.
	Assoc Dir, Southern Plains Area.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Northern Plains Area Office .....	Dir, Subtropical Agricultural Res Laboratory. Director, Northern Plains Area. Associate Director, Northern Plains Area Ofc. Dir, R.L. Hruska US Meat Animal Res Center. Supervisory Soil Scientist.
Pacific West Area Office .....	Director, Western Regional Research Center. Res Leader Natural Products Chemistry Res. Dir, Western Human Nutrition Research Center. Director, Pacific West Area Office. Director, Plant Gene Expression Center. Associate Director, Pacific West Area Office. Dir, Western Cotton Research Laboratory. Supervisory Research Plant Pathologist. Supervisory Research Plant Pathologist. Supervisory Soil Scientist. Supervisory Soil Scientist.
Cooperative State Research Service .....	Assoc Administrator for Grants & Program Sys. Deputy Admin Management. Director, Engineering Division. Dir, Ecological Sciences and Technology Divisi. Deputy Chief for Management. Dir, Conserv Planning and App. Director, Watershed Projects Division. Dir, Basin & Area Planning (Soil Conserv). Associate Deputy Chief for Management. Dir, Soils (Soil Scientist). Dir, Land Treatment Program. Dir, Information Res Management Division. Dir, South National Technical Center. Associate Deputy Chief for Technology Sci Tec.
Extension Service .....	Dep Chf for Administration. Dir, Forest Pest Mgmt Staff. Dir, Fiscal and Accounting Management. Associate Deputy Chief for Administrator.
Soil Conservation Service .....	Director, Fire and Aviation Staff. Director, Timber Mgmt Research Staff. Dir Insect and Disease Research Staff. Dir Forest Environment Research Staff. Director, Forest Resource Economics Staff. Dir, Forest Fire & Atmos Sciences Res Staff.
Forest Service .....	Dir, Range Management Staff. Dir, Recreation, Mgmt Staff. Dir Timber Management Staff. Director, Engineering Staff. Director, Lands Staff. Dir Land Management Planning Staff. Dir, Wildlife & Fisheries Mgmt Staff. Dir, Minerals & Geology Staff. Director, Watershed & Air Management Staff. Dir Ecological Management. IPA Assignment.
Research .....	Dir Cooperative Forestry. NE Area Dir, State & Private Forestry, U DARB. Dir N Eastern Forest Experiment Station. Dir, North Central Forest Exp Station. Dir, Pacific NW Forest & Range Exp Station. Dir, Pacific SW For & Range Exper Sta. Director Rocky Mt Forest & Range Exper Stat. Dir S Eastern Forest Experiment Station. Director, Forest Products Laboratory. Dep Dir Forest Products Lab. Deputy Regional Forester.
Nat'l Forest System .....	Associate Deputy Chief. Admr, Economic Research Service. Associate Administrator-Economic Rsch Svc. Director Agriculture & Trade Analysis Div. Director Commodity Economics Division. Director Resources & Technology Division. Director Agriculture & Rural Econ Division. Dep Admin for Info Res & Mgt Oper. Director, Economics Management Staff.
State & Private Forestry .....	Admr, National Agricultural Statistics Serv. Deputy Administrator for Operations.
Field Units .....	
International Forest System .....	
Economic Research Service .....	
Economics Management Staff .....	
National Agricultural Statistics Service .....	

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
World Agricultural Outlook Board .....	Dir Estimates Div. Dir, State Statistical Division. Deputy Administrator for Programs. Dir, Systems & Information Division. Director, Survey Management Division. Chairperson. Dep Chairperson. Director, Office of Energy.
Office of Energy .....	
Board for International Broadcasting:	
Board of International Broadcasting .....	Dep Exec Director/Director of Program Review. Inspector General. Exec Director. General Counsel. Director of Financial & Congressional Affairs.
Board Staff .....	
Department of Commerce:	
Office of Technology .....	Executive Director. Asst General Counsel for Finance & Litigation. Director, Office of Intelligence Liaison. Dir for Federal Asst & Management Support. Dir for Financial Management.
Office of the General Counsel .....	
Ofc of Asst Secy for Administration .....	Dir for Information Resources Management. Director for Procurement & Admin Services. Dep Dir for Procurement & Admin Services. Director, Office of Security. Deputy Director for Procurement.
Director for Management and Information .....	
Director for Procurement & Administrative Services .....	Director for Human Resources Management. Dep Dir of Human Resources Management. Director, Office of Budget. Dep Asst Secy for Statistical Affairs. Dir, Office of Business Analysis.
Office of Human Resources Management .....	
Director for Planning Budget and Evaluation .....	
Ofc of the Under Secy for Economic Affairs .....	
Bureau of Economic Analysis .....	Director. Dep Dir, Bur of Economic Analysis. Assoc Dir for Natl Economic Accounts. Assoc Dir for Regional Economics. Assoc Dir for International Economics. Chief Economist. Chf Statistician. Asst to the Director for Econometrics. Chf, Natl Income & Wealth Div. Chief, Business Outlook Div. Chief, International Investment Division. Dep Dir.
Bureau of the Census .....	Asst Director for ADP. Prog Mgr, Computer-Assisted Survey Info Coll. Chief, Technical Services Division. Chief, Personnel Division. Chief Admin & Publications Services Division. Senior Program Analyst. Asst Dir for Administration. Associate Director for Administration. Assoc Dir for Information Technology. Chief, Data User Services Division. Chief, Computer Services Division.
Demographic Programs .....	Associate Director for Demographic Fields. Chf, Population Div. Chief, Demographic Surveys Divisions. Chf, Housing & Household Econ Statistics Div. Chief, Statistical Methods Division. Chief, Intl Statistical Programs Center.
Decennial Census .....	Associate Director for the Decennial Census. Asst Dir for Publicity and Outreach. Chf, Geography Div. Chief, Decennial Management Division. Chief, Decennial Statistical Studies Div.
Statistical Design Methodology and Standards .....	Assoc Dir for Statistical Standards & Methods. Chief, Year 2000 Res & Dev Staff. Chief, Statistical Research Division. Assoc Dir for Field Operations. Chief, Field Division.
Field Operations .....	
Economic Programs .....	Chief, Data Preparation Division. Associate Director for Economic Programs. Assistant Director for Economic Programs.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
	Chief, Agriculture Div. Chf, Business Div. Chf, Construction Statistics Div. Chief Economic Census & Surveys Division. Chf, Foreign Trade Div. Chf, Government Div. Chf, Industry Div. Chief, Economic Statistical methods Division. Chief, Economic Programming Division.
Institute for Telecommunications Sciences .....	Assoc Admr for Telecommunications Science.
Economic Development Administration .....	Deputy Dir for Systems & Networks.
Ofc of the Inspector General .....	Dep Director for Program Operations.
	Assistant Inspector General for Auditing.
	Asst Inspector General for Investigations.
	Asst Insp Gen for Compl & Audit Resolution.
	Deputy Assistant Inspector Gen for Auditing
	Asst Insp Gen for Plng, Eval & Inspections.
	Counsel to the Inspector General.
	Dep Asst Insp Gen for Insp & Res.
Ofc of the Under Sec for Export Administration .....	Director of Administration.
Ofc of Asst Secy for Trade Development .....	Director Office of Consumer Goods.
Ofc of Dep Asst Secy for Compliance .....	Dir, Office of Agreements Compliance.
	Dir, Office of Antidumping Compliance.
Ofc of Dep Asst Secy for Investigations .....	Dir, Office of Antidumping Investigations.
	Dir, Office of Countervailing Investigations.
National Oceanic and Atmospheric Administration .....	Dir for High Performance Computing Commun.
	Dir, NOAA Coastal Ocean Program Office.
Systems Program Office .....	Director, Systems Engineering Staff.
	ASOS Program Manager.
	Nexrad Program Manager.
	GOES Program Manager.
	CHF/AWI Interactive Processing System/1990's.
Office of Administration .....	Fleet Modernization Program Manager.
	Dir for Information Systems & Finance.
	Director for personnel & Civil Rights.
National Marine Fisheries Service .....	Dir for Procurement, Grants & Adm Services.
	Senior Scientist for Fisheries.
Fisheries Resource Management .....	Dir, Ofc of Research & Environmental Info.
Fisheries Centers .....	Director, Office of Enforcement.
	Science & Research Dir Northeast Region.
	Science & Research Dir.
	Science & Research Dir Southwest Region.
	Science & Research Dir.
Deputy Asst Admr for Satellites .....	Science and Research Director.
	Dir, Natl Oceanographic Data Center.
	Director, National Climatic Data Center.
	Dir, National Geophysical Data Center.
	Poes Program Manager.
Office of Oceanic and Atmospheric Research .....	Dir Ofc of Sys Development.
Office of Oceanic Research Programs .....	Director, Forecast Systems Laboratory.
	Dep Dir, Ofc of Oceanic Research Programs.
	Program Director for Weather Research.
	Dep Asst Admr for Extramural Research.
Environmental Research Laboratories .....	Dep Dir, Environmental Research Laboratories.
	Associate Director for Science & Data.
	Dir, Climate Monitoring & Diagnostics Lab.
Atlantic Oceanographic and Meteorological Labs .....	Dir, Atlantic Oceanographic & Meteorological.
	Depy Dir, Atlantic Oceanographic & Meteorological.
	Dir, Space Environment Laboratory.
Wave Propagation Lab .....	Director.
Aeronomy Lab .....	Director, Aeronomy Laboratory.
Geophysical Fluid Dynamics Laboratories .....	Director.
	Supervisory Rsch Meteorologist.
	Supervisory Rsch Meteorologist.
	Supervisory Rsch Meteorologist.
Great Lakes Environmental Research Lab .....	Dir, Great Lakes Environmental Research Lab.
National Severe Storms Laboratory .....	Dir, Nat'l Severe Storms Lab.
Air Resources Laboratory .....	Director, Air Resources Laboratory.
Pacific Marine Environmental Lab .....	Dir, Pacific Marine Environmental Lab.
National Ocean Services .....	Chf, Marine Analysis & Interpretation Div.
	Dir, Office of Ocean & Earth Sciences.
	Senior Scientist for Ocean Services.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Ocean Resources Conservation and Assessment .....	Chief, Ocean Observation Division. Chief, Ocean & Lake Levels Division. Chf, Strategic Environmental Assessments Div. Chf, Hazardous Materials R&A Division. Chief, Coastal Monitoring Bioeffects Asses Div. Chf, Physical Oceanography Division.
Charting and Geodetic Services .....	Chief, Geosciences Laboratory.
National; Weather Service .....	Chief, Aeronautical Charting Division. Director, NOAA Data Buoy Office. Chief, Management and Budget Staff. Chief, International Affairs Division. Chf, Ofc of the Fed Coordinator for Meteorology. Deputy Assistant Administrator for Operations. Dir, NEXRAD Operational Support Facility. Transition Dir, Transition Prog Ofc.
Office of Meteorology .....	Dir, Office of Meteorology.
Office of Hydrology .....	Chief, Operations Division. Chf, Prog Requirements & Plng Division.
Office of Systems Operations .....	Director, Office of Hydrology. Chief, Hydrologic Services Division. Chief, Hydrologic Research Laboratory.
Office of Systems Operations .....	Chief, Engineering Division.
Office of Systems Development .....	Chief, Systems Operations Center. Chief, Systems Integration Division.
Office of Systems Development .....	Dir, Office of Systems Operations.
Office of Systems Development .....	Director, Office of Systems Development.
Office of Systems Development .....	Chief, Integrated Systems Laboratory.
Office of Systems Development .....	Chief, Techniques Devel Laboratory.
Office of Systems Development .....	Chief, Advanced Devel & Demonstration Lab.
National Meteorological Ctr .....	Dep Dir, Office of Systems Development.
National Meteorological Ctr .....	Director, National Meteorological Center.
National Meteorological Ctr .....	Deputy Director.
National Meteorological Ctr .....	Director, Climate Analysis Center.
National Meteorological Ctr .....	Chief, Automation Division.
National Meteorological Ctr .....	Chief, Development Div.
National Meteorological Ctr .....	Chf, Meteorological Operations Division.
National Meteorological Ctr .....	Dir, Natl Severe Storms Forecast Center.
National Meteorological Ctr .....	Director Natl Hurricane Center.
Regional Offices & Centers .....	Dir Southern Region, Ft. Worth.
Regional Offices & Centers .....	Dir, Salt Lake City Region.
Regional Offices & Centers .....	Dir, Alaska Region, Anchorage.
Regional Offices & Centers .....	Dir Eastern Region NWS.
Regional Offices & Centers .....	Director Central Region.
National Institute of Standards and Technology .....	Director for Quality Programs.
National Institute of Standards and Technology .....	Dep Dir, Ofc of Quality Programs.
National Institute of Standards and Technology .....	Assoc Dir for Tech & Business Assessment.
National Institute of Standards and Technology .....	Scientific Advisor.
Office of Associate Director .....	Director for International & Academic Affairs.
Office of Associate Director .....	Deputy Director for International Affairs.
Office of Associate Director .....	Deputy Director for Academic Affairs.
Advanced Technology Program .....	Dep Director, Advanced Technology Program.
Advanced Technology Program .....	Director, Advanced Technology Program.
Technology Services .....	Deputy Director, Technology Services.
Technology Services .....	Dir, Ofc of Technol Evaluation & Assessment.
Office of Technology Commercialization .....	Dir, Office of Technology Commercialization.
Office of Measurement Services .....	Chf, Phy Meas S/P Ofc of Measurement Services.
Office of Measurement Services .....	Director, Office of Measurement Services.
Office of Standards Services .....	Dir, Office of Standards Services.
Electronics and Electrical Engineering Laboratory .....	Dir, Electronics & Electrical Eng Laboratory.
Electronics and Electrical Engineering Laboratory .....	Deputy Director.
Electronics and Electrical Engineering Laboratory .....	Dir, Office of Microelectronics Programs.
Electricity Division .....	Chief, Electricity Division.
Electromagnetic Technology Division .....	Chf-Electromagnetic Technology Division.
Semiconductor Electronics Division .....	Chief Semiconductor Electronics Division.
Semiconductor Electronics Division .....	Senior Research Scientist.
Manufacturing Engineering Laboratory .....	Dir, Manufacturing Engineering Laboratory.
Manufacturing Engineering Laboratory .....	Chief, Automated Production, Technology Div.
Manufacturing Engineering Laboratory .....	Manager for Industrial Relations.
Manufacturing Engineering Laboratory .....	Program Manager Automated Manufacturing Res.
Manufacturing Engineering Laboratory .....	Dep Dir, Manufacturing Engineering Laboratory.
Precision Engineering Division .....	Chief, Precision Engineering Division.
Robot Systems Division .....	Chief, Robot Systems Division.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Factory Automation Systems Division .....	Chief, Factory Automation Systems Division.
Physics Laboratory .....	Director, Physics Laboratory.
	Physicist (Nuclear).
	Coordinator of Radiation Measurement Services.
	Coordinator of Program Development.
	Deputy Director, Physics Laboratory.
Ionizing Radiation Division .....	Chief, Ionizing Radiation Division.
Fundamental Constants Data Center .....	Mgr, Fundamental Constants Data Center.
Molecular Physics Division .....	Chief, Molecular Physics Div.
Quantum Metrology Division .....	Chief, Quantum Metrology Division.
Atomic Physics Division .....	Chief, Atomic Physics Division.
Time and Frequency Division .....	Chief, Time and Frequency Division.
Quantum Physics Division .....	Senior Scientist..
	Senior Scientist & Fellow of JILA.
	Senior Scientist & Fellow of JILA.
Electron and Optical Physics .....	Group Leader for FAR Ultraviolet Physics.
Chemical Science and Technology Laboratory .....	Dir, Chemical Sci & Technology Laboratory.
	Deputy Director for Programs.
Inorganic Analytical Research Division .....	Chief Inorganic Analytical Research Division.
Organic Analytical Research Division .....	Chief Organic Analytical Research Division.
Surface and Microanalysis Science Division .....	Chf, Surface & Microanalysis Science Division.
	Group Leader, Surface Spec. & Thin Films.
Biotechnology Division .....	Chief, Biotechnology Division.
Thermophysics Division .....	Chief Thermophysics Division.
Materials Science and Engineering Laboratory .....	Dir, Materials Sci & Eng Laboratory.
	Senior Scientist.
	Scientific Assistant to the Director, IMSE.
	Dep Dir, Materials Sci & Eng Lab.
	Chief, Film & Fiber Technology.
	Chief Materials Reliability Div.
Materials Reliability Division .....	Chf, Ofc of Intell Processing of Materials.
Office of Intelligent Processing of Materials .....	Chief Ceramics Division.
Organization Abolished .....	Chief, Polymers Division.
Polymers Division .....	Chf, Metallurgy Division.
Metallurgy Division .....	Physicist (Solid State).
Reactor Radiation Division .....	Chief, Reactor Radiation Division.
	Group Leader Neutron Condensed Matter Science.
	Chief, Reactor Operations.
Computer Systems Laboratory .....	Chief Systems & Network Architecture Division.
	Chf, Advanced Systems Division.
	Chf, Info Syst Engineering Division.
	Chf, Systems and Software Technology Division.
	Associate Director for Computer Security.
	Associate Director for Program Implementation.
	Chief, Computer Security Division.
Building and Fire Research Laboratory .....	Chief, Structures Division.
	Dir, Building & Fire Research Laboratory.
	Dep Dir, Building & Fire Research Laboratory.
	Asst Dir, Building & Fire Research Laboratory.
	Chief, Building Environment Division.
Building Environment Division .....	Chf, Building Materials Div.
Building Materials Division .....	Chief, Fire Safety Engineering Division.
Fire Science and Engineering Division .....	Chief, Fire Science Division.
Fire Measurement and Research Division .....	Dir, Computing & Applied Mathematics Lab.
Computing and Applied Mathematics Laboratory .....	Dep Dir, Computing & Applied Mathematics Lab.
	Chief, Computer Services Division.
	Chief Scientific Computing Division.
	Asst Dir for Management Information Technology
	Associate Director for Computing.
	Chief, Statistical Engineering Division.
Statistical Engineering Division .....	Asst Commissioner for Finance and Planning.
Patent and Trademark Administration .....	Assistant Commissioner for External Affairs.
	Dep Asst Comr for Public Services & Adm.
	Dir Directorate for Interdiscipl Program.
	Administrator for Search & Information Res.
Office of Assistant Commissioner for Patents .....	Group Director 110.
Chemical .....	Group Director 120.
	Group Director—130.
	Group Director 150.
	Deputy Group Director—110.
	Group Director—180.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Electrical .....	Deputy Group Dir 150. Deputy Group Director 180. Group Director for 260. Group Director 210. Group Director for 220. Group Director—230. Group Director 240. Group Director 250. Deputy Group Director—250. Deputy Group Director—260. Deputy Group Director—230.
Mechanical .....	Group Director—310. Group Director—320. Group Director—330. Group Director—340. Group Director—350.
Office of Assistant Commissioner for Trademarks .....	Chairman, Trademark Trial & Appeal Board. Deputy Asst Commissioner for Trademarks. Director, Trademark Examining Operation.
Commodity Futures Trading Commission:	
Office of the General Counsel .....	Deputy General Counsel (Opinions & Review). Deputy General Counsel (Litigation). Deputy General Counsel (Reg & Adm).
Office of the Executive Director .....	Dep Exec Dir.
Division Economic Analysis .....	Dir, Ofc in Information Resources Mgmt. Dep Chf Economist. Chf, Analysis Section. Associate Director for Surveillance. Director of Economic Research.
Division of Enforcement .....	Deputy Director (Western Operations).
Division of Trading and Markets .....	Deputy Director (Eastern Operations). Deputy Director (Contract Markets). Chief Counsel.
Consumer Product Safety Commission:	
Ofc of Executive Dir .....	Asst Exec Dir For Compliance & Enforcement. Assoc Exec Dir for Adm. Associate Executive Dir for Field Operations. Asst Exec Dir for Hazard I&R. Associate Exec Dir for Epidemiology. Associate Executive Director for Economics.
Office of Hazard Identification & Reduction .....	
Ofc Secy of Defense:	
Office of the Secretary .....	Asst to the Secy of Defense (Intel Oversight).
Ofc of Asst Secy (Solic) .....	Dep Asst Secy of Defense (Forces & Resources). Director for Budget and Execution. Director for Requirements & Programs. Director DESA.
Joint Activities .....	Dep Dir for Resources & Administration.
Director Operational Test and Evaluation .....	Deputy Inspector General.
Ofc of Inspector General .....	Asst Inspector General for Investigations. Dep Asst Inspector Gen for Investigations. Dep Asst Inspector General for Investigations. Asst Inspector Genl for Analysis & Followup. Asst Insp Gen for Adm & Info Management. AIG for Departmental Inquiries. Dep Asst Inspector Gen for Adm & Info Mgmt. Dir, Audit Planning & Technical Support. Dep Asst Insp Gen for Audit, Pol & Oversight. Director, Acquisition Management. Director, Logistics and Support. Director, Contract Management. Dir, Readiness & Operational Support. Director, Financial Management. Asst Inspector Gen for Audit, Pol & Oversight. Deputy Asst Inspector General for Auditing. Asst IG for Inspections. Asst Inspector General for Auditing. Dir for Investigative Operations. Director for Criminal Policy & Oversight. Asst Insp Gen for Criminal Investigative P/O. Dep Asst Inspector Gen for Program Evaluation.
Ofc of Asst Secy of Defense (Reserve Affairs) .....	Principal Director (Manpower and Personnel).
Ofc Dep Asst Secy (Civilian Personnel P/E Opportunity) .....	Director, Personnel Management.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Ofc of Dir of DOD Dependents Schools .....	Prin Dir (Civilian Pers Pol/Equal Opp). Dir Personnel Management. Director, Staffing & Career Management. Dir Pacific Region DODDS.
Office Assistant Sec Health Affairs .....	Director, Germany Region. Dep Dir Dep of Defense Dependents School. Assoc Dir for Financial, Logistl, & Info Mgmt.
Uniformed Serv. University of the Health Sciences .....	Dir, Defense Medical Systems Support Center.
Office of Asst to Secy of Def for Public Affairs .....	Scientific Director, AFRI. Dir, Freedom of Information & Security Review.
Washington Headquarters Services .....	Dep Dir, Armed Forces Radio & Television Serv. Director of Personnel and Security.
Office of the General Counsel .....	Dep Dir, Real Estate & Facilities. Dep Dir, Personnel and Security.
Ofc of Under Secy of Def for Acquisition .....	Deputy General Counsel (IG). Dep Dir Missile & Space Systems. Deputy Dir Air Systems.
	Director for Defense Procurement. Sr Staff Specialist for S&A Systems.
	Dep Dir Maritime Systems. Sr Staff Spec for Tech & Analysis.
	Deputy Dir, Cost Pricing & Finance. Sr Staff Spec for Air Weapons Def Sup Sys.
	Sr Staff Spec for Ground Air Defense Systems. Sr Staff Spec Close Air Supp & Air Int Sys.
	Sr Staff Spe for Antisubmarine & Mine Sys. Sr Staff Spec for Ship Systems.
	Sr Staff Spec for Ball Missile Def Sys. Dep Dir Munitions.
	Sr Staff Spec for Air Mobility. Sr Staff Special for Air Superiority Systems.
	Dep Dir, Contract Pol & Administration. Deputy Dir Test Facilities & Resources.
	Dep Dir Land Systems. Dep Dir Deep Strike Systems.
	Executive Director, Defense Science Board. Deputy Dir Line Fire Test.
	Dir Computer Aided Logistics Support Office. ADUSD (ASIA/MID East/S. Hemisphere Affairs).
	Deputy Dir Program Assessment. Dep Dir, Def Syst Procurement Strategies.
	Dep Dir, Program & Budget Integration. Dep Dir Electronic Combat Systems.
	DOD Contractor Adv & Assistance Serv Director. Asst Dep Under Secy of Def (Plnng & Eval).
	Dir, Base Closure and Utilization. Dir, Def Acquisition Reg Sys & Council.
	Dep Dir, Foreign Contractor. Dir, Acquisition Log & Production Readiness.
	Sr Staff Spec for Submarine & Surveil Sys. Dep Dir Mayor Policy Initiatives.
	Staff Spec for Spec Tech Program. Dep Dir WSA/Special T&E Programs.
	Dep Dir Strategy Arms Control & Compliance. Dep Dir, Aeronautical Systems.
	Special Asst Concepts & Plans. Deputy Director Defensive Systems.
	Prin DASD (Atomic Energy). Dep Dir, Land & Maritime Programs.
	Dep Dir, Air & Space Programs. AUSD (Ballistic Missile Defense).
Ofc of DD (Research and Advanced Tech) .....	Director, Engineering Technology. Staff Specialist for Vehicle Propulsion.
	Staff Specialist for Materials & Structures. Staff Specialist for Weapons.
	Dir Environmental & Life Sciences. Staff Spec/Mobility, Logistics & Adv Concepts.
	Dir, Research & Laboratory Management. Spec Asst for Mctl & Long-range Plnng Matters.
	Staff Spec for Electronic W/C, Ctrl & Comms. Staff Specialist for Electronic S/D.
	Dir, Balanced Technology Initiative.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Ofc of DD (Tactical Warfare Progs) .....	Assistant Deputy Director (TWP).
Office of DD (Plans & Resources) .....	Deputy Director (Plans & Resources).
Director, Strategic & Theater Nuclear Forces .....	Dir Strategic & Theater Nuclear Forces C3
Director, Theater & Tactical C3 .....	Staff Asst S/C, Control & Communications.
Deputy Assistant Secretary of Defense (Intelligence) .....	Dir Theater & Tactical Commun Command & Contr.
Senior Advisor for Human Intelligence Systems .....	Dep Dir T&T Communications Command Control.
Senior Advisor, Signal Intelligence Systems .....	Senior Advisor for Measurement & Signature.
Deputy Assistant Secretary of Defense (Defense-Wide C3) .....	Senior Advisor For Imaging Intelligence.
Director, Information Systems .....	Director, Intelligence Issues.
Director, C3 Mobilization Systems .....	Director, Intelligence Policy.
Organization Abolished .....	Senior Advisor for Human Intelligence.
DASD (Counterintelligence & Security Countermeasures) .....	Senior Advisor Signal Intelligence.
Ofc of Asst Secy (Principal Deputy for Intelligence) .....	Dir Comm Electronics Technology.
Advanced Research Projects Agency (ARPA) .....	Director, Telecommunications.
Computing Systems Technology Office .....	Dir National Programs.
Defense Sciences Office .....	Asst Dep Dir (Information Technology).
Defense Manufacturing Office .....	Director, Counter Intelligence.
Contracts Management Office .....	Dir, Special Technology Support.
Nuclear Monitoring Office .....	Director, ASTO.
Office of the Joint Chiefs of Staff .....	Assistant Director, Smart Weapons.
Ballistic Missile Defense Organization .....	Deputy Director, ASTO.
Defense Contract Audit Agency .....	Deputy Director, Management.
Regional Managers .....	Deputy Director.
Defense Logistics Agency .....	Dir Electronic Systems Technology Office.
Directorate for Contract Management .....	Dir Land Systems Office.
Directorate of Quality Assurance .....	Director Special Projects.
Ofc of Staff Dir-Small & Disadvantaged Business Util .....	Dir Microelectronics Technology.
Office of Civilian Personnel .....	Dep Dir Micro Electronics Technology.
Directorate of Supply Operations .....	Dir Undersea Warfare Office.
Directorate of Contracting .....	Chief, Advanced Technology.
	Executive Director Manufacturing.
	Asst Dir, Sensors & Processing.
	Executive Director (Software).
	Dir Computing Systems Technology Office.
	Dir Defense Sciences Office.
	Assistant Director for Material Sciences.
	Executive Director.
	Dir, Contracts Management Office.
	Dir Nuclear Monitoring Research Ofc.
	Dep Dir for Technical Operations.
	Asst Dir for Sensors Demonstrations.
	Assistant Director for Sensor Technology.
	Asst Dir for Interceptors & Communications.
	Director, Information Systems.
	Deputy for Program Operations.
	Director, DCAA.
	Deputy Director, DCAA.
	Assistant Director, Operations.
	Asst Dir, Policy & Plans.
	Director, Field Detachment.
	Regional Director, Eastern.
	Regional Director, Northeastern.
	Regional Director, Central.
	Regional Director, Western.
	Regional Director, Mid-Atlantic.
	Dep Regional Director Eastern Region.
	Deputy Regional Director Northeastern Region.
	Deputy Regional Dir Central Region.
	Deputy Regional Director, Western.
	Dep Reg Dir Mid Atlantic Region.
	Special Asst for Integrity in Contracting.
	Dir, Defense Manpower Data Center.
	Chief Actuary.
	Executive Directive, Contract Management.
	Chf, Plans, Policies & Systems Division.
	Dep Exec Dir, Quality Assurance.
	Deputy Commander.
	Staff Dir, Small & Disadv Busin Utilization.
	Staff Director, Civilian Personnel.
	Deputy Staff Director, Civilian Personnel.
	Deputy Commander.
	Executive Director, Contracting.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Directorate of Tech & Logistics Services .....	Chief, Contracts Division. Executive Director Procurement. Chf, Property Disposal Div. Dep Commander Defense Electronics Supply Ctr. Deputy Commander.
Defense Personnel Support Center .....	Deputy Commander DPSC.
Defense Training & Performance Data Center .....	Deputy Dir Defense Manpower Data Center.
Defense Contract Management .....	Deputy DCMC.
Defense Communications Agency .....	Executive Director, Contract Management. Dir Multi-Functional Central Design Activity. Dir Multi-Functional Information Processing.
Office of the Director .....	Director, DITSO. Deputy Director, DITSO.
Ofc of Assoc Dir for Eng, Technol & Corporate Planning .....	Deputy Manager National Commun Systems. Assoc Dir for Eng, Technology & Corp Plng. Chief Information Officer. Dep Dir for Operations. Dep Dir for Systems.
Organization Abolished .....	Spec Asst to the Dir, Spec Prog Organization.
National Communications System .....	Deputy Manager, Natl Communications Systems. Asst Mgr, NCS, Technology & Standards. Asst Mgr, NCS, Plans & Operations. Dep Dir, Theater Systems. Dep Dir for Switched Network Engineering. S/A to the Dir, CPSI for Satellite Com Sys. Asst Dir for Prog Development & Coordination. Spec Asst to Dir, Ctr for C3 for Int Dig Arch. Dep Dir Strategic Systems Directorate. Assistant Director for Process & Integration. Dir Military Satellite Communications. Dir Center for Systems Interop & Integration. Dep Dir Joint (IEO). Dir Center for Technical Architecture. Tech Dir Joint Interop & Eng Comm (JIEO). Dir Center for Standards. Dir Center for Engineering. Assoc Dir Mission Support Information Systems. Assoc Dir Center for Standards.
Center for Command, Control & Communications (C3) Sys .....	Dep Dir, Defense Comm System Organization. Dep Dir, DCS Telecommunications Networks. Assoc Deputy Director, DCS Data Systems. Dir, Def Communications Engineering Center. Dir Defense Commercial Communications Office. Director, Center for Agency Services. Director, Joint Data Systems Support Center. Tech Dir, WWMCCS ADP Tech Support Directorate. Deputy Director, NMCS ADP Directorate. Assoc Dir for Technical & Management Support. Assistant Director, JTC3A. Dep Dir, Architecture Directorate. Deputy Director for Testing. Director, Information Management Center. Director, Technical Integration Office. Comptroller. Chief of Staff. Deputy Director. Dir, Acquisition Management. Deputy Director, Operations Directorate. Chief, Structural Dynamics Division. Dir for Radiation Sciences. Chief, Atmospheric Effects Division. Chief, Electronic Effects Division. Chief, Electromagnetic Applications Division. Director for Shock Physics. Chief, Weapons Effects Division. Director for Test. Chf, Nevada Operations Ofc, Test Directorate. Chief Digital Production System Department. Dep Dir for Hum Res-Dir DMA Ofc Hum Res Mgt. Dep Dir For Acq Install & Logistics. Dep Dir for Progs, Production & Operations. Dep Dir for Research & Engineering.
Defense Communications System Organization .....	
Organization Abolished .....	
Defense Commercial Communications Office .....	
Center for Agency Services .....	
Joint Data Systems Support Center .....	
Joint Tactical Command, Control & Communications Agency .....	
Information Management Center .....	
Comptroller Directorate .....	
Defense Nuclear Agency .....	
Office of the Director .....	
Acquisition Management Office .....	
Operations Directorate .....	
Radiation Sciences Directorate .....	
Shock Physics Directorate .....	
Test Directorate .....	
Defense Mapping Agency .....	
D M A Headquarters .....	

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
D M A Field Activities .....	Asst Dep Dir for Production. Asst Deputy Dir for Resources. Deputy Director. Asst Dep Dir for Advanced Sys Requirements. Deputy Director for Plans & Requirements. Dep Dir for Intl Prog Operations. Dep Dir for Information Resources Management. Chief, Analysis Division. Dep Dir for Prog, Prod & Operations DMA HTC. Dep Dor for Progs, Production and Operations. Chf, Digital Products Department AC. Chf, Digital Products Department HTC. Chief, Scientific Data Dept. Chief, Scientific Data Department. Dir DMA Sys Ctr Dep Dir for Res & Engineering. Dep Dir for Modernization Development. Dep/Techn Dir/DMA Syst Cntr ASD for Res & Eng. Dep Dir for P/O, DMA Syst Cntr/ADD for RDT&E. Chief, Mapping & Charting Department. Chief, Mapping & Charting Department. Chief, Reston Department. Dir DMA Hydrographic/Topographic Center. Career Reserved Positions. Dir DMA Reston Center. Dir DMA Aerospace Center. Dep Dir/Dep for Development Group. Deputy Director, Cleveland Center. Dir, Defense Investigative Service. Deputy Director (Investigations). Dep Dir (Industrial Security). Deputy Director (Resources). Dir, Personnel Investigations Center.
Defense Finance & Accounting Service .....	
Defense Investigative Service .....	
Department of Air Force:	
Ofc of Administrative Assistant to the Secretary .....	Administrative Assistant to the Secy. Dep Administrative Assistant. Dir, Ofc of Small & Disadv Bus Utilization. Dep Asst Inspector Gen/Spec Investigations. Principal Dep Asst Secy (Financial Mgmt). Deputy for Budget.
OFC of Small & Disadv Bus Utilization .....	
Office of the Inspector General .....	
Office of ASAF for Financial Management & Comptroller .....	
ODAS Budget .....	Director of Budget Investment. Director of Budget Management & Execution. Deputy Director of Budget Operations. Dep Asst Secy (Cost & Economics). Dir Science & Technology.
ODAS Cost & Economics .....	
Office of ASAF for Acquisition .....	Assoc Dir Strategic, Sof & Airlift Prog. Assoc Dir, Tactical Programs. Competition Advocate Gen Dir, CAAS. Dep Asst Secy (Acquisition). Deputy Assistant Secretary.
ODAS Acquisition .....	
ODAS Communications, Computers & Support Systems .....	Assoc Dep Asst Secy (Info & Support Syst). Assoc Dep Asst Secy (Transportation). DAS (Research & Engineering).
ODAS Research & Engineering .....	
ODAS Management Policy & Program Integration .....	Assoc Dep Asst Secy Magnt Pol & Prog Interagt. Assoc Dept Asst Secy (Contracting).
ODAS Contracting .....	
Air Force Program Executive Office .....	AF Program Exec Officer, Info Systems. Program Director, AMRAAM SPO. Air Force Prog Exec Ofcr, Conventional Strike. Dep for Air Force Review Boards. Dir Air Force Base Disposal Agency. Deputy for Installations Management.
Ofc of ASAF for Manpower, Reserve Affairs, Install & Env .....	
ODAS Installations .....	
Office of ASAF for Space .....	Deputy for Contracting. Air Force Historian.
Assistant Vice Chief of Staff .....	
Test and Evaluation .....	Deputy Director, Test & Evaluation. Deputy Dir Test & Evaluation. Dir of Res Mgmt & Dep Dir for Mwr & Services.
Morale, Welfare, Recreation and Services .....	
Asst Chief of Staff for C3 and Computers .....	Director of Resources. Assoc Dir for Logistics Plans & Programs. Chief Modification & O&M Programs Division. Chief Combat Support Programs Division.
Deputy Chief of Staff, Logistics .....	
Civil Engineer .....	Assoc Dir of Maintenance Engineering & Supply. Associate Civil Engineer. Dir of Civilian Personnel.
Deputy Chief of Staff, Personnel .....	

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
	Dir Civil Personnel Policy & Personnel Plans. Deputy Director of Personnel Management. Deputy Director for Plans and Requirement. Dep Dir for Work Force Effectiveness. Spec Project Ofcr for Personnel Management. Chief Resources Division. Chief Air Force Personnel Operations Agency. Chf, Air Force Civilian Personnel Mgmt Center. Assoc Dir, Strategy & Production.
Assistant Chief of Staff, Intelligence .....	Chairman AF Logistics Command Procur Committ.
Air Force Materiel Command .....	Director, Personnel.
Personnel .....	Deputy Director Contracting.
Contracting .....	Dir Business Clearance.
Logistics .....	Deputy Director, Logistics.
Engineering & Technical Management .....	Director, Engineering & Technical Mgmt.
Financial Management & Comptroller .....	Dep Director, Financial Mgmt & Comptroller.
Corporate Information .....	Director, Communications-Computer Systems. Dir Corporate Information.
Plans & Programs .....	Deputy Director, Plans & Programs.
Science & Technology .....	Director, Plans and Programs.
Space and Missile Systems Center .....	Executive Director. Executive Director. Director, Plans & Advanced Programs.
Phillips Laboratory .....	Deputy Director. Deputy Advanced Weapons & Surveillance.
Geophysics Directorate .....	Ch, Atmospheric Structure Br. Dir, Space Physics Division.
Propulsion Directorate .....	Director, Propulsion Directorate.
Electronic Systems Center .....	Executive Director. Executive Director. Asst Dep for Contracting & Manufacturing. Prog Dir for Air Base Decision Systems. Director, Engineering & Program Management. Chief Engineer. Director, Plans & Advanced Programs. Prog Dir Electronic Combat & Reconnaissance. Executive Director.
Rome Laboratory .....	Technical Director (Command & Control). Dir Plans & Programs.
Standard Systems Center .....	Director Standard Systems Center. Director, Standard Systems Center.
Aeronautical Systems Center .....	Executive Director. Dep Dir Financial Magnt & Comptroller. Executive Director.
Development Planning .....	Dir Advanced Systems Analysis.
Contracting .....	Dep Dir Contracting.
Integrated Engineering & Tech Management .....	Dir Support Systems Engineering. Director Avionics Engineering. Director, Systems Engineering. Director of Engineering (F-16). Dir of Eng Reconnaissance & Elec Warfare Sys. Dir of Engineering (Advanced Technol Bomber). Dir of Eng, Advanced Tactical Fighter. Dir of Engineering C-17. Dir of Engineering Subsystems.
Directors of Engineering .....	Deputy Program Director ATF. Deputy Program Director C-17. Program Dir Subsystems. Dir Manufacturing Technology. Dir, Plans & Programs Directorate. Dir, Metals & Ceramics Div.
Systems Program Offices .....	Executive Director. Research Director (Crew Technology). Director, Plans and Programs.
Wright Laboratory .....	Executive Director.
Materials Directorate .....	Executive Director.
Human Systems Center .....	Dir Depot Maintenance.
Armstrong Laboratory .....	Dir Corporate Integration.
Air Force Flight Test Center .....	Executive Director.
Air Force Development Test Center .....	Executive Director.
Joint Logistics Systems Center .....	Dir Depot Maintenance. Dir Corporate Integration.
Air Logistics Center, San Antonio .....	Executive Director. Director, Financial Management. Director, Propulsion Systems. Director, Contracting.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Air Logistics Center, Oklahoma City .....	Executive Director. Executive Director. Director, Financial Management. Director, Commodities Management. Director, Contracting.
Air Logistics Center, Warner Robins .....	Executive Director. Director, Financial Management. Director, Technology & Industrial Support. Director, Contracting.
Air Logistics Center, Ogden .....	Executive Director. Director, Financial Management. Director, Technology & Industrial Support. Director, Contracting.
Air Logistics Center, Sacramento .....	Executive Director. Executive Director. Director, Financial Management. Director, Technology & Industrial Support. Director, Contracting.
Air Force Audit Agency .....	Auditor General of the Air Force. Asst Aud Gen (Acquisition & Log Audits). Asst Aud Gen (Field Activities). Asst Aud Gen (Operations). Asst Aud Gen (Financial & Support Audits).
Air Force Intelligence Command .....	Technical Director (Aerospace Systems).
Air Mobility Command .....	Asst DCS/Plans and Programs.
U.S. Strategic Command .....	Assoc Dir For Strategic Planning.
Air Combat Command .....	Chief Scientist Tactical Air Warfare Ctr.
Pacific Air Forces .....	Chief, Operations Analysis.
U.S. Air Forces in Europe .....	Director of Civilian Personnel.
Shape Technical Centre .....	Deputy Director.
AF Space Command .....	Sr Scientist & Tech Advisor for AFSPACECOM.
AF Operational Test & Eval Ctr .....	Technical Director.
Air Education & Training Command .....	Provost, Air University.
Joint Electronic Warfare Center .....	Technical Director.
U.S. Central Command .....	Scientific Advisor.
Strategic Defense Initiative Organization .....	Spec Asst for GPALSP.
Department of the Army:	
Department of the Army .....	Deputy to the Commander.
Office of the Under Secretary .....	Operations Research Analyst.
	Special Asst for Forces & Program Evaluation.
	Operations Research Analyst for Systems.
	Oper Research Analyst for CMD, CONT, C & I.
	Special Asst to the Under Secretary.
Ofc of the Administrative Assistant .....	Adm Asst to the Secy of the Army.
	Dep Administrative Assistant.
Office of the General Counsel .....	Deputy General Counsel (Fiscal Law & Policy).
HQDA Army Acquisition Executive .....	Dep Prog Mgr, Light Helicopter Program.
	Deputy PEO, Close Combat Vehicles.
	Dep Prog Exec Ofcr, Command & Control Systems.
	Deputy Prog Executive Officer Comm Systems.
	Deputy PEO for Air Defense.
	Program Executive Officer Stamis.
	Program Executive Officer, Armaments.
	Program Manager Sustaining Base Automation.
	Dep Program Executive Officer for Aviation.
	Dep PEO, Intelligence & Electronic Warfare.
	Program Executive Officer, Combat Support.
	Program Executive Ofcr (Tactical Missiles).
Dir of Info Sys for Command, Control, Comms & Computers .....	Army Spectrum Manager.
	Dir Ofc US Army Info Syst SEL ACQ Agency.
	Dir of Army Information.
DASA Research Development and Acquisition .....	Vice Director to the DISC4.
	Dir for Prog & Vulnerability Assessment.
	Dep Dir US Contracting Support Agency.
	Chief, Policy & Procedures Division.
	Assistant Deputy for Plans & Programs.
ODASA Research and Development .....	Director for Assessment & Evaluation.
	DAS for Res & Tech/Chief Scientist.
	Dir for Program Review.
	Director for Space & Strategic Technology.
	Director of Research.
	Director for Technology.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Organization Abolished ..... ODASA Procurement .....	Director for Laboratory Management. Dir Sys Mgt Integ & Coordination Ofc. Deputy Asst Secy of the Army (Procurement). Director for Procurement Policy.
ODASA Management and Programs .....	Dir for Program Evaluation.
Ofc of Asst Secretary (Installations, Logistics & Envmt) .....	Dep Asst Secy for Plans & Programs. Dep for Programs & Install Assistance.
Ofc of Asst Secy (Financial Mgmt) .....	Dep Program Exec Officer for Chem/Demil. Assistant Deputy ASA for Army Budget. Deputy for Cost Analysis.
	Dir of Investment.
	Dep Asst Secy for Army (Financial Operations). Spec Adv for Economic Pol & Productivity Prog.
	Dep for OPS, Support & Business Activities. Spec Asst to the Prin Dep Asst Secy of Army.
Off of Asst Secretary, Manpower & Reserve Affairs .....	DAS (DAR BDS & EEO C & C Review).
Ofc of Asst Secretary Civil Works .....	Deputy ASA (Policy & Evaluation). Deputy ASA (Management & Budget). Deputy ASA (Planning Policy & Legislation). Deputy ASA (Project Management).
Office, Director of Army Staff .....	Dep Dir of Management (Installation M&R). Dep Asst Chief of Staff for Installation Mgmt.
Office, Deputy Chief of Staff, Intelligence .....	Asst Dep Chief of Staff for Intelligence.
USA Strategic Defense Command Huntsville AL OSCA FOA .....	Deputy Director, US Army Intelligence Agency. Proj Mgr, Ground Based Interceptor Proj Ofc. Director, Directed Energy Weapons Directorate. Proj Mgr High Endo Atmos Def Int Proj. D/S Lethality & Key Technologies Directorate. Dir Kinetic Energy Weap Directorate. Chief, Battle Management Division. Prin Assistant Resp for Contracting. Chief, Passive Sensors Division. Chf, Active Sensors Div Sensors Directorate. Chf, Discrimination Div Sensors Directorate. Dir, Advanced Technology Directorate. Proj Mgr, G-B Surveillance & Tracking Syst. Dir, US Army Combat Dev Experimentation Center. Deputy to the Commander Technical Director.
Operational Test & Evaluation Command .....	Chief, Historian, Army Ctr of Military History.
Army Center of Military History .....	Dir, Test and Evaluation Management Agency.
Test and Evaluation Management Agency .....	Director for Manprint.
Office, Dep Chief of Staff for Personnel .....	Director of Manpower.
Directorate of Civilian Personnel .....	Director of Civilian Personnel. Dep Director of Civilian Personnel. Chief Employment & Classification Division. Director, Civilian Personnel Mgt.
US Total Army Personnel Command .....	Dir, Trng Res Lab & Assoc Dir, ARI.
Army Research Institute for Behavioral & Social Sciences .....	Dir, Manp & Pers Res Lab & Assoc Dir, ARI. Dir, US Army Res I&C Psychologist, US Army.
Office, Deputy Chief of Staff for Logistics .....	Asst Director for Supply Mgmt. Asst Dir for Maintenance Mgmt. Asst Dir for Transportation. Asst Dir for Energy & Troop Support. Director for Security Assistance. Director for Resources and Management. Executive Director, Strategic Logistics Agcy. The Auditor General, U.S. Army. Deputy Auditor General. Director, Logistical & Financial Audits. Dir, Acquisition & Force Mgmt Directorate. Dir Audit Policy Plans and Resources. Regl Auditor General (Northeastern Region). Regl Auditor General (Southeastern Region). Tech Adv, DCSOPS. Technical Director, US Army Nuc & Chem Agency. Assistant Dir for Res and Analysis Support.
Army Audit Agency .....	Chief Dept of Pharmacology. Scientific Advisor to CG. Scientific Advisor. Asst Deputy COFS for Base Ops Spt. Asst Deputy Chief of Staff for Resources Mgmt. ADCOS for Training Policy Plans and Programs.
Ofc Dep Chf of Staff for Operations & Plans .....	
Concepts Analysis Agency (OCA) .....	
Walter Reed Army Institute of Research .....	
Training and Doctrine Command (TRADOC) .....	

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
TRADOC Analysis Command .....	Deputy to the Commanding General. Asst Dep Chief of Staff for Base Ops Support. Director of Operations. Deputy Director, TRAC. Director of Operations.
National Simulations Center .....	Technical Director National Simulations Ctr.
Military Traffic Mgmt Commd .....	Deputy to the Commander.
U.S. Army Forces Command .....	Special Asst for Transportation Engineering. Civilian Personnel Director.
U.S. Army Corps of Engineers .....	Deputy Comptroller. Director of Human Resources. Director Resource Management.
	Dir, Engineering and Housing Support Center. Principal Asst Responsible for Contracting.
Directorate of Civil Works .....	Dep to the Commander for Prog & Techn Mgmt. Deputy Director, Civil Works. Chf, Ofc of Policy. Chf, Programs Div. Chf, Planning Division. Chief Engineering Division.
Directorate of Engineering & Construction .....	Chf, Ops, Construction & Readiness Division. Deputy Chief Construction Division.
Directorate of Military Programs .....	Chief, DAEB, Engineering Division. Chief Construction Division. Deputy Director, Military Programs.
US Army COE Water Resources Ctr .....	Chief, Environmental Restoration Division.
Planning Divisions, COE .....	Chief, Water Resources Support Center. Dir of Planning, Ohio River. Dir of Planning, No Pacific. Dir of Planning, South Atlantic. Dir of Planning, Lower Miss Valley. Dir of Planning, South Pacific. Dir of Planning, N. Atlantic. Dir of Planning, Southwestern.
Engineering Divisions, COE .....	Dir of Engineering, Ohio River. Dir of Engineering, Southwestern. Dir of Engineering, North Central. Dir of Engineering, S. Pacific. Dir of Engineering, N. Atlantic. Dir of Engineering, S. Atlantic. Dir of Engineering, Lower Miss. Dir of Engineering, Missouri River. Dir of Engineering, North Pacific. Dir of Engineering, Pacific Ocean. Dir of Engineering, Huntsville.
Construction Divs-COE .....	Dir of Construc OPS, S. Atlantic. Dir of Construc OPS, S. Western. Dir of Construc OPS, Ohio River. Dir of Construc OPS, LR MS Val. Dir of Construc OPS. Dir of Construc OPS. Dir of Construc OPS, N. Atlantic. Dir of Construc OPS, Pacific. Dir of Construc OPS.
Engineer Waterways Experiment Station, COE .....	Dir Waterways Experiment Station.
Cold Regions Rsch & Engrg Lab Hanover, NH .....	Director.
Army Materiel Command (AMC) .....	Chief Scientist. Special Assistant for management of Change. Chief Special Analysis Office.
Office of DCS Supply Maintenance & Transportation .....	Asst DCS for Supply Maintenance & Trans. Asst Dep Chief of Staff for Logistics.
Ofc Dep Cmdg Gen Res, Development and Acquisition .....	Prin Asst Dep for Res Develop and Acquisition. Asst Dep Int'l Cooperative Programs.
DCS for Development Engineering & Acquisition .....	Asst Dep Chf of Staff Dev, E/A for ACQ P/R. Asst Dep Chief of Staff for ACQ Mgt.
Deputy Chief of Staff for Concurrent Engineering .....	ADCS for Res, D&E for Pol Integ & Analysis.
Ofc Deputy Commanding General for Matl Readiness .....	Principal Deputy for Logistics.
Dep Chf of Staff for Supply, Maintenance & Transp .....	Asst Dep Chf of Staff for Policy & Procedures.
Deputy of Staff for Ammunition .....	Asst Deputy Chief of Staff for Ammunition.
Office of DCS for Readiness .....	Asst DCS for Readiness. Exec Director, Logistics Support Activity.
Office of DCS for Procurement .....	Asst DCS for Procurement.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Executive Director, Test, Measurement & Diag EQ .....	Deputy Executive Director for TMDE.
Deputy Chief of Staff for Personnel .....	Dep Chief of Staff for Personnel.
Office of the Deputy Chief of Staff for Res Management .....	ADCS for Resource Mgmt.
USA Security Affairs Command .....	ADCS for Cost Analysis.
U.S. Army Systems Integration & Management Activity .....	Deputy.
U.S. Army Armament, Munitions & Chemical Command (AMCCOM) .....	Dir, Syst Integration Mgmt Activity.
	Deputy for Resources & Management.
	Dep for A&S Mgr for Conventl Ammun (SMCA).
	Deputy for Logistics Readiness.
	Dep for Product A&T & Industrial OPS Mgmt.
	Dep for Facilities, Ind Preparedness & Envt.
	Dir, U.S. Army Def Ammunition Center & School.
AMCCOM. ARDEC .....	A/Tech/Dir (Systems Concepts & Technology).
	Technical Director for Armament.
	A/Tech/Dir/ (Sys Development & Engineering).
Armament Engineering Directorate .....	Assoc Tech Dir (Producib & Process Technol).
	Director, Armament Engineering Directorate.
Fire Support Armaments Center .....	Chf, Energetics & Warheads Division
	Chf Fire Control Division.
	Dep Director Fire Support Armaments Center.
Close Combat Armament Center .....	Chief Artillery Armaments Division.
	Deputy Director, Close Combat Armament Ctr.
Chemical Research, Development & Engineering Center .....	Chief, Light Armament Division.
	Dir Munitions Directorate.
U.S. Army Aviation & Troop Command (ATCOM) .....	Director, Research Directorate.
	Technical Director, Chemical.
	Tech Dir-U.S. Army Aviation Systems Command.
	Director of Engineering.
	Dir Aeroflight Dynamics/Directorate.
	Acquisition Director.
Belvoir Research & Development Center .....	Director of Advanced Systems.
	Assoc Tech Dir for Tech Appl/Dir of Spec Prog.
Natick Research Development & Engineering Center .....	Logistics Director.
	Director of Electronics & Weaponization.
Communications & Elect Comd (CECOM) .....	Technical Director.
	Dir. Combat Engineering Directorate.
U.S. Army Communication Electronics Comm .....	Techn Dir.
	Dir, Individual Protection Directorate.
	Director, Soldier Science Directorate.
	Comptroller.
	Dir Electronic Integration Directorate.
U.S. Army Depot Systems Command (DESCOM) .....	Dir CECOM Ctr for Command, Contrl & Commun Sys.
U.S. Army Research Laboratory .....	Director C3I Acquisition Center
	Dir, E/W. Reconnaissance, Surveillance, TAD.
Operations .....	Dir Center for Signals Warfare.
Advanced Concepts and Plans .....	Director Concurrent Engineering.
Sensors, Signatures, Signal & Info Processing .....	Tech Dir/Dir, RD&E Center.
Electronics & Powers Sources .....	Assoc Techn Dir (Research & Technology).
Battlefield Environment .....	Dir, Comd, Control, C/I (C3I) L&R Center.
Survivability/Lethality Analysis .....	Deputy to the Commander.
Vehicle Structures .....	Dir for C3/Intelligence C3I, Log & Readiness.
Advanced Computing & Information Sciences .....	Deputy to the Commander.
Vehicle Propulsion .....	Executive Director for Materiel Readiness.
U.S. Army Weapons Technology Director (ARL) .....	Technical Director.
	ADCS for Technology Planning & Management.
	Director U.S. Army Research Laboratory.
	Director, S3I Processing.
	Dir Operations Directorate.
	Dir Advanced Concepts & Plans Directorate.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Human Research and Engineering Directorate .....	Directorate Exec, Human R&E Directorate.
Army Research Office (AMC) .....	Director ARO.
	Dir Electronics Div.
	Director, Materials Science Division.
	Dir Physics Div.
	Dir, Mathematical & Computer Sciences Div.
	Dir, Eng & Environmental Sciences Division.
	Dir, Research & Technology Integration.
	Dir Chem & Bio Sci Div.
Organization Abolished .....	Dir-Human Engineering Laboratory.
U.S. Army Materials Directorate (ARL) .....	Dir Army Mtls & Tech Lab.
Organization Abolished .....	Chf-Launch and Flight Division.
U.S. Army Missile Command (MICOM) .....	Director Acquisitions Center.
	Dir, Integrated Material Mgt Ctr.
	Assoc Director for Product Assurance.
	Deputy for Procurement and Readiness.
	Director for Weapons Sciences.
Research Development & Engineering Center .....	Tech Dir from Micom & Dir.
	Dir for System Engineering & Production.
	Director for Advanced Sensors.
	Director for Propulsion Directorate.
	Dir for Systems Simulation & Development.
	Director for Research.
	Associate Director for Systems.
Organization Abolished .....	Deputy to the Commander.
Organization Abolished .....	Director, Logistics Equipment Directorate.
Tank-Automotive Comd (TACOM) .....	Director of Resource Mgt.
	Director of Acquisition Center.
	Technical Director.
	Director of Product Assurance & Test.
	Assistant Deputy for Systems & Logistics.
	Dep to the Commander for Res. Dev & Eng.
	Dep Dir for Engineering & Acquisition.
U.S. Army Test and Evaluation Command, (TECOM) .....	Dir, Tank-Automotive Technology Directorate.
	Scientific Director, Dugway Proving Ground.
	Dir, Redstone Technical Test Center.
	Technical Director Combat Syst Test Activity.
	Technical Director (Electronic Proving Ground).
	Technical Dir, National Range Operations.
	Tech Dir & Chf Sci.
	Technical Director, Yuma Proving Ground.
	Dir for Test and Assessment.
U.S. Army Material Systems Analysis Activity .....	Director.
	Chf Combat Support Div.
	Chf Air Warfare Div.
	Chf, Reliability, Availability & Maintainabil.
	Chf Ground Warfare Division—AMSAA.
	Chf, Logistics Readiness & Analysis Division.
Army Information Systems Command .....	Deputy Chief of Staff for Resource Management.
	Dir, Info Sytems Command Pentagon.
	Technical Director.
Headquarters, U.S. Army, Europe .....	Asst Dep Chf of Staff, Personnel (Civ Pers).
	Asst Dep Chief of Staff Eng for Eng & Housing.
	Asst Dep Chf of Staff, Resource Mgmt USAREUR.
	Asst Dep Chf Staff for Eng (Int'l Affairs).
	Deputy & Technical Director, FSTC.
	Deputy for Policy & Development.
ACISA, NATO .....	Asst Dir, Command, Control and Comms Syst.
Joint Logistics .....	Principal Deputy to the Commander.
Organization Abolished .....	Deputy Commandant (Provost).
DOD Wage Fixing Authority .....	Director, Technical Staff.
National Defense University .....	Dir, Information Resources Management College.
U.S. Southern Command .....	Spec Asst for Technology & Requirements Integ.
Department of Navy:	
Office of the Secretary .....	Dep Dir, Naval Investigative Service.
Office of the Under Secretary of the Navy .....	Assistant for Administration.
Office of the Auditor General .....	Auditor General of the Navy.
Naval Audit Service .....	Director, Plans and Policy.
	Dir, Naval Audit Service Western Region.
	Dir, Naval Audit Service Capital Region.
	Director, Audit Operations.
Office of Civilian Personnel Management .....	Dir, Civilian Personnel Programs Division.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
OAS of the Navy (Research, Dev & Acquisition) .....	Dir, Ofc of Civilian Personnel Management. Associate Director (OCPM-30). Associate Director (OCPM-20). Associate Director (OCPM-10). Director, Procurement Policy. Director, Product Integrity. Head, Contract Policy. Dir, Intl Agreements, TTSARB & Special Proj. Director, Acquisition Career Management. Director for AAW & Strike Air Programs. Director for ASW, LASMAP. Dir, Navy International Programs Office. Director, Plans & Programs Division. HD, Guidance Section. Head Fire Control Section. Head Operations Engineering Section. Test & Instrumentation Branch Engineer. Branch Engr, Launcher Branch. HD, Navigation Equip Sect. Chf Engr, Missile Branch. Chf Engr. Br Engr Fire Control & Guidance Br. Branch Engr, Ship Installation & Design Br. Dep Prog Mgr, Seawolf Class Submne Acq Prog. Asst Dep Comm ASW & Undersea Warfare Sys. Prog Mgr, MK-50 Torpedo Prog Ofc. Sect Head, Reentry Systems Sect. Missile Br. Deputy Logistics Support Coordinator. Dep P/E Officer for Unmanned Aerial Vehicles. Dep Prog Exec Ofcr, Space, Comms & Sensors. Deputy Director, Plans & Programs Division. Head, Resources Branch. Branch Engineer, Navigation Branch. Dep P/E Officer for Cruise Missiles Program. Prog Manager for Comm Satellite Programs. Dep Prog Officer Submarines. Program Executive Officer, Undersea Warfare. Asst for Systems Integration & Compatibility. Dep Prog Exec Ofcr for ASW, A/S Mission Prog. Dep Prog Exec Ofcr for Tactical Air Programs. Dep Prog Exec Officer Mine Warfare. Prog Exec Officer for Space Comms & Sensors. Aegis Deputy Program Manager. Prog Exec Officer ASW Assault & Spec Miss Pro. Asst Dep Comr & Dep Prog Mgr—Ship Self Def. Chief Engineer, PEO. SCS.
Program Executive Officers .....	S/A for Cost A/T Dir, Naval Ctr for Cost Anal. Assoc Dir, Budget & Reports/Fiscal Manag Div. Asst General Counsel (Financial Management). Dir, Investment & Dev Div. Dir, Budget & Mgmt, Policy and Procedures Div. Dir, Ofc of Fin Mgt Syst. Dir, Budget Evaluation Group. Dir Resource Allocation & Analysis Division. Director, Civilian-Contractor Manpower Div.
Naval Center for Cost Analysis .....	Deputy Naval Inspector General. Asst Gen Coun (Res, Dev & Acquisition). Asst General Counsel (Install & Environment). Assist Gen Coun (Manpower & Reserve Affairs).
Office of the Comptroller of the Navy .....	Dir Naval Criminal Invest Service. Asst Dir of Counterintelligence. Regional Director, NCIS Eastern Region. Regional Director, NCIS Western Region. Asst Dir of Criminal Investigation.
Office of the Naval Inspector General .....	Dir, Total Force Info Res & Sys Mgmt Div. Head, Studies & Analysis Branch. Associate Dir Spectrum Management & Policy. Asst Dir for Readiness Appraisal.
Office of the General Counsel .....	Tech Dir, Submarine & SSBN Security Program. Technical Director. Technical Director. Advisor for Research & Development Programs.
Naval Criminal Investigative Service .....	
Chief of Naval Operations .....	

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
	Deputy Director of Naval Intelligence. Spec Asst for Aviation Budget and Acquisition. Advanced Technology Advisor. Executive Assistant. Dep Dir, Supportability, M&M Division. Deputy Director for Programming. Assoc Dir, Expeditionary Warfare Division. Dir Naval History/Dir, Naval Historical Ctr. Director Resources Division. Special Asst for Technology and Analysis. D/Dir Joint Operatnl Logis Plans & Progs Div. Head, Logistics & Fleet Support Branch. Head Deep Submergence Systems Branch. Director, Advanced Tech Dev Branch. Director Strategic Sealift Division. Asst for Educational Resources. CNO Executive for Total Quality Management. Techn Dir, Naval Warfare Anal A/F Level Plans. Asst for World Navies and Analysis.
Bureau of Naval Personnel .....	ACNP for MPN Financial Management.
Organization Abolished .....	Technical Director, NPRDC.
Naval Observatory .....	Dir, Time Service Div.
Naval Data Automation Command Headquarters .....	Technical Director.
Naval Technical Intelligence Center .....	Technical Director.
Bureau of Medicine & Surgery .....	Director of Analysis.
Organization Abolished .....	Dep Commander for Fin Mgmt & Comptroller.
Military Sealift Command .....	Career Reserved Positions.
	Scientific Director.
	Counsel.
	Engineering Officer.
	Comptroller.
	Deputy Commander.
Naval Tactical Support Activity .....	Dir Navy Tactical Support Acty.
Naval Oceanography Command .....	Technical/Deputy Director.
Organization Abolished .....	Technical Director.
Ofc of Commander-In-Chf/Allied Forces/Southern Eur .....	Director, Tactical Development & Training.
Office of the Commander-In-Chief, U.S. Pacific Fleet .....	Deputy Fleet Inspector General.
	Shore Facilities Management Officer.
Ofc of the Commander-In-Chief, U.S. Pacific Command .....	Scientific Advisor.
	Chief, Research & Analysis.
Ofc of the Chief of Naval Education and Training .....	Comptroller.
Executive Development Cadre .....	Director NROTC Selection and Placement.
	Technology Assessment Consultant.
	Senior Quality Executive.
	Spec Asst to the Chf Engineer of the Navy.
Naval Air Systems Command Headquarters .....	Dep Dir, Fleet Support & Field Activity Mgmt.
	Executive Director, Management, Plans & Progr.
	Exec Dir Acquisition Mgt.
	Executive Director for Contracts.
	Deputy Comptroller.
	Counsel, Naval Air Systems Command.
	Assoc Director Weapons Sys Eng Division.
	Dir Prod Integrity & Production Eng Division.
	Tec Dir Avionics Systems Eng Division.
	Dir Weapons Advanced Technology.
	Dir, Evaluation Div.
	Techn Dir, Res & Techn.
	Technical Director Air Vehicle Division.
	Assoc Dir, Logistics Management Division.
	Combat Aircraft Contracts Director.
	Dir, Missile Weapons Systems Contracts Div.
	Dir, Systems Acquisition Directorate.
	Special Asst for Tom.
	Director Cost Analysis Division.
	Dir, Surveillance and Avionics Division.
	Dir for Systems Definition & Alternatives.
	Director, Aircraft Division.
	Associate Dir Propulsion & Power Division.
	Assoc Dir for Systems Engineering Management.
	Deputy Commander, Naval Air Sys Command.
	Dir Cruise Missile Contracts Division.
	Director, Procurement Budget Division.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Naval Air Warfare Center ..... Naval Air Warfare Center Aircraft Division Warminster .....	Director Airborne Weapons Logistics Division. Deputy Counsel, Navair. Exec Director for Aviation Depots. Asst Commander for Corporate Operations Dir, Information Resources Mgmt Division. Dir, ASW/Support A/A Components Contracts Div Technical Director. Head, AVCSTD. Exec Director. Assoc Executive Director. Head, MATD Head, Syst & Software Technology Department. Head, Tectical Air Systems Department. Head, Warfare Systems Analysis Department. Assoc Dep Head A/W D/Head, ASW A/D Division. Executive Director.
Naval Air Warfare Center Aircraft Division Lakehurst ..... Naval Air Warfare Center Aircraft Division .....	Chief Engineer. Executive Director. Director, Range Directorate. Dep Commander, NAWC-Aircraft Division. Executive Director. Dir of Avionic & Electronic Systems Design Director, AESAMT. Dir Sea Range Directorate. Director Weapons Systems Evaluation Direct. Head Electronic Warfare Dep. Dep Comr for Test & Eval, NAWC-Weapons Div. Dir, Threat Simulation Directorate. Head, Attack Weapons Department. Head, Research Department. Director, Land Range Directorate. Head, Aircraft Weapons Integration Dept. Head, Engineering Department. Head, Intercept Weapons Department. Head, Range Department. Dir, Weapons Directorate. Dir, Aircraft Weapons Systems Directorate. Dep Commander for R&D, NAWC-Weapons Division. Head Weapons Planning Group. Dir, Services & Information Directorate. Executive Director.
Naval Air Warfare Center Aircraft Div Indianapolis ..... Naval Air Warfare Center Weapons Div, PT. MUGU, CA .....	Dir of Research & Engineering. Dep Dir of Research & Engineering. Exec Dir, Contracts Tech Dir, Ship & Shore Communications. Tech Dir, Navy Space Project Ofc. Deputy Comptroller. Counsel Space and Naval Warfare Systems Com. Executive Director, Contracts. Technical Director. Chief Eng Comms Sys Program Directorate. Exec Dir, Comm Syst Prog Directorate. Chief Engineer Command Sys Prog Directorate. Tech Dir, Submarine Commun Prog Ofc. Techn Dir, Surveillanc D/A Development Prog. Dep & Techn Dir, NCCS Afloat Prog Office. Assoc Tech Dir for Research & Technology. Exec Dir, Space Technology Directorate. Chief Eng Space Tech Directorate. Exec Dir/Communications Syst Prog Directorate. Exec Dir, Undersea Surveillance Prog Dir. Tech Dir, Warfare Systems Engineering. Chief Eng Undersea Surveillance Prog Direct. Dir of Tech Head Engineering Tech Group. Chief Logis/HD Acquisition & Logis Pol App Grp. Asst Commander for Talesd. Exec Dir Tech Acquist Logistics Eng Supp Dir. Chief Eng SPAWAR. Exec Dir, NWSAED Techn Dir, Satellite Communications Prog Ofc. Tech Dir, Technol A&A Program Directorate. Deputy Commander.
Naval Air Warfare Center Weapons Div, China Lake, CA ..... Naval Training Systems Center .....	Head, Range Department. Director, Land Range Directorate. Head, Aircraft Weapons Integration Dept. Head, Engineering Department. Head, Intercept Weapons Department. Head, Range Department. Dir, Weapons Directorate. Dir, Aircraft Weapons Systems Directorate. Dep Commander for R&D, NAWC-Weapons Division. Head Weapons Planning Group. Dir, Services & Information Directorate. Executive Director.
Space & Naval Warfare System Command .....	Dir of Research & Engineering. Dep Dir of Research & Engineering. Exec Dir, Contracts Tech Dir, Ship & Shore Communications. Tech Dir, Navy Space Project Ofc. Deputy Comptroller. Counsel Space and Naval Warfare Systems Com. Executive Director, Contracts. Technical Director. Chief Eng Comms Sys Program Directorate. Exec Dir, Comm Syst Prog Directorate. Chief Engineer Command Sys Prog Directorate. Tech Dir, Submarine Commun Prog Ofc. Techn Dir, Surveillanc D/A Development Prog. Dep & Techn Dir, NCCS Afloat Prog Office. Assoc Tech Dir for Research & Technology. Exec Dir, Space Technology Directorate. Chief Eng Space Tech Directorate. Exec Dir/Communications Syst Prog Directorate. Exec Dir, Undersea Surveillance Prog Dir. Tech Dir, Warfare Systems Engineering. Chief Eng Undersea Surveillance Prog Direct. Dir of Tech Head Engineering Tech Group. Chief Logis/HD Acquisition & Logis Pol App Grp. Asst Commander for Talesd. Exec Dir Tech Acquist Logistics Eng Supp Dir. Chief Eng SPAWAR. Exec Dir, NWSAED Techn Dir, Satellite Communications Prog Ofc. Tech Dir, Technol A&A Program Directorate. Deputy Commander.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Naval Command Control & Ocean Surveillance Center ..... Naval Command C&O Surveillance Ctr. RDT&E Division .....	Technical Director. Head, Surveillance Dept. Head, Engineering & Computer Sciences Dept. Executive Director. Dep Exec Director. Head, Marine Sciences & Technology Dept. Head, Navigation & Air C3 Department Head, Command and Control Department. Dir, Planning, I&A Office.
Nav Command Control & Ocean Surveil Comm West Coast Div ..... Naval Facilities Engineering Command .....	Executive Director West Coast ISE. Counsel Naval Facilities Engineering Command. Deputy Comptroller. Director for Contracts Support. Chief Engineer. Dir of Real Estate Support. Asst Commander for Construction. Asst Commander for Engineering & Design. Senior Executive for Base Closure Office. Director for Environment. Director, Planning & Engineering Support. Spec Advisor for Res Dev, Test & Evaluation. Executive Director, Broadway Complex.
Naval Facilities Eng Command Western Div ..... Naval Civil Engineering Lab ..... Naval Sea Systems Command .....	Technical Director. Dir, Research Techn & Assessment Ofc. Counsel Naval Sea Systems Command. Asst Dep Commander for Contracts. Dep Prog Mgr & Tech Dir, PMS396B. Executive Director/Deputy Comptroller. Dir Ship Survivability Subgroup. Dir Preliminary Design Div Ast Deputy Dir SDG. Prog Mgr, Mine Warfare Ship Program. Dir, Submarine Systems (S5W & S8G) Division. Director, Reactor Materials Divisions. Director, Secondary Plant Components Division. Head, Advanced Reactor Branch. Dir, Structural Integrity Subgroup. Dir Naval Architecture Group. Deputy Director, Auxiliary Systems Subgroup. Deputy Director, Ship Design Group. Director, Hull Engineering Group. Director Cost Estimating & Analysis. Dir, Shipbuilding Contracts Division. Exec Dir, Industrial & Facility Mgmt Dir. Executive Director, Surface Ship Directorate. Exec Dir Submarine Directorate. Dep Prog Manager & Tech Dir Support Ship Boat. Dir, Reactor Plant Valve Division. Asst Dep Commander, ASW & Mine Warfare Syst. Director, Corporate Operations. Deputy Commander for Fleet Logistics Support. Dir, HRO-CC/Command Asst Human Res Programs. Deputy Director, Supship Management Division. Tech Dir Theater Nuclear Warfare Prog Office Dep Prog Manager Tech Dir Attack Subm Prog. Dep Program Mgr, Surface Ship Prog Mgmt Ofc. Dir, Nuclear Propulsion Logistics Division. Dep Prog Manager, Aircraft Carrier Prog Ofc. Dir, Special Systems Contracts Division. Dir, Product Integrity & Eng Support Group. Dir, Environmental Engineering Group. Director for Submarine Refuelings. Dir Surface Ship Systems Division. Deputy Director, Nuclear Components Div. Dir, Reactor Plant Safety & Analysis Division. Technical Assistant for Surface Ship Systems Dir, Ship Silencing Office. Dir, Ship S & S Integrity Group. Director, Propulsion Systems Group. Dir, Hull Systems Subgroup. Exec Dir, WCS Directorate. Director, Field Operations Subgroup. Director, Machinery Group.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
	Asst Deputy Commander for Combat Sys Eng. Director, Materials Engineering Office. D/D D/T Dir, AMPH & Combat S/S Logistic Div. Dir Electrical Engineering Group. Exec Dir, Anti-Air & Surface Warfare Systems. Exec Dir, Ship Design & Engng Directorate. Prog Mgr, Amphibious W & S Sealift Program. Dir, Naval Shipyard Mgt Group. Dir, Surface Systems Contracts Division. Assoc Director for Regulatory Affairs. Asst Dep Commander, Surface & Area AAW Syst. Exec Dir, AMPH, Aux, Mine & Sealift Ships Dir. Dir, Reactor Refueling Division. Deputy Counsel, Naval Sea Systems Command. Dir, Environmental Protection Office. Director, Ship Signatures Group. Dep Comr, Weapons & Combat Syst Directorate. Director, Auxiliary Systems Group. Dir, Combat Systems Design & Eng Group Prog Mgr, Deep Submergence Syst Prog. Deputy Commander. Dir, Advanced Programs Office.
Naval Ordnance Center ..... Norfolk Naval Shipyard .....	Deputy Commander, Naval Ordnance Center. Naval Shipyard Nuclear Eng Manager. Naval Shipyard Nuclear Eng Mgr Puget Nal Ship.
Naval Surface Warfare Center ..... Naval Undersea Warfare Center ..... Naval Ship Systems Engineering Station ..... Naval Surface Warfare Center, Crane Division ..... Organization Abolished ..... Naval Undersea Warfare Center Div, Keyport, WA .....	Technical Director. Technical Director. Dep Dir, Carderock Division/ Dir, NAVSSES. Executive Director. Technical Director. Executive Director. Chf Res Scientist (Arctic Submarine Tech)
Naval Surface Warfare Center, Pt. Huoneme Division ..... Naval Surface Warfare Center, Indian Head Division ..... Coastal Systems Station .....	Executive Director. Technical Director. Executive Director. Head, Coastal Technology Department. Head, Coastal Eng Test & Operations Depart. Head, Coastal Warfare Systems Department.
Naval Surface Warfare Center, Carderock Division .....	Assoc Dir for Syst Devel/Head, Syst Dept. Director. Assoc Dir for Structures/Head, SSPD. Assoc Dir/Head CMLD. Assoc Dir/Head Ship Acoustics Dept. Assoc Dir/Head PASD. Assoc Dir/Head Ship Hydromechanics Dept. Assoc Dir, Mst/Head, SMED. Assoc Dir/Head, Ship Electro Signatures Dept. Assoc Dir for Tech/Dir of Technology & Plans.
Naval Surface Warfare Center, Dahlgren Division .....	Exec Director. Head, Stagegic & Space Systems Department. Head, Weapons Systems Department. Head, Underwater Systems Department. Head, Combat Systems Department. Assoc Exec Dir for Evaluation. Head Eng & Info Syst Dept. Head, Ship Defense Systems Department. Deputy Executive Director/Business Manager. Head, Weapons Research & Technology Department. Head, Weapons Research & Technology Department. Head, Protective Systems Department. Head, Strike Systems Department. Head, Systems Res & Technology Department Head, Warfare Systems Department. Head, Warfare Analysis Department.
Naval Undersea Warfare Center Division, Newport, RI .....	Head, Submarine Sonar Department. Assoc Tech Dir for Technology. Tech Dir, Consultant Head, Coastal Res & Technology Department. Assoc Tech Dir for Submar Combat Control Acou. Assoc Techn Dir for Submarine Warfare Sys. A/T Dir for Surface Anti-Submarine Warfare ASW. Hd, Submarine Electromagnetic Sys Dept.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Naval Supply Systems Command Hdqtrs .....	Head Combat Control Systems Department. Head Combat Systems Analysis Staff. Counsel. Dir, Defense Printing Serv/Dep Comdr, NAVSUP. Asst Dep Comdr for Fin Mgmt/Comp. Competition Advocate Gen/ADC, Contracting Mgr. Director of Contracting for Special Programs. Dep Commr for Info Resources Management. Dep Commander for Corporate Management. Dir, Advanced Logis Tech Div. Dir, Info Tech Initiatives Division. Executive Director.
Navy Ships Parts Control Center .....	Exec Dir, Acquisition & Logistics Plng & Suppt. Tech Dir for Acquisition Mgt & Planning.
Navy Aviation Supply Office .....	Executive Dir, Logistics Planning & Support. Exec Dir, Acquisition Mgmt & Planning.
Navy Fleet Material Support Office .....	Exec Dir, ADP System Planning and Development.
Naval Supply Center, Norfolk .....	Executive Director, Planning and Resources.
U.S. Marine Corps Headquarters Office .....	Fiscal Dir of the Marine Corps. Dir, Contracts Division. Counsel for the Commandant. Deputy Asst Chief of Staff Intelligence. Asst Dep Chf of Staff for Installations & Log. Asst Dep Chief of Staff for Manpower. Asst Dep Chf of Staff for Requirements & Prog. Executive Director. Comptroller.
Marine Corps Systems Command .....	Executive Director, MAGTEC.
Organization Abolished .....	Executive Dir for Logistics Operations.
Marine Corps Logistics Base, Albany, GA .....	Assoc Dir, ONR/Dir, Research Prog Dept. Dir Anti/Air Anti/Surf Warf & Aerospace Tec Dv. Dir, Fin Mgmt/Comp/Spec Asst (FM) to Asn (R,E&S).
Office of Naval Research .....	Director, Ofc of Naval Research. Dir of Planning and Assessment. Dep Dir for Technology Programs. Director, Computer Science Division. Dir, Ocean Biology/Optics/Chemistry Div. Dir, Office of Advanced Technology. Senior Advisor to the Navy Chair. Dep Chief, Nav Res & Tech Dir Ofc of Nav Res. Director, Technology Directorate. Dir, Industry Independent Res & Dev Direct. Dep Dir, Ont/Dir, Plng & Assess Directorate. Dir, Office of Naval Technology. Executive Dir for Acquisition Management. Deputy Counsel (Patents). Dir Ocean Eng Div. Dir, Industry Independent Res & Devel Dir. Counsel, Office of Naval Research. Director, Physics Division. Director, Chemistry Division. Director, Science Directorate. Dir, Support Technology Directorate. Dir, Cognitive & Neural Sciences Div. Director, Life Sciences Directorate. Director, Biological Sciences Division. Dir, Mathematical & Physical Sciences Dir. Dir, Mathematical Sciences Division. Dir, Engineering Sciences Directorate. Director, Electronics Division. Dir Geo-Acoustics/Arctic Sciences Div. Dir Ocean & Atmospheric Physics Div. Dir Ocean Science Directorate. Deputy Comptroller. Chief Scientist. Deputy Director, Technology Directorate. Dir Anti Submarine Warfare & Undersea Tech. Director, Materials Division. Dir, University Business Affairs. Dir, Operations Resources & Magnt Dir. Spec Asst to the Dir, ONR for Oceans Sciences. Dir, Applied Physics Field Division.
Organization Abolished .....	

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Organization Abolished ..... Naval Research Laboratory Stennis Space Center .....	Dir, Ofc of Naval Res Liaison Ofc, Far East Technical Director. Head, Ofc of Syst Support & Requirements. Superintendent, Marine Meteorology Division. Assoc Tech Dir&Dir, Ocean Science Directorate. Assoc Tech Dir&Dir Ocean Acoustics & Tech Dir. Director NATO Saclant ASW Research Center. Superintendent, Chemistry Division Superintendent, Optical Sciences Div. Supt Materials Sci and Tech Division. Superintendent, Plasma Physics Div. Supt Condensed Matter & Radiation Sci Div. Assoc Dir of Res for Matl Sci & Comp Technol. Superintendent, Info Technol Div. Dir, Navy Tech Ctr for Safety & Survivability. Chf Sci, Lab for Structure of Matter. Dir of Research. Superintendent Space Science Div. Supt, Radar Div. Assoc Dir of Res for Gen Sci & Technol. Supt, Acoustics Div. Superintendent Electronics Technology Div. Supt. Tactical Electronic Warfare Div. Supt Underwater Sound Reference Division. Chief Scientist Lab for Compt Phy Fluid Dynam. Chf Scientist & Head, Solar Physics Program. Superintendent, Remote Sensing Division. Assoc Dir of Res for Business Operations. Chief Sci & Head, Beam Physics Program. Mgr, Joint Space Systems Technology Programs. Assoc Dir Res for Ocean & Atmospheric Sci Tec. Superintendent, Space Syst Technology Dep. Head Elect Warfare Strategic Planning Org. Assoc Dir of Research for Strategic Planning. Assoc Dir of Res for Gen S&S Syst Technol. Assoc Dir of Res for Warfare Sys & Senors Res. Superintendent, Space Syst Development Dep. Superintendent, Spacecraft Engineering Dep. Dir, Naval Center for Space Technology. Chief Scientist for Telecom & Director.
Defense Nuclear Facilities Safety Board:	Asst Dir for Materials P&E Restoration Prog. Assistant Director for Engineering. Assistant Director for Weapons Programs. Assistant Director for Standards. Site Review Officer. Dep Gen Counsel for Pol & Litigation. Chief, Health Physics Branch. Deputy General Manager.
Department of Education:	Director, Grants and Contracts Service. Deputy Director for Financial Management. Dir Admin Resource Management Service. Director Personnel Management Service. Chairperson, Education Appeal Board. Assistant Inspector General for Audits. Asst Insp Gen for Policy Plng & Mgmt Serv. Asst Inspector General for Investigation. Dep Asst Insp Gen for Audit Operations. Dep Asst Inspector Gen for Techn Audit Svc. Associate Inspector General. Dep Asst Inspector General for Investigation. Asst General Counsel for Educational Equity. Asst Gen Counsel for Regulations. Asst Gen Coun for Div of Legislative Counsel. Asst Gen Coun for Postsecondary Ed & Ed Res. Senior Advisor on Library Programs. Admr, Natl Center for Educational Statistics. Assoc Comr, Elem/Second Educ Stat Division. Assoc Comr, Data Collection & Dissemination. Assoc Comr for Stat Std & Methodology Div. Assoc Comm Education Assessment Division.
Chief Financial Officer .....	
Office of Human Resources and Administration .....	
Inspector General .....	
General Counsel .....	
Educational Research and Improvement .....	
National Center for Education Statistics .....	

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Department of Energy:	
Office of Economic Impact & Diversity .....	Dir of Sm and Disadv Bus Utiliz.
Office of Hearings & Appeals .....	Dep Dir for Legal Analysis.
	Dep Dir for Financial Analysis.
	Dep Dir for Econ Analysis.
Associate Deputy Secretary for Field Management .....	Dir, Prog/Const Mgm, Proce & Operations Div.
	Director, Policy Development Division.
	Dir, Office of Contractor Employee Protection.
Albuquerque Operations Office .....	Dir, Weapons Quality Division.
	Dir Transportation Safeguards Div.
	Dir Budget & Resources Mgmt Div.
	Dir, Production Assurance & Ops Division.
	Dir, Weapons Programs Div.
	Project Manager, WIPP Project Site Office.
	Dir of Emergency Plans & Operations.
	Asst Manager.
	Dir Ofc Mgt Plan & Analysis.
	Dir, Waste Mgmt & Operational Surety Div.
Chicago Operations Office .....	Carlsbad Area Office Manager.
	Assist Manager for Administration.
Idaho Operations Office .....	Area Manager Batavia Area Office.
	Deputy Manager for Business Management.
Nevada Operations Office .....	Chief Financial Officer.
	Chief Counsel.
Oak Ridge Operations Office .....	Assistant Manager for Administration.
	Asst Manager for Administration.
	Chief Financial Officer.
Richland Operations Office .....	Asst Mgr for Admin.
	Assistant Manager for Operations.
	Assistant Manager for Technical Support.
	Assistant Manager for Projects.
San Francisco Operations Office .....	Asst Mgr for Admin.
Savannah River Operations Office .....	Asst Mgr for Admin.
	Asst Mgr for Site Safeguards & Security.
	Chief Financial Officer.
Office of Inspector General .....	Asst Inspector Gen for Inspections & Analysis.
	Asst Inspector General for Investigations.
	Manager, Western Regional Audit Office.
	Director Program Development Division.
	Manager, Eastern Regional Audit Office.
	Director Audit Management Division.
	Dir Capitol Regional Audit Office.
	Deputy Asst Inspector Gen for Investigations.
	Spec Asst for Policy and Planning.
	Counsel to the Inspector General.
	Asst Inspec Gen for Pol & Ping & Mgt.
Energy Information Administration .....	Director, EIA-ADP Services Staff.
	Dir, Ofc of Oil and Gas.
	Director Petroleum Supply Division.
	Dir Ofc of Coal Nucl Elec & Altern Fuels.
	Director, Ofc of Energy Markets & End Use.
	Director, Economics & Statistics Division.
	Dir Ofc of Statistical Standards.
	Director Quality Assurance Division.
	Dir Reserves and Natural Gas Division.
	Director Petroleum Marketing division.
	Dir, Ofc of Integration Natl & Forecasting.
	Dir, EEUUSD.
	Dir Energy Supply & Conversion Div.
	Dir Analysis and Systems Div.
Asst Secretary Energy Efficiency & Renewable Energy .....	Dir, Energy Demand & Integration Div.
	Dir, Survey Mgmt Div.
	Dir, Geothermal Division.
	Dir, Wind/Hydro/Ocean Technology Division.
	Dir, Ofc Solar Energy Conversion.
	Assoc Dep Asst Secretary for Utility Tech.
Asst Secretary Environment, Safety & Health .....	Dir Ofc of Waste Reduction Tech.
	Director, Office of Environmental Audit.
	Dir Nuclear Safety Enforcement Division.
	Dep Dir Invest Nuclear Safety Enforcement Div.
	Dir Nuclear Operations & Analysis.
	Dir Office of Environmental Compliance.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Assistant Secretary Defense Programs .....	Assoc Dep Asst Secy for Military Application. Director Ofc Mgmt Support. Dir Ofc of Program Analysis & Financial Mgmt. Dep Mgr Rocky Flats Office. Asst Mgr for Environmental Mgmt. Technical Director. Dir. Ofc of Environ Safety H & Q Assurance. Dir, Ofc of Res, Development & Testing Facil. Nuclear Weapons Complex Project Manager. Deputy Dir Ofc Self Assess & Emergency Mgmt. Dir Ofc of Field Security Oversight. Dir Office of Inspections.
Organization Abolished .....	Manager, Rocky Flats Office.
Office of Energy Research .....	Dir Engr Math and Geo Sci Div.
	Dir Chem Sci Div.
	Dir Mat Sci Div.
	Chf Processes and Tech Br.
	Dir High En Physics Div.
	Director for Management.
	Dir Health Effects Research Division.
	Assoc Dir, Ofc of Scientific Computing.
	Deputy Dir for Nuclear Safety Safeguard.
	Dir, International Programs Staff.
	Dir, Confinement Systems Div.
	Dir, Office of Assessment & Support.
	Assoc Dir for Superconducting Super Collide.
Assistant Secretary Fossil Energy .....	Director, Ofc of Resource Management.
Office of Nuclear Energy .....	Dir Submarine Systems Div.
	Dir Instrumentation & Control Div.
	Director Office of Resources Management.
	Dep Dir Kesseling/Windsor/Site/CGN/S6G REC SV
	Asst Program Manager for Surface Ships.
	Deputy Director for Naval Reactors.
	Sr. Naval Reactors Rep. (NWPT News).
	Prog Mgr for Prototypes & Sapso.
	Senior Naval Reactors Rep (Pearl Harbor).
	Asst Chief Physicist.
	Director Nuclear Technology Div.
	Dir Reactor Engineering Division.
	Head, Core Manufacturing Branch.
	Dep Director Reactor Materials Division.
	Director, Fiscal Division.
	Asst Manager for Operations.
	Program Manager for Shipyard Matters.
	Dir Nuclear Components Division.
	Senior Naval Reactors Representative.
	Manager, Idaho Branch Office.
	Prog Manager for Advanced Submarines.
	Dir Isotope Production & Distribution Prog.
	Head Advanced Concepts Branch.
	Asst Manager for Operations.
	Senior Naval Reactors Representative.
	Engel Walter P.
	Director Acquisition Division.
	Dep Program Manager for Shipyard Operations.
Assistant Secretary, Human Resources & Administration .....	Dir Ofc of Industrial Relations.
	Dir Management Sys Analysis Div.
	Director, Management Systems Division.
	Dir Ofc of Admin Svcs.
	Dep Dir Ofc of ADP Mgmt.
	Dir Ofc of Procurement Operations.
	Dir, Organization & Manpower Analysis Div.
	Dep Dir, Ofc of Procurement, A & P Management.
	Dir, Ofc of IRM Pol, Plans, & Oversight.
	Assoc Dir for Proseam/Proj Mgt & Ctrl.
	Dep Dir of Administrative Service (GTN).
	Assoc Dir, Ofc of Procurement, Asst & Property.
	Dep Dir of Administrative Services (Wash, DC).
	Dir of Personnel.
	Dir Ofc of Organization, Res & Facilities Mgt.
	Dep Dir of Personnel.
	Dir Ofc of Information Resources Management.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Office of Civilian Radioactive Waste Management .....	Dir Ofc of Contractor Mgmt & Admin. Dir Ofc of Clearance & Support. Dir Ofc Policy. Dir Ofc of Magnt Review & Assistance. Assoc Dir, Office of System & Compliance. Dir Ofc of Business Management.
Office of New Production Reactors .....	Deputy Dir Ofc of Business Management. Deputy Project Officer.
Asst Secretary Environmental Restoration & Waste Mgmt .....	Director, Office of Research & Development. Assoc DAS for Oversight & Self-Assessment
Office of Intelligence & National Security .....	Dir Ofc of Classification & Technology. Dir Ofc of Security Affairs. Dep Dir, Ofc of Security Affairs.
Office of Chief Financial Officer .....	Dir Ofc of Budget. Dep Dir Ofc of Budget. Dir Ofc of Headquarters Accounting Operations. Director, Budget Operations Division. Dir Ofc of Dep Accounting & Fin Sys Dev. Dir Ofc Compliance and Audit Liaison. Deputy Controller. Controller.
Office of Science Education & Technical Information .....	Dir for University & Science Ed Prog.
Western Area Power Administration .....	Asst Admr for Mgmt Svcs.
Environmental Protection Agency: Ofc of the Asst Admr for Admin & Resources Management .....	Dep Asst Admr for Mgt. Dep Asst Admr for Finance & Acquisition. Director, Environmental Equity Office.
Office of the Comptroller .....	Dir Ofc of the Comptroller. Dir, Financial Mgmt Div. Associate Comptroller. Director, Budget Division. Assoc Dir, Financial Management Division. Dir, Resource Management Division. Dir Ofc of Administration. Deputy Dir Ofc of Administration. Dir, Grants Admin Div. Dir, Facilities & Support Services Division. Director, Management & Organization Division. Dir, New Headquarters Project Staff. Dir, Safety, Health & Environmental Mgmt Div. Dir, Sfty, Health & Environmental Mgmt Div. Dir Ofc of Information Resources Management. Dep Dir Ofc of Information Resources Mgmt. Dir, Administrative Systems Division. Dir, Information Management & Services Div. Director, Program Systems Division. Dir Ofc of Admin and Resources Management. Dep Dir Ofc of Admin & Resources Mgt Rtp Director Office of Administration & Res Mgmt. Director, Office of Data Processing. Director, Office of Human Resource Mgmt. Special Assistant to Director, OHM. Dep Dir for Pol, Programs & Exec Resources. Dep Dir for Operations Comm & Client Services. Dir Exec Res & Spec Prog Div. Dir, Superfund/RCRA Procurement Ops Division. Director, Office of Acquisition Management. Dep Dir, Office of Acquisition Management. Director, Office of Grants & Debarment. Dir Nat'l Enforcement Investigations Center. Special Asst to the Dir Neic. Director, Office of Criminal Enforcement. Dir Ofc Compliance Analysis Prog Operations. Dep Dir, Ofc of Compliance A & P Operations. Dir Water & Agriculture Policy Div. Dir Air & Energy Policy Division. Dir Waste & Chemical Policy Division. Dir, Science, Econ & Statistics Div. Dir Multilateral Staff. Deputy Inspector General. Spec Asst to the Inspector General. Assist Inspector Gen for Investigations.
Office of Administration .....	
Office of Information Resources Management .....	
Ofc of Administration & Resources Mgmt—Cincinnati OH .....	
Office of Administration & Resources Mgmt—Rtp, NC .....	
Office of Human Resource Management .....	
Office of Acquisition Management .....	
Office of Grants and Debarment .....	
National Enforcement Investigations Ctr—Denver .....	
Office of Criminal Enforcement .....	
Office of Compliance Analysis Program Operations .....	
Office of Policy Analysis .....	
Office of Regulatory Management and Evaluation .....	
Office of International Activities .....	
Office of the Inspector General .....	
Office of Investigations .....	

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Office of Acquisition & Assistance Audits .....	Dep Asst Inspector General for Investigations. Asst Inspector General for Audits. Dep Asst Inspector General for Audits.
Office of Management & Technical Assessment .....	Assoc Asst Inspect General for Aquist Asst. Asst Inspector Gen for Mgmt & Tech Assessment.
Office of Wastewater Enforcement and Compliance .....	Director Enforcement Division. Director, Permits Division. Director, Municipal Support Division.
Office of Science and Technology .....	Deputy Director, Municipal Support Division. Senior Science Advisor. Dir, Standards & Applied Science Division.
Office of Wetlands, Oceans and Watersheds .....	Director, Engineering & Analysis Division. Dir, Health & Ecological Criteria Division. Dir, Assessment & Watershed Protection Div.
Office of Ground Water & Drinking Water .....	Dir, Oceans & Coastal Protection Division. Director, Office of Acquisition Management. Dir, E&P Implementation Division.
Office of Waste Programs Enforcement .....	Director, Drinking Water Standards Division. Director, Ground Water Protection Division. Dep Dir, Office of Waste Programs Enforcement.
Office of Solid Waste .....	Dir, Cercla Enforcement Division. Director, RCRA Enforcement Division. Dir, Characterization & Assessment Division.
Office of Emergency and Remedial Response .....	Director, Permits & State Programs Division. Dir, Municipal & Industrial Solid Waste Div. Director, Hazardous Site Evaluation Division.
Office of Air Quality Planning and Standards .....	Dir, Emergency Response Div. Director, Hazardous Site Control Division. Dir, Stationary Source Compliance Division.
Office of Mobile Sources .....	Dir, Emission Standards Division. Assoc Dir for Intermedia & Intgovt Prog. Director, Air Quality Management Division.
Office of Radiation & Indoor Air .....	Director, Technical Support Division. Deputy Dir Ofc of Air Quality Planning & Stds. Director, Emission Control Technology Div.
Office of Atmospheric Programs .....	Director, Certification Division. Dir Manufacturers Operations Division. Dir Field Operations & Support Division.
Ofc of Asst Admr for Pesticides & Toxic Substances .....	Dir, Criteria & Standards Div. Director, Radon Division. Dir Radiation Studies Division.
Office of Pesticides Programs .....	Dir Global Change Division. Director, Acid Rain Division. Dir, Ofc of Program Management Operations.
Office of Pollution Prevention and Toxics .....	Dir, Ofc of Pesticides Programs. Dir—Registration Division. Director—Program Support Division.
Office of Health and Environmental Assessment .....	Dir, Biological & Economic Analysis Division. Sr Science Advisor/Nat'l Laboratory Aud Prog. Senior Advisor. Dir, Spec Review & Reregistration Division.
Environmental Criteria & Assessment Ofc (RTP) .....	Dir Envir Fate and Effects Division. Dir Health Effects Division. Dir Policy & Special Projects Staff.
Environmental Criteria & Assessment Office (CN) .....	Dir, Health & Environmental Rev Div. Director, Environmental Assistance Division. Dir, Economics Exposure and Technology Div.
Atmospheric Rsch & Exposure Assessment Lab, RTP .....	Director, Chemical Control Division. Director, Information Management Division. Dir, Pollution Prevention Div.
Environmental Monitoring Systems Lab-Cincinnati .....	Dir Chemical Screening & Risk Assessment Div. Dir, Chemical Management Division. Director Exposure Assessment Group.
Environmental Monitoring Systems Lab-Las Vegas .....	Director, Human Health Assessment Group. Dir Environmental Criteria & Asses Ofc RTP. Dir, Environmental Criteria & Assessment Ofc.
Air & Energy Engineering Research Laboratory-RTP .....	Dir, Atmospheric Res & Exp Assessment Lab. Dir Environment Monitoring Syst Lab. Dir, Env Monitoring Sys Lab, Las Vegas.
Risk Reduction Engineering Laboratory-Cincinnati .....	Dir Air & Energy Eng Res Lab. Dir Risk Reduction Engineering Laboratory. Dir, Env Research Laboratory Corvallis.
Environmental Research Laboratory-Corvallis .....	

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Environmental Research Laboratory-Athens .....	Dir Environmental Research Lab Athens GA.
Robert B Kerr Environmental Res Laboratory-ADA .....	Dir, Robert S Kerr Environmental Res Lab.
Environmental Research Laboratory-Duluth .....	Dir Environmental Research Lab-Duluth.
Environmental Research Laboratory-Narragansett .....	Senior Science Advisor.
Environmental Research Laboratory-Gulf Breeze .....	Dir, Environmental Res Lab, Narragansett.
Health Effects Research Laboratory-RTP .....	Dir Env Res Lab Gulf Breeze.
Office of Research and Development .....	Dir-Health Effects Research Lab-RTP.
Center for Environmental Research Information .....	Dep Dir Health Effects Res Lab RTP.
Office of Exploratory Research .....	Dir, Ofc of Sci, Planning & Regulatory Eval.
Region I—Boston .....	Dir Center for Environmental Research Info.
Region I—Boston .....	Dir, Ofc of Exploratory Research.
Region I—Boston .....	Director Water Management Division.
Region I—Boston .....	Dir Waste Management Division.
Region I—Boston .....	Regional Counsel.
Region I—Boston .....	Asst Regl Admr for Planning & Management.
Region I—Boston .....	Dir Air Pesticides & Toxics Management Div.
Region II—New York .....	Director, Environmental Services Division.
Region II—New York .....	Director, Water Management Division.
Region II—New York .....	Asst Regl Admr for Policy and Management.
Region II—New York .....	Dir Air & Waste Management Division.
Region II—New York .....	Regional Counsel, Region II, New York.
Region II—New York .....	Dir Office of Emergency & Remedial Response.
Region III—Philadelphia .....	Director, Water Management Division Reg III.
Region III—Philadelphia .....	Regional Counsel.
Region III—Philadelphia .....	Director, Hazardous Waste Mgmt Div.
Region III—Philadelphia .....	Director, Environmental Services Division.
Region III—Philadelphia .....	Asst Reg Admin for Policy & Management.
Region III—Philadelphia .....	Dir, Air Management Division.
Region III—Philadelphia .....	Dir Chesapeake Bay Program Office.
Region IV—Atlanta .....	Dir Water Management Division Region IV.
Region IV—Atlanta .....	Dir Environmental Services Division Region IV.
Region IV—Atlanta .....	Asst Regional Admin for Policy and Mgmt.
Region IV—Atlanta .....	Regional Counsel, Reg IV, Atlanta, Georgia.
Region IV—Atlanta .....	Director Waste Management Division.
Region V—Chicago .....	Dir Air Management Div Region V.
Region V—Chicago .....	Dir Envir Services Div Region V.
Region V—Chicago .....	Dir Water Management Div Region V.
Region V—Chicago .....	Asst Regional Admr for Policy & Management.
Region V—Chicago .....	Regional Counsel.
Region V—Chicago .....	Director, Waste Management Division.
Region V—Chicago .....	Associate Division Director for RCRA.
Region V—Chicago .....	Assoc Div Director for Superfund.
Region VI—Dallas .....	Dir Great Lakes Natl Prog Ofc.
Region VI—Dallas .....	Dir Air & Waste Management Div.
Region VI—Dallas .....	Dir Water Management Division.
Region VI—Dallas .....	Director, Environmental Services Division.
Region VI—Dallas .....	Asst Regional Admr for Management.
Region VI—Dallas .....	Regional Counsel.
Region VII—Kansas City .....	Dir, Air, Pesticides & Toxic Division.
Region VII—Kansas City .....	Regional Counsel.
Region VII—Kansas City .....	Director, Waste Mgmt Division.
Region VII—Kansas City .....	Asst Reg Admin For Policy & Mgmt—Reg VII.
Region VIII—Denver .....	Director, Air and Toxics Division.
Region VIII—Denver .....	Dir Water Management Division.
Region VIII—Denver .....	Regional Counsel.
Region VIII—Denver .....	Dir Air Toxics Division.
Region VIII—Denver .....	Asst Regional Admr for Policy & Management.
Region IX—San Francisco .....	Dir, Environmental Services Division.
Region IX—San Francisco .....	Director, Water Management Division.
Region IX—San Francisco .....	Director, Air Management Division.
Region IX—San Francisco .....	Regional Counsel, Reg IX, San Fran, Cal.
Region X—Seattle .....	Dir, Toxics & Waste Management Div.
Region X—Seattle .....	Asst Regional Admr for Policy & Management.
Region X—Seattle .....	Dir—Water Div Reg X.
Region X—Seattle .....	Regional Counsel.
Region X—Seattle .....	Director Air and Toxics Division.
Region X—Seattle .....	Director, Hazardous Waste Division.
Region X—Seattle .....	Asst Regl Admr for Policy & Management.
Equal Employment Opportunity Commission:	
Office of the Chairman .....	Inspector General.
Office of the Chairman .....	Program Manager.
Office of Federal Operations .....	Dir, Office of Federal Operations.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Field Management—East .....	Director Field Management Programs (East). Program Manager (Baltimore). Dist Dir (New York). Dist Dir (Atlanta). District Director (Detroit). Dist Dir (Miami). Dist Dir (Memphis). Dist Dir—(Birmingham). Dist Dir—(New Orleans). Dist Dir—(Charlotte). Program Manager. Dist Dir—(Philadelphia).
Field Management—West .....	Prog Manager (Dir Field Mgt Programs) (West). Dist Dir (Houston). Dist Dir (San Francisco). Dist Dir (Dallas). Dist Dir (Chicago). Dist Dir—(St Louis). Dist Dir—(Indianapolis). District Director (Los Angeles). Dist Dir—(Denver). Dist Dir—(Phoenix). District Dir—(San Antonio). Program Manager (Seattle). Program Manager (Milwaukee).
Federal Communications Commission: Office of Inspector General .....	Inspector General.
Office of the Managing Director .....	Assoc Managing Director/Human Resources Mgmt.
Mass Media Bureau .....	Chief Audio Services Division. Chief Video Services Division.
Private Radio Bureau .....	Chf, Enforcement Div.
Field Operations Bureau .....	Chief Land Mobile & Microwave Division. Chief Enforcement Division.
Common Carrier Bureau .....	Assistant Bureau Chief for Technology. Chief, Tariff Division.
Ofc of Engineering Technology .....	Asst Bureau Chief (International). Chief Domestic Facilities Division. Chief Accounting & Audits Division. Chief, Spectrum Engineering Division.
Federal Emergency Management Agency:	
Office of the Director .....	Chief Financial Officer. Deputy Chief Financial Officer.
Office of the Inspector General .....	Deputy Inspector General. Asst Inspector General for Auditing.
Office of Management Services .....	Asst Inspector General for Investigations. Director of Security. Dir. Office of Acquisition Management.
National Preparedness Directorate .....	Chief of Staff. Deputy Associate Director. Senior Policy Advisor.
Office of Mobilization Preparedness .....	Asst Assoc Dir Ofc of Mobilization Preparedness.
Office of Analysis & Support .....	Asst Assoc Dir Ofc of Analysis & Support.
Office of Facilities Management .....	Assistant Assoc Director.
Office of Systems Engineering .....	Special Asst for Architecture & Technology. Asst Assoc Dir Ofc of Systems Engineering.
Office of Operations .....	Asst Associate Director Ofc of Operations.
Federal Insurance Administration .....	Deputy Administrator.
Federal Energy Regulatory Commission (DOE):	
Ofc of Chief Accountant .....	Deputy Chief Accountant. Dir Division of Audits. Director, Division of Accounting Systems. Dir, Div of Inspection.
Ofc of Hydropower Licensing .....	
Federal Labor Relations Authority:	
Federal Labor Relations Authority .....	Asst General Counsel (Field Management).
Office of the Chairman .....	Solicitor. Chief Counsel. Asst to the Chm for Prog Dev & New Initiative.
Office of Member .....	Chief Counsel.
Federal Service Impasses Panel .....	Exec Director FSIP.
Ofc of the Executive Director .....	Executive Director.
Ofc of the General Counsel .....	Dir, Information Resources & Research Serv. Deputy General Counsel.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Regional Offices .....	Assoc General Counsel. Asst General Counsel (Appeals). Regional Director—Los Angeles. Asst Gen Counsel, Legal Policy & Advice. Regional Director—Washington, DC. Regional Director—Boston. Regional Director—New York. Regional Director—Atlanta. Regional Director—Dallas. Regional Director, Chicago Illinois. Regional Director, San Francisco. Regional Director, Denver.
Federal Maritime Commission:	
Office of the Members .....	Secretary.
Office of the Managing Director .....	Dep. Managing Dir. Dir, Bureau of Administration. Prog Manager (Dir Bur of Trade M&A). Prog Mgr (Dir Bur of Tariffs C&L). Dir, Bureau of Investigations. Dir, Bureau of Hearing Counsel. Deputy Managing Director.
Federal Retirement Thrift Investment Board:	
	Assistant General Counsel (Admin). Assistant General Counsel (Programs). Director of Investments. Director of Contracts & Administration. Director of Automated Systems. Director of Benefits and Program Analysis. Director of Accounting. Director of Communications.
Federal Trade Commission:	
Office of the Inspector General .....	Inspector General.
Ofc of Executive Director .....	Deputy Exec Dir for Management. Dep Exec Dir for Planning & Information.
General Services Administration:	
Office of the Administrator .....	Dir, Ofc of Small & Disadvantaged Bus Utiliz.
Office of Associate Administrator for Administration .....	Director of Personnel.
	Dir of Administrative Programs & Support.
	Dir Total Quality Management & Training.
	Director of Financial Management.
	Dep Assoc Admr for Network Services.
	Deputy Inspector General.
	Asst Inspector Gen for Auditing.
	Deputy Asst Inspector General for Auditing.
	Counsel to the Inspector General.
	Asst Inspector Gen for Investigations.
	Asst Inspector General for Quality Management.
	Assoc Administrator for Acquisition Policy.
	Dir of Acquis Mgmt and Contract Clearance.
	Dir, Office of GSA Acquisition Policy.
	Dir of Multiple Award Schedule Prog Mgmt.
	Director of Finance.
	Director of Budget.
	Exec Asst to the Chief Financial Officer.
	Deputy Director of Finance.
	Dir of Financial Management Systems.
	Asst Comm for Real Estate Policy/Sales (FPRS).
	Asst Comm for Real Prop Mgmt & Safety.
	Asst Comr for Physical Security & Law Enf.
	Asst Comr for Procurement.
	Asst Comr for Real Property Development.
	Dep Asst Comr for Real Property Development.
	Dep Asst Comm for Real Prop Mgmt & Safety.
	Assistant Commissioner for Planning.
	Asst Comm for Govt Wide Real Prop Relations.
	Spec Asst/Asst Comr for Real Property Dev.
	Asst Comm for Info Resources Procurement.
	Dep Asst Comr for Info Res Mgmt Policy.
	Asst Comr for GSA Info Resources Management.
	Asst Commissioner for Technical Assistance.
	Dep Asst Comr for Regl Telecomm Services.
	Dir of Admin and Planning.
Information Resources Management Service .....	

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Federal Supply Service .....	Asst Commissioner for Customer Svc & Marketing. Asst Commr for Quality and Contract Admin. Asst Commissioner for Commodity Management. Asst Comr for Transportation Property Mgt. Director for Transportation Audits. Asst Commr for Strategic Business Planning. Asst Comm for Distribution Mgt. Dep Asst Commissioner for Commodity Mgr. Das for Transportation & Property Mgmt.
Region 2—New York .....	Asst Reg Admr for Public Blds Service.
Region 3—Philadelphia .....	Asst Reg Admr for Federal Supply Service.
National Capital Region .....	Asst Reg Admr for Public Blds Service Asst Reg Admr for Info Reso Mgmt Ser, NE Zone. Asst Regl Admr Federal Supply Service. Asst Regl Admr for Info Resources Mgmt.
Region 4—Atlanta .....	Asst Reg Admr for Public Blds Service, NCR. Dir of Fed Domes Asst Ctig Staff (IRMS) NCR. Asst Reg Admr for Public Blds Service.
Region 5—Chicago .....	Assistant Reg Admr for Inform Res Mgmt—R-4.
Region 6—Kansas City .....	Asst Reg Admr for Federal Supply & Services.
Region 7—Fort Worth .....	Asst Reg Admr for Public Blds Service.
Region 8—Denver .....	Asst Reg Admr for Public Blds Service.
Region 9—San Francisco .....	Asst Reg Admr for Public Blds Service. Asst Regl Admr for Info Resources Mgmt R-7. Asst Reg Admr for Federal Supply Service.
Region 10—Auburn, Washington .....	Asst Reg Admr for Public Blds Service. Asst Regl Admr for Buildings Services. Asst Reg Admr for Federal Supply Service. Asst Reg Admr for Information Res Management. Asst Regional Administrator, PBS Region 10. Dep Asst Regl Administrator, PBS.
Department of Health and Human Services:	
ODAS for Budget .....	Dir Div of Integrity & Organ Review.
ODAS for Finance .....	Dep Asst Sec. Finance. Dir, Office of Financial Policy. Dir Ofc of Financial Operations.
ODAS for Grants & Acquisition Management .....	Dir Office of Gran & Mgmt. Dept Asst Secy, OGAM.
OAS for Planning and Evaluation .....	Dep to Asst Secy for Plann & Evaluat.
OAS for Personnel Administration .....	Asst Sec for Personnel Administration. Dir, Ofc of Human Relations.
Associate General Counsel Divisions .....	Dir, Center for Human Res Strategic P & P.
Office of the Inspector General .....	Assoc Gen Coun, Business & Adm Law Division. Principal Dep Inspector General.
ODIG for Investigations .....	Asst Inspector Gen For Mgmt & Policy. Dep Insp Gen for Investigations.
ODIG for Audit Services .....	Asst Insp General for Criminal Investigations. Asst Insp Gen for Civil & Adm Remedies. Asst Insp Gen for Investigation P & O.
ODIG for Evaluation & Inspections .....	Dep Inspector General for Audit Services. Asst Inspector Gen for Social Security Audits. Asst Insp Gen for Adm of C/F & Agin Audits. Asst Inspector Gen for Health Care Fin Audits. Asst Inspector Gen for Audit Pol & Oversight. Asst Insp Gen for Public Health Serv Audits. Asst I.G. for Social Security Audits Ofc A/S.
Office of Program Support .....	Dep Insp Gen for Evaluation & Inspections. Asst Insp Gen for Analysis & Inspections. Director, Ofc of Program Support.
Ofc of Information Systems/Child Support Systems .....	Dir Ofc of Financial Management. Dep Dir Ofc of Financial Management.
OAA for Management .....	Dir Ofc of Infor Systems/Child Support Sys. Dir, Office of Financial Management. Chief Actuary. Dir, Bureau of Data Management and Strategy. Dep Dir, Bureau of Data Management & Strategy. Dir, Office of Medicare & Medicaid Cost Est. Dir, Office of Acquisitions and Grants. Deputy Dir, Office of Financial Management. Dep Director, Office of the Actuary.
OAA for Operations .....	Dir Ofc of Prog Adm, Bur of Prog Operations. Director, Office of Financial Operations.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
OAA for Program Development .....	Dir Ofc of Contracting & Financial Management. Dir Ofc of Medicare Benefits Admin. Dir Office of Demonstrations and Evaluations. Dir, Office of Research.
OAS for Health .....	Deputy Director, Office of Management. Director, Office of Resource Management. Dir, Div of Public Health Service Budget. Director, Office of Research Integrity. Deputy Director, Office of Research Integrity.
Regional Administrators .....	Regl Health Administrator.
Organization Abolished .....	Associate Dir for Special Program Operations.
Substance Abuse & Mental Health Services Administration .....	Assoc Director for Services Research. Assoc Admr for Extramural Programs.
Center for Substance Abuse Prevention .....	Dir Div of Comm Prevention & Training. Director, Division of Workplace Programs.
Center for Mental Health Services .....	Dir, Div of Demonstration for High Risk Pop. Chief Retrovirus Branch.
Center for Substance Abuse Treatment .....	Dir Div of Stste & Community Systems Develop. Dir, Ofc of Scientific Analysis & Evaluation.
Centers for Disease Control & Prevention .....	Senior Advisor for Public Health Management. Senior Advisor for Preventive Health Services. Director, Financial Management Office.
Center for Infectious Diseases .....	Asst Dir for Laboratory Science.
Natl Institute for Occupational Safety & Health .....	Assistant Director for Science. Executive Officer, NIOSH.
Center for Env Health & Injury Control .....	Dir Div of Environmental Health Lab Sciences.
Center for Prevention Services .....	Dir Div. of STD/HIV Prevention.
National Center for Health Statistics .....	Assoc Dir for Analysis & Epidemiology. Associate Dir, Ofc of P&E Programs. Assoc Dir for Research & Methodology. Assoc Dir, Ofc of Vital & Health Stats Syst. Assoc Dir for Internal Statistics.
Center for Biological Evaluation & Research .....	Dir, Div of Blood Collection & Processing. Dir, Office of Biologics Research. Dir, Div of Biochemistry & Biologics Research. Director, Division of Bacterial Products. Dep Dir, Ofc of Biological Product Review. Dir Div of Bind, Ofc of Biological Prod Rev. Dir, Div of Biostatistics & Epidemiology. Dir, Div of Allergenic Products/Parasitology. Dir, Ofc of Vaccines Research & Review. Dir Ofc of Therapeutics Research & Review.
Center for Drug Evaluation & Research .....	Director, Office of Management. Dir, Office of Drug Evaluation I. Dep Dir for Program Management. Dir, Div of Cardio-Renal Drug Products. Dir, Div of Neuropharmacological Drug Prod. Dir, Div of G&C Drug Products. Dir, Div of Ancology & Pulmonary Drug Prod. Director, Office of Drug Standards. Dep Dir, Office of Drug Standards. Dir, Division of OTC Drug Evaluation. Director, Office of Generic Drugs. Dep Dir, Office of Generic Drugs. Dir, Monograph Review Staff. Dir, Ofc of Over-The-Counter Drug Evaluation. Dep Dir, Ofc of Epidemiology & Biostatistics. Dir Div of Biometrics. Dir, Office of Drug Evaluation II. Dep Dir, Office of Drug Evaluation II. Dir, Div of M&E Drug Products. Dir, Div of Anti-Infective Drug Products. Dir, Div of Anti-Viral Drug Products. Director, Office of Compliance. Dir, Div of Scientific Investigations. Director, Office of Research Resources. Director, Division of Biopharmaceutics. Dep Dir, Office of Research Resources. Assoc Director for Science & Medical Affairs. Director, Product Policy Staff. Director, Office of Seafood. Director, Office of Special Research Skills.
Center for Drug Evaluation & Research .....	
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Center for Drug Evaluation & Research .....	
Center for Food Safety & Applied Nutrition .....	

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
	Director, Div of Toxicological Research. Director, Office of Physical Sciences. Dir, Office of Nutrition & Food Sciences. Director, Division of Nutrition. Director, Office of Compliance. Dir, Ofc of Plant & Dairy Foods & Beverages. Director, Office of Food Labeling. Dir. Ofc of Pol. P&S Initiatives.
Center for Devices & Radiological Health .....	Dir, Office of Standards & Regulations. Dir, Div of Surgical & Rehabilitation Devices. Dir, Division of Cardiovascular Devices. Dir, Div of General & Restorative Devices. Dir, Office of Compliance and Surveillance. Dir, Office of Science and Technology.
Center for Veterinary Medicine .....	Dep Dir, Ofc of Science & Technology. Dep Dir, Ofc of Surveillance & Compliance. Director, Office of Science. Director, Office of Surveillance. Dir, Ofc of New Animal Drug Evaluation. Dep Dir for HFSCS.
Office of Regulatory Affairs .....	Dep Dir, Therapeutic & Production Drug Review. Dir, Div of Biometrics & Production Drugs. Assoc Comr for Regulatory Affairs. Dep Assoc Comr for Regulatory Affairs. Regl Food & Drug Director, NE Region. Regl Food & Drug Director, Mid-Atlantic Region. Regl Food & Drug Director, Southeast Region. Regl Food & Drug Director, Midwest Region. Regl Food & Drug Director, Southwest Region. Regl Food & Drug Director, Pacific Region.
National Center for Toxicological Research .....	Director, Div of Biometry.
Office of Health Affairs .....	Director, Office of Research.
Office of Management .....	Director Med Staff, Ofc of Health Affairs.
Organization Abolished .....	Dir, Parklawn Computer Center
Bureau of Health Resources Development .....	Dir Ofc Device Evaluation.
Office of the Director .....	Dep Dir, Bureau of Health Resources Dev.
	Director, Div of Financial Management.
	Director, Division of Contracts & Grants.
	Associate Director for Extramural Affairs.
	Associate Director for Disease Prevention.
	Dir, Ofc of Medical Applications of Research.
	Dir, Office of Scientific Integrity.
	Deputy Director for Management, NIH.
	Dep Dir for Sci Pol & Technology Transfer.
	Assoc Dir for Information Resource Mgmt.
Nat'l Heart, Lung, & Blood Institute .....	Assoc Director for Review.
	Assoc Dir Epidemiology & Biometry Program.
	Chief, Sickle Cell Disease Br.
	Dir Div of Lung Diseases.
	Dir, Div of Blood Diseases & Resources.
	Dir, A/Sclerosis, Hypertension & Lip Met Prog.
	Dep Director Div of Extramural Affairs.
	Director, Division of Extramural Affairs.
	Assoc Dir for International Programs.
Intramural Research .....	Chief, Biostatistics Research Branch.
	Dir, Division of Intramural Research.
	Chf Lab of Biochemical Genetics.
	Chf Lab of Biochemistry.
	Chief Lab of Biophysical Chemistry.
	Chief, Laboratory of Chemical Pharmacology.
	Chief Macromolecules Section.
	Chf, Intermediary M&B Section.
	Chief, Laboratory of Cellular Metabolism.
	Chf, Lab of Kidney & Electrolyte Metabolism.
	Chief Lab of Cardiac Energetics.
Division of Cancer Biology, Diagnosis and Centers .....	Dir, Div of Cancer Biology Diagnosis & Ctrs.
	Dep Dir, Div of Cancer Biology Diag & Centers.
	Chf, Microbial G&B Section, Lab of Biochem.
	Chief, Lab of Biochem Intramural Res Prog.
	Assoc Dir, Extramural Research Program.
	Chief, Dermatology Br, Intramural Res Prog.
	Chief, Cell Mediated Immunity Section.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Division of Cancer Etiology .....	Chief, Lab of Tumor & Biol Immunology, IRP. Assoc Dir, Ctrs Training & Resources Prog. Chief, Laboratory of Molecular Biology. Dir, Div of Cancer Etiology. Chief Lab of Biology. Chief Clinical Epidemiology Branch. Chief Laboratory of Molecular Carcinogenesis. Chf Lab of Experimental Pathology. Head, Math Statistics & Applied Mathematics S. Head In Vitro Carcinogenesis Section.
Division of Cancer Prevention & Control .....	Dep Dir, Div of Cancer Prevention & Control. Associate Dir, Surveillance Program, DCPC. Assoc Dir, Cancer Control Sci Program, DCPC. Assoc Dir, Early D&C Oncology Program.
Division of Extramural Activities .....	Dir, Div of Extramural Activities.
Division of Cancer Treatment .....	Deputy Dir, Div of Extramural Activities. Assoc Dir Developmental Therapeutics Prog. Chf-Radiation Oncology BR.
Natl Institute of Diabetes & Digestive & Kidney Dis .....	Assoc Dir Radiation Research Program. Dir Div Kidney Urologic & Hematologic Diseases. Dir Division of Extramural Activities. Assoc Director for Research & Assessment. Assoc Dir Disease Prevention Technol Transfer. Assoc Dir for Mgt & Operations.
Intramural Research .....	Chief Section on Biochemical Mechanisms. Chf Sect on Metabolic Enzymes. Chf Sect on Physical Chemistry. Chief, Section on Molecular Structure. Sr Res Physicist, Mathematical Research Br. Senior Research Chemist. Chief Theoretical Biophysics Section. Chief, Laboratory of Bio-Organic Chemistry. Chief, Oxidation Mechanisms Section LBC. Chief, Laboratory of Biochemistry & Metabolism. Chf, Sec on Nuclear Mag Res, Lab/Chem Physics. Clinical Dir & Chief, Kidney Disease Section. Chief, Section on Molecular Biophysics. Chf, Sec Carbohydrates Lab of Chemistry/NIDDK. Chief, Metabolic Diseases Branch. Chief, Laboratory of Neuroscience, NIDDK. Chief Epidemiology & Clinical Research Branch. Chf, Laboratory of Medicinal Chemistry.
Natl Inst of Arthr & Musculoskeletal & Skin Diseases .....	Chief, Morphogenesis Section. Chf, Lab of Physical Biology. Director, Extramural Program. Deputy Dir.
National Library of Medicine .....	Chief, Laboratory of Structural Biology Res. Chief, Laboratory of Skin Biology. Dep Dir, Natl Lib of Medicine. Dep Dir for Res and Education. Associate Director for Library Operations. Assoc Dir for Extramural Programs. Assoc Dir, Specialized Info Services. Dep Dir Lister Hill Natl Ctr for Biomed Comms. Director, Information Systems. Dir Natl Ctr for Biotech Info.
Natl Inst of Allergy & Infectious Diseases .....	Assoc Dir for Health & Info Prog Development. Dir, Div of Allergy/Immunology/Transplantatn. Chf, Lab of Parasitic Diseases. Dir, Div of Microbiology/Infectious Diseases. Chief, Lab of Immunogenetics. Dir, Div of Extramural Activities. Ch, Lab of Microbial Structure and Function. Chief Lab of Molecular Microbiology. Dir, Div Acquired Immunodeficiency Syndrome. Assoc Dir for Administration & Operations. Deputy Dir, Division of Extramural Activities. Chief, Biological Resources Branch. Head, Lymphocyte Biology Section. Chief, Laboratory of Infectious Diseases. Head Experimental Pathology Section. Dep Dir Div of Acquired Immunodeficiency.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Natl Inst on Aging .....	Head Epidemiology Section. Chief, Laboratory of Malaria Research. Scientific Director Gerontology Rsch Cntr. Clin Director and Chief Clin Physiology Br. Chief Lab of Cellular & Molecular Biology. Associate Dir for Behavioral Sciences Res. Assoc Dir Biology of Aging Program. Assoc Dir, Office of Extramural Affairs. Assoc Dir, Epidemi, Demo, & Biometry Program. Assoc Dir, Ofc of Plnng, A & I Activities. Assoc Dir Neurosci & Neuropsych of Aging Prog.
Natl Inst of Child Health & Human Development .....	Chief, Laboratory of Molecular Genetics. Dep Dir Center for Population Res. Chf, Endocrinology & Reproduction Research Br. Director Ctr Forres for Mothers & Children. Director Cntr for Population Research. Chief, Section on Growth Factors. Assoc Dir for Prevention Research. Chief Laboratory of Mammalian Genes & Develop. Chief, Section on Molecular Endocrinology. Chief Section Neuroendocrinology. Chief Section on Microbial Genetics. Chief, Laboratory of Comparative Ethology. Associate Director for Administration.
Natl Inst of Dental Research .....	Dir, Natl Center for Medical Rehab Research. Chief, Laboratory of Immunology. Chf, Enzyme Chemistry Section. Dir, Extramural Program.
Natl Inst of Environmental Health Sciences .....	Chief Neurobiology & Anesthesiology Branch. Chf Lab of Pulmonary Pathobiology. Chief, Lab of Genetics. Head Mutagenesis Section. Head Mammalian Mutagenesis Section. Dir, Div of Biometry and Risk Assessment. Senior Scientific Advisor. Dir, Div of Toxicology Research & Testing. Associate Director for Management. Chief, Signal Transduction Section. Chief Lab of Molecular & Integrative Neurosci. Chief Lab of Molecular Carcinogenesis.
Natl Inst of General Medical Sciences .....	Dir Natl Inst of Environmental Health Science. Dep Dir Natl Institute of General Med Sci. Dir, Cell & Molec Basis of Disease Prog. Dir, Genetics Program. Assoc Dir for Program Activities. Dir Pharmacology & Biorelated Chemistry Pr Br. Dir Bio Phys Sciences Program Branch.
Natl Inst of Neurological Disorders and Stroke .....	Dir, Div of Fundamental Neurosciences. Director, Division of Stroke & Trauma. Associate Director for Administration. Dir, Basic Neurosci Prog/Chf/Lab of Neurochem.
Intramural Research .....	Chf, Lab of Molecular & Cellular Neurobiology. Chief Lab of Central Nervous System Studies. Chf, Dev & Metabolic Neurology Branch. Deputy Chief, Lab of Central Nervous Sys Stud. Hd Cellular Neuropathology Section. Chief, Neuroimaging Branch. Chf, Lab of Neuropathology & Neuroanatomical S. Chf, Surgical Neurology Branch. Chief Biometry & Field Studies Branch. Chief, Laboratory & Nuerobiology. Chief, Laboratory of Neura Control. Chief Brain Structural Platicity Section. Chf, Lab of Viral & Molecular Pathogenesis. Chief Stroke Branch.
Natl Eye Institute .....	Chief Laboratory of Retinal Cell & Mol Biolog. Chief, Lab of Molecular Dev. Biology. Chief, Laboratory of Sensorimotor Research.
Natl Inst on Deafness & Other Communication Disorders .....	Chief, Laboratory of Molecular Biology. Dir, Div of Communication Sciences & Disorder. Dir, Div of Intra Res, Nid & Other Comm Disor Dir, Div of Extram Act, Nid & Other Comm Disco

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
NIH Clinical Center .....	Dep Dir, Nat. Inst on D & O Communications Dis Assoc Dir for Clinical Care/Dir, Clinical Ctr Health Systems Administrator.
Division of Computer Research & Tech .....	Associate Director for Planning. Assoc Chf, Position Emission T & R. Chief, Computer Center Branch.
John E. Forgarty Intl Center .....	Chief, Physical Sciences Lab. Chief, Information Systems Branch. Deputy Director.
National Center for Research Resources .....	Assoc Dir for Intl Advanced Studies. Dep Dir for Extramural Research Resources. Dir, Natl Center for Research Resources.
Division of Research Grants .....	Dir, Gen Clinical Res Ctr for Res Resources. Dir, Biomedical Engr & Instrumentation Branch. Associate Director for Referral and Review.
National Center for Nursing Research .....	Assoc Dir for Statistics & Analysis. Director National Cntr for Nursing Research. Deputy Director.
National Center for Human Genome Research .....	Dir Div of Intramural Res Natl Ctr H G R. Chief Diag Devel Br Natl Ctr Human Gen Res. Chf, Lab of Genetic Dis Res Natl Ctr for Hgr.
National Institute on Drug Abuse .....	Dir, Ofc of Sci Pol, Education & Legislation. Assoc Dir for Planning & Resources Management. Dir, Office of Extramural Program Review.
National Institute of Mental Health .....	Dir, Medications Development Division. Director, Addiction Research Center. Chief, Neuroscience Research Branch.
National Institute on Alcohol Abuse & Alcoholism .....	Dep Dir, National Institute of Mental Health. Associate Director for Special Populations Associate Director for Prevention. Exec Ofcr, Natl Institute of Mental Health
Agency for Health Care Policy & Research .....	Dir, Ofc of Legislative Analysis & Coord. Dir, Div of Neuroscience & Behavioral Sci. Director, Division of Extramural Activities.
Ofc of Actuary .....	Chief, Neuropsychiatry Branch. Chief, Child Psychiatry Branch. Chief, Biological Psychiatry Branch.
Office of Finance, Assessment and Management .....	Chief, Laboratory of Clinical Science. Chief, Section on Histopharmacology. Dir, Natl Institute on Alcohol A&A.
Ofc of Financial Policy & Operations .....	Director, Division of Basic Research. Dir, Div of Biometry & Epidemiology Dir Ctr for Medical Effectiveness Research.
Office of Acquisition and Grants .....	Dir, Ctr for Gen Health Serv Intramural Res. Dir, Ctr Gen Health Svce Extramural Research. Dir, Ofc of Sci & Data Dev/Agcy for Hcp & Res.
Department of Housing and Urban Development:	Chf Actuary. Dep Chief Actuary (Long-Range). Dep Chief Actuary Short Range SSA.
Office of the General Counsel .....	Senior Financial Executive. Assoc Comr. Office of Fin Policy & Operations. Dep Assoc Comm Financial Policy & Operations.
Office of the Inspector General .....	Assoc Commissioner for Acquisition & Grants. Assoc Gen Coun for Program Enforcement. Deputy Inspector General.
Office of the Chief Financial Officer .....	Asst Inspector General for Investigations. Assistant Inspector General for Audit. Asst Inspector General for Management & Pol.
Assistant Secretary for Administration .....	Deputy Asst Inspector Gen for Audit Operation. Dept Asst Inspector Gen for P&O. Dep Assist Inspector General for Investigation.
	Deputy Inspector General for Operations. Deputy Director Office of Finance & Accountg. Chief Financial Officer.
	Adm Comptroller-Dir. Ofc of Fin & Accounting. Dep Chief Financial Officer for Operations Dep Chief Financial Officer for Finance.
	Dir, Section 8 Systems Project Staff. Dep Chief Financial Ofc for Field Operations. Dept Dir Office of Personnel.
	Dir, Ofc of Budget.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Assistant Secy for Housing .....	Dep Dir, Ofc of Budget. Director Ofc of Procurements & Contracts. Dir, Mortgage Insurance Acctng & Serv Group. Dir, Office of Elderly & Assisted Housing. Housing/Fed Housing Adm Comptroller. Dir Ofc of Multifamily Housing Pres Prop Dis. Dir Ofc of Insured Multifamily Housing Devel. Housing-FHA Deputy Comptroller. Dir, Ofc of Pol, P & F Systems Enhancements. Director, Respa Enforcement Unit.
Asst Secy for Fair Housing and Equal Opportunity .....	Director, Office of Evaluation. Director, Office of Investigations.
Asst Secy for Community Planning and Development .....	Dir Ofc of Fair Housing Asst & Voluntary Prog. Dir Office of Environment and Energy. Dir Ofc of Block Grant Asst.
Government National Mortgage Association .....	Director, Office of Economic Development. Vice President for Asset Management. Vice President for Mortgage Backed Securities. Vice President for Finance.
Asst Secy for Public and Indian Housing .....	Gen Dep Asst Secy for Public & Indian Housing. Dir Rental Assistance Division. Public & Indian Housing-Comptroller
Region II New York .....	Dir, Ofc of Construction, Reh & Maintenance. Dir Office of Assisted Housing.
Region IV Atlanta .....	Deputy Public & Indian Housing Comptroller. Manager Buffalo.
Region V Chicago .....	Manager Jacksonville. Manager Columbus. Manager Detroit. Manager Indianapolis. Manager Mn/St Paul. Manager Oklahoma. Manager Los Angeles.
Region VI Fort Worth .....	
Region IX San Francisco .....	
Department of Interior:	
Ofc of the Inspector General .....	Assistant Inspector General for Auditing. Asst Inspector General for Investigations. Deputy Asst Inspector General for Audits. Deputy Assoc Solicitor, General Law.
Ofc of the Solicitor .....	Asst Solicitor Bureau of Parks and Recreation. Special Asst to the Assoc Solicitor—Gen Law. Dep Associate Solicitor—Energy & Resources. Dep Associate Solicitor—Indian Affairs. Asst Dir for Economics. Asst Dir, Program Analysis Staff. Chief, Division of Budget Execution. Chief, Div of Budget Operations (A). Asst Dir for Special Analysis. Dep Agcy Ethics & Audit Coordination Officer. Chief Division of Budget Operations (B). Chief Div of Budget Admin.
Asst Secy for Policy, Budget & Administration .....	Park Manager (Superintendent). Senior Scientist. Science & Technology Advisor. Asst Dir, Design & Construction (Mgr, DSC). Dep Reg Dir Reg & Rsch & Dev. Dep Asst Dir—Pol, Budget, & Administration. Research Director Patuxent Research Center. Spec Asst to the Reg Dir Research & Develop. Resch Dir, Pittsburgh Research Center. Research Dir, Twin Cities Research Ctr. Research Director, Albany Research Ctr. Chief Div of Environmental Technology. Chief Division of Health Safety & Min Tech. Spec Asst to the Dir, Bureau of Mines. Senior Technical Advisor. Chief, Division of Resource Evaluation. Chief, Division of Policy Analysis. Chief Mineral Economist.
Nat'l Park Service .....	Chief Div of Research & Lab Services. Dep Asst Commissioner—Engineering & Research. Director, Policy & Programs. Senior Scientist.
US Fish & Wildlife Service .....	
Bureau of Mines .....	
Bureau of Reclamation .....	

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
U.S. Geological Survey ..... National Mapping Div .....	Deputy Asst Commissioner—Resources Management. Project Manager/Arizona Projects Office. Chief Div Prog Coordination & Finance. Deputy Asst Commissioner Administration. Staff Geologist for NPRA/Alaska Activities. Chief, National Mapping Division. Associate Chief, National Mapping Division. Chief, EROS Data Center. Chief Western Mapping Center. Chief Mid-Continent Mapping Center. Chief Rocky Mountain Mapping Center. Asst Div Chief for Information & Data Svc. Chief Eastern Mapping Center. Asst Div Chf for Program, Budget & Adm. Asst Div Chf for Research. Asst Div Chf for Coordination & Requirements. Asst Div Chief for Production Management. Sr Staff Sci for Mapping & Geographic Data. Chief Hydrologist.
Water Resources Div .....	Assoc Chief Hydrologist. Regl Hydrologist Central Reg Lakewood. Regl Hydrologist Southeastern Region. Regional Hydrologist, Western Region. Regional Hydrologist, Northeastern Region. Asst Chf Hydrologist for Operations. Asst Chief Hydrologist for Scien Info Mgmt. Asst Chf Hydrologist for Water A&D Coord. Asst Chf Hydro for Res & Extnl Coordination. Chief, Natl Water Quality Assessment (NAWQA). Asst Chf Hydrologist/Prog Coord & Tech Supp. Chf, Ofc of Atmospheric Deposition Analysis. Chf, Ofc of Hydrologic Research. Chief, WRSIC Program. Chief Office of Water Quality. Chf, Br of Water Information Transfer. Chief, Office of Ground Water. Chief Office of Surface Water. Chf, National Water Data Exchange Program.
Geologic Div .....	Chief Geologist. Chief, Ofc of Earthquakes, Volcanoes & Engr. Chief, Ofc of Scientific Publications. Assoc Chf Geologist. Chf Ofc of Mineral Resources. Chief, Office of Energy & Marine Geology. Chief Office of International Geology. Chief, Office of Regional Geology. Asst Chief, Ofc of Energy and Marine Geology.
Bureau of Land Management .....	Assistant Chief Geologist for Programs. Deputy Asst Dir Management Services. Director, Boise Interagency Fire Center. Dep Asst Dir Lands & Renewable Resources. Dep Asst Dir Energy & Minerals Resources.
Ofc of Surface Mining Reclam & Enforcement .....	Spec Asst to the Director/ FQI Representative. Dep Asst Dir Eastern Fld Ops (Programs Ops). Asst Dir for Eastern Field Operator.
Minerals Management Service .....	Assistant Director, Western Field Operations. Regional Director, Gulf of Mexico OCS Region. Dep Associate Director for Offshore Leasing. Chief, Leasing Management Division. Regional Manager, Atlantic OCS Region. Regional Manager, Alaska OCS Region. Assistant Assoc Dir for Offshore Minerals Mgt. Regional Manager, Pacific OCS Region. Program Director for Indian Royalty Asst. Dept Associate Dir for Offshore Operations. Dep Assoc Dir for Collection & Disbursement. Prog Dir, Ofc of Strategic & Internatl Minls. Dep Assoc Dir for Audit. Dep Assoc Dir for Valuation & Audit. Deputy Assoc Dir for Compliance.
Asst Secy—Indian Affs ..... Bureau of Indian Affairs .....	Spec Asst to the Asst Secy—Indian Affairs. Asst Dir of Administration (Financial Mgmt).

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
International Development Cooperation Agency:	Special Assistant (Special Projects Officer). Dep to the Dir Indian Education Programs.
Ofc of the Administrator .....	Senior Advisor for Management Improvement.
Ofc of the General Counsel .....	Deputy General Counsel. Ethics Officer.
Office of the Inspector General .....	Asst Inspector General for Security. Asst Inspector General for Investigations. Counsel to the Inspector General. Deputy Inspector General.
Office of Equal Opportunity Programs .....	Dir Ofc of Equal Opportunity Programs.
Directorate for Finance & Administration .....	Assoc Admin for Finance & Admin. Director Office of Financial Mgmt. Deputy Dir Ofc of Financial Management. Dir Office of Information Resource Management. Deputy Director Ofc of Procurement. Director Office of Procurement. Deputy Director Office of Infor Res Manag. Deputy Associate Administrator. Dep. Dir, Office of Hrdm. Dir, Ofc of Admin Services.
Interstate Commerce Commission:	
Office of the Managing Director .....	Assoc Managing Dir & Director of Personnel.
Office of the General Counsel .....	Assoc Gen Counsel—Litigation. Deputy Director—Accounts. Deputy Director—Legal Analysis. Deputy Director—Legal Counsel. Assistant Deputy Director—Legal Counsel. Assistant to the Director.
Organization Abolished .....	
Office of Proceedings .....	
Office of Compliance & Consumer Assistance .....	Assoc. Dir, Ofc of Compliance & Consumer Asst. Director. Dep Dir, Section of Operation & Enforcement. Associate Director Policy & Review. Regional Director (Philadelphia). Regional Director (Chicago). Regional Director (San Francisco). Director, Office of Tariffs.
Regional Offices .....	
Office of Tariffs .....	
Department of Justice:	
Office of the Attorney General .....	Counsel on Professional Responsibility. Dep Counsel on Professional Responsibility. Special Counsel. Special Counsel. Deputy Inspector General. Asst Inspector General for Inspections. Assistant Inspector General for Audit. Assistant Inspector General for Investigation. Asst Inspector Gen for Management & Planning. General Counsel. Dep Asst Inspector General for Investigations. Dir Exec Ofc for Organ Crime Drug Enfor Task. Associate Deputy Attorney General. Asst Attorney General for Administration. Deputy Asst Attorney General. Dep Asst Attorney Gen; Personnel Adm. Asst Atty Gen E&N Resources. Dir, Facilities and Administrative Svc Staff. Associate Asst Attorney General Legal Counsel. Associate Assistant Attorney General. Director Management and Planning Staff. Director, Budget Staff. Senior Management Counsel. Procurement Executive. Senior Policy Advisor. Dep Asst Attorney General, Info Res Mgt. Dir Procurement Services Staff. Dep Asst Attorney General; Controller. Dir Finance Staff. Dep Asst Atty Gen for Debt Collection. Asst Dir, Management & Planning Staff. Director Personnel Staff. Director, Ofc of Atty Pers Mgmt. Director, Computer Services Staff.
Ofc of the Legal Counsel .....	
Office of the Inspector General .....	
Office of the Deputy Attorney General .....	
Justice Management Division .....	
Office of the Controller .....	
Office of Personnel and Administration .....	
Office of Info & Admin Services .....	

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Executive Office for Immigration Review .....	Director, Systems, Policy Staff. Dir, Legal and Informations Systems Staff. Chief Immigration Judge. Assistant to the Director. Chief Admin Hearing Officer.
Office of Litigation .....	Dep Dir of Operations. Chief, Competition Policy Section.
Civil Division .....	Director of Management Programs.
Commercial Litigation Branch .....	Spec Litigation Counsel (Foreign Litigation). Spec Litigation Counsel. Deputy Branch Director/Commercial Litigation.
Federal Programs Branch .....	Deputy Branch Dir Civil Frauds. Special Litigation Counsel (Federal Programs).
Torts Branch .....	Deputy Branch Director (Federal Programs). Spec Litigation Counsel. Spec Litigation Counsel.
Civil Rights Division .....	Special Litigation Counsel (Tort Litigation). Deputy Branch Director.
Office of Environmental Resources .....	Deputy Branch Director. Deputy Branch Director.
Deputy Assistant Attorney General-I .....	Director Office of Consumer Litigation. Special Litigation Counsel. Special Litigation Counsel.
Immigration and Naturalization Service .....	Dep Chf, Environmental Enforcement Section. Deputy Chief. Special Litigation Counsel (Legislative). Sr Trial Attorney. Special Litigation Counsel.
Associate Commissioner for Information Systems .....	Spec Litigation Counsel. Associate Commissioner for Finance.
Associate Commissioner for Examinations .....	Asst Commissioner for Detention & Deportation.
Associate Commissioner for Enforcement .....	Asst Commissioner for Adjudication & Natural.
Executive Associate Commissioner for Management .....	Assistant Commissioner for Border Patrol. Asst Comm for Employer & Labor Relations. Director of Internal Audit. Director of Security.
Ofc of the Associate Attorney General .....	Assoc Comr for Human Resources & Admin. Asst Comr, Budget.
Executive Ofc for U.S. Attorneys .....	Assistant Commissioner for Records Systems. Asst Comm for Inspections.
Criminal Division .....	Assistant Commissioner for Investigations. Asst Commissioner for Administration. Asst Commr for Personnel & Training. Deputy Associate Attorney General.
Ofc of Senior Counsels .....	Dir Ofc of Mgmt Information Systems Support. Dir, Office of Administration & Review.
Ofc of Deputy Asst Attorney General I .....	Deputy Chief, Fraud Section. Dir Ofc of Asset Forfeiture.
Ofc of Deputy Asst Attorney General II .....	Special Coun for International Programs. Senior Counsel. Senior Appellate Counsel. Senior Counsel. Executive Officer.
Federal Prison System .....	Sr Counsel for Litigation. Cnsl to the Ofc; Ofc of Spec Investigations. Counsel to the Office Fraud Section. Chf Public Integrity Section. Deputy Chief Public Integrity Section. Asst Dir for Planning and Development. General Counsel.
	Assoc Commr, Fed Prisons Industries, UNICOR. Dep Assoc Comm for Fed Prison Industries. Warden Ft Worth Texas. Warden Marianna FL.
	Cortl Prog Admr Asst Dir for Human Res Mgmt. Sen Dep Asst Dir Admin Div. Senior Deputy Asst Dir Health Services Div. Senior Deputy Assistant Director.
	Assistant Dir, Program Review Division. Sr Dep Asst Dir Federal Prison Industries. Regional Director Mid Atlantic Division. Chief of Staff to the Director.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
	Correctional Institution Administrator. Asst Dir., Community Corrections & Detention. Asst Dir, Infor, Pol, & Public Affs Div. Warden Talladega Al. CIA (Warden) FCI, Texarkana, Texas. Sen Dep Asst Dir Health Services Division. Correctional Institution Admin (Warden). Sr Dep Regl Director, Mid-Atlantic Region. Gen Counsel, Fed Prison Industries (UNICOR). Warden, Allenwood, Pennsylvania. Chief Executive Officer (Warden). Senior Management Counsel. Correctl Instit Admr (Warden) FCC, -Floren, CO. Correctional Inst Admr (ARD) SCR, Dallas, TX. Corrl Inst Admr (SDAD), CC & D Div, Wash, DC. Warden, USP, Florence, CO.
Office of Correctional Programs .....	Asst Dir Correctional Programs Div.
Northeast Region .....	Regional Director. Warden, Lewisburg, PA. Warden, Danbury, Conn. Warden, McKean, PA. Senior Deputy Regional Director. Correctional Inst Admr (Warden), Oakdale, LA.
Southeast Region .....	Regional Director. Warden, Atlanta. Warden, Lexington, Kentucky. Warden, Butner, North Carolina.
North Central Region .....	Regional Director. Warden, Leavenworth, Kansas. Warden, Springfield, MO Warden, Marion, IL. Warden, Terre Haute, IN.
South Central Region .....	Correctional Institution Admr. Warden, Fed Correctional Institution. Correctional Institution Admr (Warden).
Western Region .....	Regional Director. Warden, El Reno, Okla. Warden, Memphis, TN.
Office of Justice Programs .....	Regional Director.
National Institute of Justice .....	Warden, Terminal Island, CA.
Bureau of Justice Statistics .....	Warden, Lompoc, CA.
U.S. Marshals Service .....	Warden, Phoenix, AZ.
	Warden, Federal Correctional Institution.
	Comptroller, Ofc of the Comptroller.
	Asst Dir, Ofc of Dev Testing & Dissemination.
	Deputy Dir, Bureau of Justice Statistics.
	Sr Mgt Counsel. (Federal Bureau of Prisons).
	Associate Director for Administration.
	Associate Director for Operations.
	Assistant Director for Human Resources.
	Special Projects Officer.
	Associate Director for Operations Support.
	Associate Director, for Administrative Serv.
	Asst Dir for Research & Development.
	Assoc Director for Operational Support.
Department of Labor:	
Ofc of the Inspector General .....	Deputy Inspector General.
	Asst Inspector General for Investigations.
	Asst Inspector Gen for Audit.
	Deputy Assistant Inspector General for Audit.
	Dir Ofc Resource Mgmt & Legislative Assmt.
	Asst Inspector Gen for Labor Racketeering.
	Counsel to the Inspector General.
	Director, DOL Academy.
Office of the Deputy Secretary .....	Deputy Solicitor (Regional Operations).
Office of the Solicitor .....	Associate Solicitor for Labor-Management Laws.
	Assoc Solicitor for Plan Benefits Security.
	Assoc Solicitor for Civil Rights.
	Assoc Solicitor for Occupational Safety & HLT.
	Assoc Solicitor for Mine Safety & Health.
	Assoc Solicitor for Fair Labor Standards.
	Assoc Solicitor for Employee Benefits.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Regional Solicitors .....	Assoc Sol For Spec Appel & Sup Court Lit. Dep Solicitor for Planning and Coordination. Dir, Office of Management. Associate Solicitor for Black Lung Benefits. Regional Solicitor. Regional Solicitor Region IV—Atlanta. Regl Solicitor Boston. Regl Solicitor New York. Regional Solicitor Philadelphia. Regl Solicitor Dallas. Regl Solicitor Kansas City. Regl Solicitor San Francisco.
OAS for Administration and Management .....	Asst Sec'y for Admin & Mgmt. Dep Asst Sec for Adm and Mgmt. Director, Office of Budget. Dir of Management Policy and Systems. Comptroller for the Department. Dir of Personnel Management. Dep Dir of Personnel Management. Deputy Comptroller. Director, Directorate of Civil Rights. Dir Natl Capital Service Center. Director of Information Resources Management. Dir, Administrative & Procurement Programs. Director Office of Budget. Deputy Chief Financial Officer. Dir. Ofc of Fin Integrity.
Office of Management, Administration and Planning .....	Dir Ofc of Mgmt, Administration and Planning.
Ofc of Federal Contract Compliance Programs .....	Director Division of Programs Operations.
Wage and Hour Division .....	Asst Admin for Policy Planning & Review. Dep Wage & Hour Admin.
Ofc of Workers Compensation Programs .....	Dir Federal Employees Compensation.
Office of Labor-Management Standards .....	Dir Coal Mine Workers Compensation. Dir Ofc of Elect Trustshp/Intern'l Union Audt.
Pension & Welfare Benefits Administration .....	Director, Ofc of Policy & Program Support. Director of Enforcement.
Bureau of Labor Statistics .....	Dir of Regulations & Interpretations. Director of Program Services. Deputy Director of Program Services. Senior Dir of Policy & Legislative Analysis. Dep Asst Secy for Program Operations. Director of Exemption Determinations. Deputy Commissioner.
Data Analysis .....	Associate Commissioner for Field Operations. Assoc Commr for Publications & Spec Studies. Assoc Commr, Economic Growth. Assoc Comr for Prices and Living Conditions. Assoc Commr Productivity & Technology. Assoc Comr for Research & Evaluation. Assoc Comm for Employment & Unempl Statistics. Asst Commr for Consumer Prices & Price Indexes. Asst Commr for Indust Prices & Price Indexes. Assistant Commissioner for Economic Research. Asst Commissioner for Federal-State Programs. Asst Commissioner for Current Employ Analysis. Asst Comr for Compensation Levels & Trends. Asst Comr for Safety, H & W Conditions. Assoc Comr Compensation & Working Conditions. Asst Comm for Survey Methods Research. Asst Comm for International Prices.
Administrative and Internal Operations .....	Dep Comm for Adm and Internal Operations. Assistant Commissioner for Administration. Director of Survey Processing. Dir of Technology & Computing Svcs. Asst Comr for Technology & Survey Processing. Dir Quality & Info Management
Office of Work-Based Learning .....	Director, Ofc of Trade Adjustment Assistance.
Office of Financial & Administrative Management .....	Comptroller. Admr, Ofc of Financial & Administrative Mgmt.
Administrative Programs .....	Dir, Ofc of Information Resources Management.
Health Standards Programs .....	Dir, Adm Progs. Dir Health Standards Programs.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Safety Standards Programs ..... Federal/State Operations ..... Technical Support ..... Mine Safety and Health Administration .....	Director Safety Standards Programs. Director, Federal/State Operations. Director, Technical Support. Chf of Standards, Regulations & Variances. Director of Administration and Management. Director of Technical Support.
Merit Systems Protection Board: Office of the Board .....  Ofc of the Executive Director .....	Deputy General Counsel. Clerk of the Board. Executive Director. Deputy Executive Director. Director, Office of Policy & Evaluation. Deputy Director Office of Appeals Counsel. Director, Office of Administration. Dir, Office of Management Analysis. Director, Office of Regional Operations.
Regional Offices .....	Regional Director, San Francisco. Regional Director, Chicago. Regional Director, Atlanta. Regional Director, Philadelphia. Regional Director, Dallas. Regional Director, Washington, D.C.
National Aeronautics and Space Administration: Ofc of the Administrator .....  Office of the Comptroller .....	Assoc Admr for S&D Business Utilization Dir, Benchmarking & External Programs Div. Director of Special Studies. Associate Deputy Administrator (Technical). Assistant Comptroller for Systems Analysis. Deputy Chief Financial Officer. Asst Comptroller for Prog S&C Assessment. Dep Dir, Financial Management Div. Director, Resources Analysis Division. Deputy Assistant Administrator. Dir, Congressional Liaison Division. Director, Safety and Product Assurance Office. Dir, NASA Q&P Improvement Programs Division. Director, Safety Division. Dir, Software Independent V&V Facility. Dir, Reliability, M/Q Assurance Division. Dep Assoc Adm for Safety & Mission Quality. Dir Technical Standards Division. Director, Programs Assurance Division. Dir Systems Assessment Division.
Ofc of the Assoc Admr, Space Science and Applications .....	Special Ast to the Deputy Assoc Adm. Special Assistant to Associate Administrator. Asst Assoc Administrator (Institutions) Manager, Launch Vehicles Office.
Earth Science and Applications Division .....	Chief, Flight Programs Branch. Chf, Upper Atmospheric R/T Chemistry Branch. Chf, Atmospheric Dynamics and Radiation Br. Chief Land Processes Branch. Chf, Advanced M/I Science Research Branch. Spec Asst to the Dir, Earth Sci/Applications. Dir, Flight Syst and Instrument Development.
Communications Division ..... Life Sciences Division ..... Administration and Resources Management Division .....	Chf, Information Systems Branch. Dep Dir, Life Sciences Division. Dep Dir, Administration & Resources Mgmt Div. Dep Dir, Solar System Exploration Division. Manager, Cassini Program.
Solar Systems Exploration Division .....	Chief, Flight Programs Branch. Dep Dir, Solar System Exploration Division. Chf, Space Station Utilization Branch. Deputy Dir Flight Systems Division.
Flight Systems Division .....  Astrophysics Division .....	Chf, High Energy Astrophysics Br. Chief, Astronomy/Relativity Branch. Chf, Ultraviolet/Visible Astrophysics Branch. Deputy Dir Astrophysics Division. Assistant Director for Strategic Planning. Chief, Observatories Development Branch.
Microgravity Sciences and Applications Div .....	Chief Envir Sys & Life Support Branch. Dir Life & Biomedical Science & Applics Div. Dep Dir Microgravity Science Applications Div.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Space Physics Div .....	Chief Mission Management Branch. Dir, Microgravity Sciences & Applications Div. Chief, Flight Programs Branch. Chief, Solar Physics Branch. Dep Dir, Space Physics Division. Chief, Flight Programs Branch. Director, Space Physics Division.
Office of Procurement .....	Asst Admr for Procurement. Dir, Advanced Procurement Planning Division. Director, Program Operations Division. Director, Procurement Policy Division. Dir Procurement Management Division. Dep Assistant Administrator for Procurement. Dir Contract Pricing & Finance Office. Dir Contract Management Division.
Ofc of Asst Admr for Commercial Programs .....	Dir, Commercial Development Division. Deputy Assistant Administrator (Programs). Dir, Small Business Innovation Res Office. Special Asst for Industry Planning. Spec Asst to the Asst Admr. Director, Aircraft Management Office.
Ofc of the Assoc Admr, External Relations .....	Mgr, Institutional Planning & Operations. Dep Dir Industry Affairs Division. Dep Dir, International Relations Division. Chief Medical Officer. Dep Manager Space Shuttle Operations. Dep Assoc Admr for Space Flight (Russian AFS). Manager, Man-Tended Capability.
Resources Management .....	Director, Mission Operations. Manager, Program Control Office (Reston). Director, Resources Management Division. Chief Program Evaluation. Manager, Program Control (JSC).
Transportation Services .....	Manager, Flight Requirements & Analysis. Dep Dir Transportation Services Division. Dir Transportation Services Offices. Manager National Security & DOD Affairs. Chf, US Civil & Intl Payloads Branch. Director, Shuttle Carrier Systems Division. Manager, Heavy Lift Launch Vehicle. Manager, Orbital Maneuvering Vehicles.
Flight Systems Directorate .....	Dir, Program Planning & Control Division. Director, Space Shuttle Operations. Special Asst to the Director. Manager Natl Space Trans Syst Eng Integration. Manager, Management Integration. Deputy Manager for Integration. Mgr, Natl Space Trans Syst Integration & Ops. Program Manager Space Shuttle Program. Mgr, Assured Shuttle Availability.
Space Shuttle Directorate .....	Manager, Shuttle Projects Office (MSFC). Manager Launch Integration (KSC) Space Shuttle. Chief, Shuttle Systems Branch. Dep Dir, Syst Eng & Analysis Division. Chief, Shuttle Propulsion. Chief, Shuttle Orbiter/GFE.
Space Shuttle Program .....	Chief, KSC Projects. Director, Operations Utilization Division. Dir Institutions. Special Assistant to the Director. Technical Assistant to the Director. Dep Assoc Adm for Space Station Freedom. Dir Engineering Division. Dir Space Station Opns & Utilization Div. Chief Utilization.
Systems Engineering and Analysis Division .....	Technical Assistant to the Deputy Director. Dep Mgr Space Station Freed Prog & Operations. Dep Dir, Space Station Freedom P & Ops. Manager, Special Projects Office. Deputy Manager Special Projects Office. Deputy Manager Program Engineering Office.
Operations Utilization Division .....	
Institutions Directorate .....	
Space Station Freedom Directorate .....	
Space Station Engring Division .....	
Space Station Operations and Utilization Division .....	
Space Station Freedom Program and Operations.	
Special Projects Office .....	
Program Engineering Office .....	

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Utilization and Operations Office .....	Manager Systems Engineering Office. Manager Avionics Systems. Manager, Utilization & Operations Office. Manager Space Operations Office. Dep Manager, Utilization & Operations Office. Manager Ground Operations and Logistics. Manager Mission Integration. Manager Payload Integration.
Management Integration Office .....	Dep Mgr Mgt Integration Office. Manager Tech Mgmt & Info System Office. Manager, Management Integration Office.
International Program Office .....	Deputy Manager, International Programs. Assistant Manager, International Program Ofc. Manager, International Program Office.
Integration Office .....	Manager System Integration. Manager for Integration.
Office of Management Systems and Facilities .....	Director, Management Operations. Dir, Fac Utilization, M&E Compliance Div. Dir Facilities Plan & Construction Division. Deputy Director, Facilities Engineering Div.
Facilities Management .....	Director, Facilities Engineering Division.
Logistics and Security .....	Spec Asst to the Dir Logis Aircraft Sec Ofc. Dir, Logistics & Security Division.
Information Systems Division .....	Director, Information Resources Mgmt Division. Dep Dir, Information Res Mgmt Division.
Automated Information Management Program Office .....	Director Automated Info Mgmt Prog Ofc.
Ofc of Exploration .....	Chief, Technology Utilization.
Headquarters Operations .....	Dir, Information Syst & Technology Division. Chief Engineer.
Ofc of Director for Aeronautics .....	Spec Asst for Space Station Freedom Utiliz. Director, Resources Analysis & Integration.
Office of Space Exploration .....	Asst Dir for Aeronautics (H-S Aircraft). Deputy Director for Aeronautics. Asst Dir for Aeronautics Subsonic Aircraft. Dep Assistant Administrator for Exploration. Asst Dir for Space Exploration (Prog Defin). Manager Space Exploration (Support Planning). Special Asst for Strategic Planning.
Ofc of Dir for Space .....	Deputy Director for Space Technology. Asst Dir for Space Technol (Prog Development). Asst Dir for Space (Spacecraft Technology). Director for Space Technology.
Ofc of Dir for Institutions .....	Asst Director for Institutions (Facilities) Asst Dir for Institution (Information Syst). Dir. Resources & Management Systems Office. Director for Institutions.
Aerodynamics Division .....	Deputy Dir Aerodynamics Division.
Materials & Structures Division .....	Director, materials and Structures.
Propulsion, Power, & Energy Division .....	Dir, Propulsion, Power and Energy Division.
National Aerospace Plans Office .....	NASA Dep Prog Mgr, Natl Aero-space Plane Prog. Dep Prog Manager Natl Aero-Space Plane. Dep Dir, National Aero-Space Plane Office. Director, National Aero-Space Plane. Director for Plans.
Office of Human Resources and Education .....	Associate Administrator for Human Resources. Director, Education Division. Director, Management Systems. Director, Personnel Division.
Ofc of the Assoc Admr Space Operations .....	Dep Assoc Adm for Human Res & Education. Assistant Associate Administrators (Plans). Special Asst (Operations).
Network System Division .....	Manager Space Network Operations. Dir, Ground Network Division. Dep Dir, Ground Network Division.
Communications and Data Systems Division .....	Dir, Communications & Data Systems Div. Chief, Communications Systems Branch.
Deep Space Network Operations Programs .....	Deputy Director Space Network Division.
Program Integration Division .....	Dir Program Integration Division.
TDRSS Division .....	Manager, White Sands Space Network Complex. Manager, TDRSS Continuation Program.
Ofc of Equal Opportunity Programs .....	Dir Minority Univ Res & Educ Prog Div. Director, Multicultural Prog & Support Div.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Discrimination Complaints Division ..... Office of the Inspector General .....	Director, Discrimination Complaints Division. Assist Inspector General for Investigation. Assistant Inspector General for Auditing.
Ames Research Center ..... Administration Directorate .....	Asst to Center Dir for Advanced Sys Design. Comptroller.
Aerospace Systems Directorate .....	Deputy Director of Administration. Chief, Aerodynamics Division.
Space Research Directorate .....	Chf Flight Systems & Simulation Rsch Div. Chief Aerospace Projects Office. Deputy Dir Aerospace Systems Directorate. Chief Aircraft Technology Division. Chief, Space Science Division. Chief, Earth Systems Science Division. Chief, Advanced Life Support Division. Deputy Director of Space Research.
Engineering and Technical Services Directorate ..... Aerophysics Directorate .....	Dep Director Engineering & Tech Svcs. Chief, Computational Fluid Dynamics Branch Chf Systems Engineering Div. Chief Full Scale Aerodynamics Research Center. Chief, Fluid Dynamics Division. Chief, Computer Systems & Research Division. Chief, Thermoscience Division. Chief, Information Sciences Division.
Flight Operation and Research Directorate .....	Chief, Science & Applications Aircraft Div.
Dryden Flight Research Facility .....	Chf, Ames Research Aircraft Operations Div. Chf Engineer. Chf, Flight Operations Division.
Goddard Space Flight Center .....	Assoc Dir, Dryden Flight Research Facility. Dep Dir, NASA Ames Res Center DFRF. Comptroller.
Management Opers Directorate .....	Director of Human Resources. Dir of University Programs.
Flight Assurance Directorate .....	Dep Dir of Management Operations. Associate Director for Acquisition. Director of Flight Assurance. Dep Dir of Flight Assurance.
Flight Projects Directorate .....	Deputy Director of Flight Projects. Dep Assoc Dir of Flight Proj For EOS Res Mgt. Dep Assoc Dir of Flight Proj for H-S-T. (GOES) Project Manager. Dep Dir Flight Project for PLNG Business Mgmt. Assoc Dir of Flight Proj Flight Proj Dir. Mgr. Hubble Space Telescope Oper & Ground Syst. Assoc Dir of Flight Proj for Earth OBS Syst. Global Geospace Sciences (GGS) Project Mgr. Assoc Dir of Flt Proj Hubble Space Telescope. Proj Mgr, Intl Solar Terr Physics Proj (ISTP). Dir of Flight Projects. Proj Mgr Hubble Spc Telescope Syst & Serv. Associate Director of Flight Projects. Tracking & Data Relay Satellite TDRS Proj Mgr. Project Manager Meteorological (METSAT) Projec.
Mission Operations & Data Systems Directorate .....	Asst Director for Systems Engineering. Chief, NASA Communications Division. Assoc Dir of Mission Operations & Data Syst. Dep Dir of Mission Operations & Data Systems. Chief Networks Division. Chief, Flight Dynamics Division. Project Mgr, Earth Sci Data & Info System. Chief Mission Operations Division.
Space & Earth Sciences Directorate .....	Chief, Lab for Astronomy and Solar Physics. Chief, Lab for Extraterrestrial Physics. Assoc Dir for Projects Engineering. Chief Lab for Hydrospheric Processes. Associate Director. Chief, Space Data and Computing Division. Chf, Laboratory for Atmospheres. Director of Space Sciences. Deputy Director for Earth Sciences. Chief, Goddard institute for Space Studies. Chief Laboratory for High Energy Astrophysics. Deputy Director of Space Sciences.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Engineering Directorate .....	Director for Earth Sciences. Chief Laboratory for Terrestrial Physics. Dep Dir of Engineering. Chief, Instrument Division. Chf, Applied Engineering Div. Chief Engineer. Chief, Special Payloads Division. Asst Dir of Engineering for Development Proj. Chief, Space Technology Division. Associate Director of Engineering.
Mission to Planet Earth Office .....	Dir of Mission to Planet Earth. Dep Dir (Resources) Mission to Planet Earth.
Suborbital Projects and Operations Directorate .....	Chf, Operations Division. Comptroller.
Johnson Space Center .....	Assistant Director (Plans). Dir of Public Affairs. Spec Asst for Engineering Operations & Safety. Director of Procurement. Director of Human Resources. Manager Assured Crew Return Vehicle Project.
New Initiatives Office .....	Manager New Initiatives Office. Deputy Manager, New Initiatives Offices.
Center Support .....	Deputy Dir Center Operations. Dir Admin. Deputy Director, Administration. Dir Center Operations. Asst Dir Administration.
Space Operations .....	Assistant Director, Mission Operations. Director, Mission Operations. Deputy Asst Dir for Program Support. Chief, Aircraft Operations Division. Director Information Systems. Chief Flight Director Office. Assistant Director for Space Shuttle Program. Deputy Director, Mission Operations. Assistant Director for Program Support. Chief, Space Station Ground Systems Division. Dep Dir, Flight Crew Operations. Asst Dir for Space Shuttle Program. Chief, Space Shuttle Ground Syst Division. Deputy Director, Information Systems.
Research & Engineering .....	Deputy Director, Engineering. Chief, Propulsion & Power Division. Chief Structures and Mechanics Division. Chief, Medical Sciences Division. Chief, Crew & Thermal Systems Division. Chief, Automation and Robotics Division. Chief, Systems Engineering Division. Manager for Program Science. Associate Director, Engineering. Director, Engineering. Chief Engineer, New Initiatives. Manager, Orbiter Engineering Office. Deputy Director, Space and Life Sciences. Chief Flight Data Systems Division. Chief Tracking & Communications Division. Assistant to the Director.
Natl Space Transp Sys Prog Ofc .....	Chief, Navigation, Contrl & Aeronautics Div. Dep Manager, Orbiter & GFE Projects Office. Chf, Man-Systems Division.
Space Station Project Office .....	Manager, Orbiter and GFE Projects Office. Manager for Technical Projects. Manager for Development. Dep Mgr, Space Station Projects Office. Dep Mgr for Prog & Operations Integration. Deputy Manager for Project Control.
Safety, Reliability & Quality Assurance .....	Dir, Safety, Reliability, & Quality Assurance. Dep Dir, Safety, Reliability & Qual Assurance.
NASA White Sands Test Facility .....	Manager, NASA White Sands Test Facility.
Kennedy Space Center .....	Dir, Exec Management Ofc. Spec Asst to the Center Director.
Comptroller .....	Deputy Controller.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Biomedical Office ..... Procurement ..... Public Affairs .....	Chf., Biomedical Office. Director, Procurement. Dir Public Affairs. Assistant Director for Systems Engineering.
Space Station and Advanced Projects Office ..... Safety, Reliability and Quality Assurance .....	Manager Space Station Projects Office. Director, Safety and Reliability. Dir Mission Assurance. Director, Quality Assurance.
Shuttle Management Operations .....	Dir, Shuttle Logistics Project Management. Dir of Space Trans System Mgmt & Operations. Director of Center Support Operations.
Center Support Operations ..... Engineering Development .....	Deputy Director of Engineering Development. Dir, Mechanical Engineering.
Project Management ..... Electronic Engineering ..... Cargo Management and Operations ..... Sts Cargo Operations ..... Shuttle Projects Office .....	Director, Facilities Engineering. Director, Electronic Engineering. Director, Expendable Vehicles. Director, Sts Payload Operations. Director, Shuttle Operations. Director, Ground Engineering.
Langley Research Center .....	Chief Scientist. Chief Engineer. Comptroller. Assistant Director.
Electronics Directorate .....	Chf., Analysis & Computation Division. Chief, Projects Division. Chief Flight Electronics Division. Chief Instrument Research Division.
Structures Directorate .....	Chf, Acoustics Division. Chief Materials Division.
Aeronautics Directorate .....	Chief, Structural Dynamics Division. Dir of Interagency Programs. Chief Applied Aerodynamics Division. Chief, Flight Applications Division. Dir, National Aero-Space Plane Office. Chief, Fluid Mechanics Division.
Space Directorate .....	Chief, Space Systems Division. Chief Atmospheric Sciences Division. Manager, Space Station Freedom Office. Manager, Human Exploration Initiative Office. Chief, Advanced Vehicles Division.
Systems Engineering and Operations Directorate .....	Dep Dir for Syst Engineering & Operations. Chief Systems Engineering Div. Chf, Syst Sfty, Quality, & Reliability Div. Chief Engineer SE&O. Chief Facilities Engineer Division.
Management Operations .....	Deputy Director for Management Operations. Dir of Education Programs.
Flight Systems Directorate .....	Chief Information Systems Division. Chf, Guidance and Control Division. Chief Flight Management Division.
Lewis Research Center .....	Director, External Programs. Chf, Ofc of Sfty, Reliability & Quality Assur. Director of Lewis Research Academy.
Administration & Computer Services .....	Chief, Computer Services Division. Dir, Adm & Computer Services Directorate.
Aeronautics Directorate .....	Manager, External Tank Project. Chf, Propulsion Systems Div. Chief, Instrumentation & Control Technol Div. Chf, Internal Fluid Mechanics Division. Chief Technologist.
Space Station Systems Directorate .....	Chf, Aeropropulsion Analysis Office. Chf, Aeropropulsion Facilities & Exper Div. Dep Dir of Space Station Systems. Chief Electrical Systems Division. Chief Engineer.
Aero Space Technology Directorate .....	Chief, Power Technology Division. Chief, Space Propulsion Technology Division. Chief, Structures Division.
Space Flight Systems Directorate .....	Chief, Interdisciplinary Technology Office. Chf, Advanced Space Analysis Office. Manager Launch Vehicle Project Office. Manager, Acts Project Office.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Engineering .....	Chief, Space Experiments Division. Chief, Space Communications Division. Chief, Structural Systems Division. Chf, Electronics & Control Systems Division. Director of Engineering. Deputy Director of Engineering.
Marshall Space Flight Center .....	Chief, Propulsion & Fluid Systems Division. Comptroller. Dir, Human Res & Administrative Support Ofc. Associate Director.
Office of Sfty, Rel & Quality Assurance .....	Dir, Systems Safety & Reliability Office. Director, Safety & Mission Assurance Office.
Heavy Lift Launch Vehicle Definition Office .....	Manager, Acquisition & Business Management. Manager Space Transportation Main Engine Sys. Director, Space Sciences Lab. Director, Propulsion Laboratory.
Science and Engineering .....	Director, Syst Anal & Integration Laboratory. Deputy Director, Space Science Laboratory. Dep Dir, Structures & Dynamics Laboratory. Deputy Dir, Materials & Processes Laboratory. Dep Dir, Mission Operations Laboratory. Dep Dir, Syst Anal & Integration Laboratory. Manager Space Shuttle Main Engine Projects. Manager, Adv X-Ray Astrophysics Facility—S. Deputy Director, Propulsion Laboratory. Dir Astrionics Laboratory. Deputy Director for Space Systems. Dir Structures Dynamics Laboratory. Chief Engineer Space Shuttle Main Engine Proj. Chief Engineer, Space Station Projects. Dir, Materials & Processes Laboratory. Dep Dir for Space Transportation Systems. Chief Engineer Heavy Lift Launch Vehicle. Dir, Research & Technology Office. Director, Mission Operations Laboratory.
Payload Projects Office .....	Mgr, Science & Applications Payload Projects. Dep Manager Payload Projects Office.
Space Station Projects Office .....	Manager, Space Station Projects Office. Deputy Manager for Advanced Launch System. Deputy Manager Space Station Projects Office.
Program Development .....	Deputy Director, Program Development. Director, Preliminary Design Office. Assoc Dir for Advanced Planning.
Shuttle Projects Office .....	Mgr Solid Rocket Booster Project. Mgr Redesign Solid Rocket Motor Project. Mgr, Advanced SRMP Space Shuttle Projects Ofc.
Spacecraft Office .....	Manager, Observatory Projects Office. Dep Mgr, Observatory Projects Office. Mgr, Advanced X-Ray Astrophysics Facility—I.
Administration and Program Support .....	Dir Info Systems Office. Dir, Institutional & Program Support. Director, Procurement Office. Dep Dir, Institutional & Program Support. Director, Facilities Office.
Stennis Space Center .....	Dir Sci & Tech Lab. Director, Center Operations. Deputy Director, NASA Stennis Space Center. Assoc Director for Institution. Dir, Propulsion Test Operations.
National Archives & Records Administration: National Archives & Records Administration .....	Deputy Archivist of the United States. Asst Archivist for the National Archives. Asst Archivist for Presidential Libraries. Asst Archivist for Federal Records Centers. Director of the Federal Register. Asst Archivist for Records Administration. Asst Archivist for Mgt and Administration. Director, Lyndon B. Johnson Library. Director, Harry S Truman Library. Asst Archivist for Spec & Regl Archives.
National Capital Planning Commission: National Capital Planning Commission Staff .....	Executive Director.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
National Endowment for the Arts: National Endowment for the Arts .....	Assistant Executive Director for Operations. Dir of Intergovernmental & Public Affairs. General Counsel.  Director of Program Coordination. Director of Administration.
National Endowment for the Humanities: National Endowment for the Humanities .....	Dir, Office of Planning & Budget. Asst Chairman for Operations.
National Labor Relations Board: Ofc of the Board Members .....	Executive Secy. Deputy Executive Secretary. Inspector General.
Div of Enforcement Litigation .....	Deputy Assoc. Gen. Counsel Appellate Court Br.
Div of Advice .....	Director, Office of Appeals.
Div of Administration .....	Associate Gen Counsel, Div of Advice. Deputy Assoc Gen Counsel. Director of Administration.
Div of Operations Management .....	Deputy Director of Administration. Assoc General Counsel, Div of Operations-Mgmt. Dep Asso Gen Counsel, Div of Operations-Mgmt.
Regional Offices .....	Assistant General Counsel. Assistant General Counsel. Assistant General Counsel. Assistant General Counsel. Assistant General Counsel. Assistant General Counsel. Regl Dir, Reg 1, Boston. Regional Director, Reg. 2, New York. Regional Director, Reg. 3, Buffalo. Regl Dir, Reg 4, Philadelphia. Regional Director, Reg. 5, Baltimore. Regional Director, Reg. 6, Pittsburgh. Regl Dir, Region 7, Detroit Mich. Regional Director, Reg. 8, Cleveland. Regional Director, Reg. 9, Cincinnati. Regl Dir, Reg 10, Atlanta. Regl Dir., Reg 11, Winston-Salem. Regional Director, Reg 12, Tampa. Regional Director, Reg 13, Chicago. Regl Dir, Reg 14, St Louis. Regl Dir, Reg 15, New Orleans. Regl Dir, Reg 16, Ft Worth. Regl Dir, Reg 17, Kansas City. Regl Dir, Reg 18, Minneapolis. Regl Dir, Reg 19, Seattle. Regional Dir, Reg 20, San Francisco. Regional Director, Reg. 21, Los Angeles. Regional Director Reg 22 Newark. Regional Director Reg 24 Hato Rey Puerto Rico. Regl Dir, Reg 25, Indianapolis. Regl Dir, Reg 26, Memphis. Regl Dir, Reg 27, Denver. Regl Dir, Reg 28, Phoenix. Regl Dir Reg 29 Brooklyn. Regl Dir Reg 30 Milwaukee. Regl Dir Reg 32 Oakland. Reg Dir, Reg. 33 Peoria, Ill. Regl Dir Reg 31 Los Angeles.
National Science Foundation: Office of the Director .....	Senior Science Advisor. Executive Asst & Special Counsel. Executive Asst & Special Counsel.
Office of the General Counsel .....	Deputy General Counsel.
Office of Planning and Assessment .....	Senior Staff Associate Program Evaluation. Senior Staff Associate Policy Analysis.
Office of Polar Programs .....	Senior Advisor. Manager Polar Ops Section. Head, Polar Coordination & Info Section.
Office of the Inspector General .....	Deputy Office Director. Inspector General.
	Counsel to the Inspector General.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Directorate for Geosciences .....	Assistant Inspector General for Oversight. Dep Inspector Gen & Senior Legal Advisor. Asst Inspector General for Audit. Executive Officer.
Division of Atmospheric Sciences .....	Senior Science Associate. Head, NCAR Coordination Staff. Section Head, Upper Atmosphere Section. Head Lower Atmosphere Section.
Division of Earth Sciences .....	Section Head, Research Grants Section. Head Major Projects Section. Section Head Ocean Sciences Research Section.
Division of Ocean Sciences .....	Senior Engineering Advisor.
Directorate for Engineering .....	Deputy Division Director (Education).
Division of Engineering Education & Centers .....	Senior Staff Associate.
Div of Design and Manufacturing Systems .....	Deputy Division Director.
Division of Biological and Critical Systems .....	Head Hazard Mitigation Section.
Div of Electrical and Communications Systems .....	Deputy Division Director.
Division of Industrial Innovation Interface .....	Dep Dir Div of Industrial Innovation Interf.
Directorate for Biological Sciences .....	Executive Officer.
Division of Environmental Biology .....	Deputy Asst Director.
Directorate for Mathematical and Physical Sciences .....	Deputy Division Director.
Division of Physics .....	Executive Officer.
Division of Astronomical Sciences .....	Senior Staff Associate
Division of Mathematical Sciences .....	Deputy Division Director.
Division of Materials Research .....	Deputy Director.
Division of Chemistry .....	Head, Special Programs in Materials Office.
Directorate for Education & Human Resources .....	Senior Staff Scientist.
Division of Human Resource Development .....	Dep Dir Division of Chemistry.
Office of Systemic Reform .....	Deputy Asst Director.
Directorate for Social, Behavioral and Economic Sciences .....	Senior Staff Associate.
Division of Science Resources Studies .....	Senior Staff Associate.
Division of International Programs .....	Deputy Director.
Division of Social, Behavioral & Economic Research .....	Senior Staff Associate.
Organization Abolished .....	Deputy Division Director.
Directorate for Computer & Info Science & Engineering .....	Deputy Director.
Div of Computer and Computation Research .....	Senior Science Associate.
Div of Information, Robotics & Intelligent Systems .....	Senior Staff Associate.
Division of Microelectronic Information Processing Sys .....	Dep Div Dir Div of Behavioral & Conitive Sci.
Div of Networking & Comm Res & Infrastructure .....	Executive Officer.
Office of Budget, Finance and Award Management .....	Deputy Asst Dir.
Budget Division .....	Deputy Division Director.
Division of Financial Management .....	Deputy Division Director.
Division of Grants & Agreements .....	Deputy Division Director.
Division of Contracts, Policy & Oversight .....	Deputy Division Director.
Office of Information and Resource Management .....	Director, Ofc of Budget, F&A Management.
Division of Information Systems .....	Dep Dir, Ofc of Budget, F&A Management.
Division of Human Resource Management .....	Director, Budget Division.
Division of Administrative Services .....	Division Director.
National Transportation Safety Board:	Director Division of Grants and Contracts.
Office of the Managing Director .....	Director, Operations and Analysis.
Office of Administration .....	Division Director.
	Dep Dir, Ofc of Information & Resource Mgmt.
	Senior Staff Associate.
	Dir Planning & Evaluation.
	Dep Dir, Div of Information Systems.
	Div Dir, Div of Human Resource Management.
	Dir, Division of Administrative Services.
	Dep Managing Dir for Mgmt & Policy.
	Chief, Technical Advisor.
	Dir Office of Administration.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Office of Aviation Safety .....	Director Ofc of Aviation Safety.
Office of Research & Engineering .....	Deputy Director Ofc of Aviation Safety. Dir Ofc of Research and Engineering.
Office of Safety Recommendations .....	Deputy Dir Ofc of Research and Engineering.
Office of Surface Transportation Safety .....	Director Ofc of Safety Recommendations. Dir Ofc of Surface Transportation Safety.
Nuclear Regulatory Commission:	Deputy Director.
Atomic Safety and Licensing Brd Panel .....	Chairman ASLBP.
Office of the Inspector General .....	Deputy Chief Administrative Judge Executive. Dsst Inspector General for Investigations.
Deputy GC for Licensing & Regulation .....	Asst Inspector General for Audits.
Dep GC for Hearings, Enforcement & Administration .....	Deputy Assistant GC/Legislative Counsel.
Assistant GC for Hearings and Enforcement .....	Deputy Assistant GC for Administration.
Office of Commission Appellate Adjudication .....	Deputy Assistant General Counsel.
Division of Operational Assessment .....	Deputy Assistant General Counsel.
Division of Safety Programs .....	Deputy Assistant General Counsel.
Office of Administration .....	Deputy Assistant General Counsel.
Office of Information Resources Management .....	Dir Ofc of Comm Appellate Adjudication
Office of the Controller .....	Chief Incident Response Branch.
Ofs of Small and Disadv Bus Utilization/Civil Rights .....	Chf. Diagnostic Eval & Incident Invest Branch.
Program Management, Policy Development & Analysis Staff .....	Chf, Reactor Operations Analysis Branch.
Assistant Director for Region I Reactors .....	Chf, Trends & Patterns Analysis Branch.
Assistant Director for Region II Reactors .....	Dir Div of Contracts & Property Management
Assistant Director for Region III Reactors .....	Director, Div of Security.
Assistant Director for Region IV and V Reactors .....	Dep Dir/LSS Admr, Ofc of Info Res Mgmt.
Division of Operating Reactor Support .....	Dep Chief Financial Officer/Controller.
Division of Engineering .....	Deputy Controller.
Division of Systems Safety & Analysis .....	Dir Division of Budget and Analysis.
Division of Reactor Inspection & License Performance .....	Dir Division of Accounting and Finance.
Division of Radiation Safety and Safeguards .....	Special Assistant for Internal Controls.
Division of Reactor Controls and Human Factors .....	Director.
	Dir, Prog Mgmt, Pol Dev & Analysis Staff
	Chief, Ping, Programs & Mgmt Support Branch.
	Chf. Pol Dev & Tech Support Branch.
	Project Dir, Project Directorate I-1.
	Project Director, Project Directorate I-2.
	Project Director, Project Directorate I-3.
	Project Director, Project Directorate I-4.
	Proj Dir Project Directorate II 1.
	Proj Dir Project Directorate II 2.
	Proj Dir Project Directorate II 3.
	Project Dir Project Directorate II-4.
	Proj Dir Project Directorate III 1.
	Proj Dir Project Directorate III 2.
	Proj Director Project Directorate III 3.
	Proj Dir Project Directorate V.
	Proj Dir, Project Directorate IV-1.
	Project Dir, Proj Directorate IV-2.
	Chief, Generic Communications Branch.
	Chf, Technical Specification Branch.
	Chief, Events Assessment Branch.
	Project Dir, Standardization Proj Directorate.
	Proj Dir, N-P Reactor, D&E Proj Directorate.
	Chief, Materials & Chemical Engineering Br.
	Chf, Mechanical Engineering Branch.
	Chief Civil Eng & Geosciences Branch.
	Chief Electrical Engineering Branch.
	Chf, Plant Systems Branch.
	Chf, Reactor Systems Branch.
	Chief Probabilistic Safety Assessment Branch.
	Chief Containment Sys & Severe Accident Brch.
	Chf, Vendor Inspection Branch.
	Chf, Special Inspections Branch.
	Chief Emergency Preparedness Branch.
	Chf, Safeguards Branch.
	Chf, Radiation Protection Branch.
	Dep Dir Div of Radiation Safety & Safeguards.
	Chf, Human Factors Assessment Branch.
	Chf Operator Licensing Branch.
	Chf, Instrumentation & Control Branch.
	Chf, Performance & Quality Evaluation Branch.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Associate Dir for Advanced Reactors & License Renewal ..... Division of Fuel Cycle Safety & Safeguards .....	Proj Dir License Renewal & Environmental Rev. Chief, Domestic Safeguards Branch. Chf, International Safeguards Branch. Chief, Operations Branch. Chief, Regl & Intl Safeguards Branch. Chief, Enrichment Branch. Chief, Licensing Branch.
Div of Industrial & Medical Nuclear Safety .....	Chief, Operations Branch. Chief, Medical, Acad & Com Use Sfty Branch. Chief, Storage & Transport Systems Branch. Chief Source Containment & Devices Br.
Division of High Level Waste Management .....	Chief, Geology & Engineering Branch. Proj Dir, Repository L & Q Assurance.
Div of Low Level Waste Management & Decommissioning .....	Chief, Hydrology & Systems Performance Branch. Chief, Fuel Cycle Safety Branch. Chief, Low-Level Waste Management Branch. Chief, Uranium Recovery Branch.
Ofc of Nuc Regulatory Research ..... Division of Engineering .....	Chf, Decommission & Regulatory Issues Br. Director: Fin Mgt, Procurement & Admin Staff. Chief, Materials Engineering Branch. Chief Waste Management Branch.
Division of Safety Issue Resolution .....	Chief, Electrical and Mechanical Engineer Brh. Chief, Structural and Seismic Engineering Brh. Chief, Severe Accident Issues Branch. Chief, Engineering Issues Branch.
Division of Regulatory Applications .....	Chief Reactor and Plant Sfty Issues Branch. Chief Regulation Development Branch.
Division of Systems Research .....	Chf, Radiation Protection & Health Effects Br. Chief, Adv Reactors and Generic Issues Branch. Chief Accident Evaluation Branch. Chf, Probabilistic Risk Analysis Branch. Chief, Reactor and Plant Systems Branch. Chief Human Factors Branch.
Region I .....	Deputy Regional Administrator. Dir, Div of Radiation Safety & Safeguards. Dep Dir, Div of Radiation Safety & Safeguards. Director Division of Reactor Safety. Dep Dir, Div of Reactor Safety. Director, Division of Reactor Projects. Deputy Director, Division of Reactor Projects.
Region II .....	Deputy Regional Administrator Region II. Dir, Div of Radiation Safety & Safeguards. Dep Dir, Div of Radiation Safety & Safeguards. Director, Division of Reactor Projects. Deputy Director, Division of Reactor Projects. Director, Division of Reactor Safety. Dep Dir, Div of Reactor Safety.
Region III .....	Dep Regional Administrator Region III. Director, Division of Reactor Safety. Dep Dir, Div of Reactor Safety. Director, Division of Reactor Projects. Deputy Director Division of Reactor Projects. Dir, Div of Radiation Safety & Safeguards. Dep Dir, Div of Radiation Safety & Safeguards.
Region IV .....	Deputy Regional Administrator Region IV. Director Uranium Recovery Field Office. Director Div of Reactor Projects. Deputy Director, Div of Reactor Projects. Dir, Div of Radiation Safety & Safeguards. Dir, Division of Reactor Safety.
Region V .....	Dep Dir, Div of Radiation Safety & Safeguards. Deputy Regional Administrator Region V. Dir Div of Reactor Safety and Projects. Dep Dir Div of Reactor Safety and Projects. Dir, Div of Radiation Safety & Safeguards.
Office of Government Ethics: Office of Government Ethics .....	Deputy Director. Deputy General Counsel. Assoc Dir for Program Develop & Compliance.
Office of Management and Budget: Office of the Director .....	Assistant Director for Administration. Deputy Associate Dir for Economic Policy.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Office of General Counsel .....	Assoc Dir for Legislative Ref & Adm. Dep Assistant Director for Administration. Dep Gen Counsel.
Legislative Reference Division .....	Associate General Counsel for Budget. Asst Dir Legislative Reference. Dep/Asst/Dir for Legislative Reference. Chief, Economics, Science & Govt. Branch. Chief, Resources-Defense-International Branch.
Office of Federal Procurement Policy .....	Assoc Admr for Procurement Law & Legislation.
Office of Information and Regulatory Affairs .....	Assoc Administrator for Management Control. Chief Information Policy Branch. Chief, Human Resources and Housing Branch. Chief, Commerce and Lands Branch. Chief Statistical Policy Branch. Chief, Natural Resources Branch.
Associate Director for Management .....	Chf, Info Technology Management Branch. Chief Management Integrity Branch. Chief Personnel & General Services Branch. Chief, Credit and Cash Management Branch. Assistant Director for General Management. Deputy Assistant for General Management: Branch Chief, Federal Personnel Policy Branch. Chief, Federal Services Branch. Branch Chief MBO Evaluation & Planning Branch. Chief Fin Standards of Reporting Branch. Chief Federal Financial Systems Branch. Senior Adviser.
Budget Review Division .....	Asst Dir for Budget Review. Dep Assistant Director for Budget Review. Chief Fiscal Analysis Branch. Dep Chief Fiscal Analysis Branch. Dep Asst Dir for Budget Review & Concepts. Chief, Resources Systems Branch. Chief, Central Budget Management Staff. Deputy Chief Budget Preparation Branch.
Assoc Dir for National Security and International Affs .....	Deputy Associate Director for Special Studies.
International Affairs Division .....	Dep Assoc Dir for Internat Affairs. Chief, State-USIA Branch. Chief, Economic Affairs Branch. Chief International Security Affairs Branch.
National Security Division .....	Dep Assoc Dir for National Security. Chief, Command, Ctrl, Comms, & Intellig Branch. Chief, Navy Branch. Chief, Force Structure & Investment Branch. Chief, Oper & Support Branch.
Health and Income Maintenance Division .....	Dep Assoc Dir for Health & Income Maintenance. Chf, Income Maintenance Branch.
Labor, Veterans, and Education Division .....	Chief Health & Social Services Branch. Chief, Labor Branch. Chief, Education Branch.
Associate Director for Economics and Government .....	Chf Veteran Affairs Branch.
Transportation, Commerce, and Justice Division .....	Dep Assoc Dir for Special Studies. Adviser to the Assoc Dir for Economics & Gov. Dep Assoc Dir for Transp Commerce & Justice. Chief Commerce & Justice Branch. Chief Transport General Services Branch.
Housing, Treasury and Finance Division .....	Deputy Assoc Dir for Housing Treasury Finance. Chief, Treasury/Post Branch. Chief, Financial Institutions Branch. Chief, Housing Branch.
Assoc Dir for Natural Resources, Energy, and Science .....	Dep Assoc Dir for Spec Studies.
Natural Resources Division .....	Dep Associate Dir for Natural Resources. Chief, Water Resources Branch. Chief, Agricultural Branch. Chief, Environment Branch. Chief Interior Branch.
Energy and Science Division .....	Asst Division Chief NRD. Dep Assoc Dir for Energy & Science. Chief, Nuclear Energy Branch. Chief Science and Space Programs Branch. Chief Non-Nuclear Energy Branch.
Office of Personnel Management:	

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Office of the Chief Financial Officer .....	Chief Financial Officer.
Office of Inspector General .....	Deputy Inspector General.
Office of Executive and Management Policy .....	Asst Inspector General for Audits.
Office of Information Management .....	Asst Dir for Executive & Management Policy.
Office of Actuaries .....	Executive for ADP Operations.
Office of Insurance Programs .....	Director, Office of Actuaries.
Office of Retirement Programs .....	Asst Dir for Insurance Programs.
Office of Personnel Research and Dev .....	Asst Dir For Retirement Programs.
Staffing Service Center .....	Asst Dir for Personnel Research & Development.
Office of Agency Compliance & Evaluation .....	Assistant Director for Staffing Automation.
Office of Classification .....	Asst Dir for Agency Compliance & Evaluation.
Office of Federal Investigations .....	Asst Dir for Classification.
Office of Washington Examining Services .....	Asst Dir for Federal Investigations.
Office of Special Counsel:	Asst Dir for Wash Examining Services.
Headquarters, Office of Special Counsel .....	Assoc Spec Counsel (Investigation).
Railroad Retirement Board:	Assoc Special Counsel (Prosecution).
Board Staff .....	Deputy Associate Spec Counsel for Prosecution.
	Director for Management.
	Associate Special Counsel for Plan & Advice.
	Dir of Unemployment & Sickness Insurance.
	Director of Data Processing.
	Director of Administrative Services.
	Dir of Retirement & Survivor Programs.
	Chief Actuary.
	Director of Field Service.
	Director of Administration & Operations.
	Deputy General Counsel.
	Asst Inspector General for Investigations.
	Chief Financial Officer.
	Assistant Inspector General for Audit.
	Director of Systems Initiatives.
	Director of Taxation.
	General Counsel.
Securities and Exchange Commission:	Dep Chf Accountant.
Office of the Chief Accountant .....	Dep Exec Director.
Office of Administrative and Personnel Management .....	Assoc Exe Dir Human Resources Mgmt.
	Associate Executive Director (Finance).
	Associate Executive Director (Administration).
Div of Corporation Finance .....	Associate Director (Operations).
	Associate Director (Legal).
Selective Service System:	Assoc Dir Information Management.
Selective Service System .....	Chief Fin Ofc & Assoc Dep Adm for Mgt & Adm.
Small Business Administration:	Asst Inspector General for Auditing.
Office of the Administrator .....	Asst Inspector General for Investigations.
Ofc of the Inspector General .....	Counsel to the Inspector General.
	Deputy Inspector General.
Office of the General Counsel .....	Associate General Counsel for General Law.
	Assoc Gen Counsel Litigation.
Office of Hearings & Appeals .....	Asst Administrator for Hearings and Appeals.
Office of Financial Assistance .....	Asst Administrator for Financial Assistance.
	Director of Portfolio Management.
Office of Procurement Assistance .....	Director of Prime Contracts.
Ofc of Minority Small Business & Capital Ownership Dev .....	Assoc Admr for MSB-COD.
	Dep Assoc Admr for Pol Coord, Prog C&E.
	Dep Assoc Admr for Programs (MSB & COD).
Office of Information Resources management .....	Asst Admin for Information Resources.
Office of Personnel .....	Director of Personnel.
Office of the Comptroller .....	Deputy Chief Financial Officer & Comptroller.
Office of Program Review .....	Director of Program Analysis and Review.
	Dep Dir of Prog Analysis & Quality Assurance.
	Dep Dir of Prog Analysis & Quality Assurance.
	Director of Program Review.
	Deputy Director of Program Review.
	Deputy Director of Program Review.
	Dir of Equal Employment Opport & Compliance.
Office of EEO & Compliance .....	District Director.
District Directors .....	District Director.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
	District Director. District Director. District Director. District Director. District Director. District Director.
Department of State:	
Bureau of Administration .....	Supervisory Structural Engineer.
Bureau of Economic & Business Affairs .....	Dir, Office of East-West Trade.
Bureau of Intelligence and Research .....	Dir Ofc of Intelligence Resources.
Office of the Inspector General .....	Assistant Inspector General for Audits. Asst Inspector General for Investigations. Counsel to the Inspector General. Dep Asst Inspector General for Audits. Dep Asst Inspector Gen for Investigations. Asst Insp Gen for Policy, Plng and Management. Dep Asst Inspector Gen for Inspections. Dep Asst Insp Gen for Ofc of Secur Oversight. Director, Ofc of Civil Service Personnel Mgmt. Supervisory Civil Engineer, Operations.
Bureau of Personnel .....	
International Boundary & Water Commission .....	
Department of Transportation:	
Office of Inspector General .....	Asst Insp General for Auditing. Asst I/G for Policy, Planning and Resources. Asst Inspector General for Investigations. Dir Ofc of A&S Transportation Audits. Dir Ofc of Marine & Department Wide Audits. Dep Asst Inspector General for Auditing. Dir Ofc of Information Technol & Fin Audits. Dept Asst Inspector General for Investigations. Deputy Inspector General. Asst Inspector General for Inspections & Eval. Dep Asst Inspector Gen for Inspections & Eval. Dir Office of Public Information. Asst Secy for Administration. Senior Procurement Advisor. Director Ofc of Acquisition & Grant Mgmt. Dep Dir Ofc of Acquisition & Grant Mgmt. Assoc Admr for Safety. Director, Office of Safety Enforcement. Assoc Admr for Pipeline Safety. Associate Administrator for Marketing. Associate Administrator for Maritime Aids. Dir Office of Accounting. Dir Office of Airport Planning & Program. Mgr Grants-in-aid Division. Dep Asst Admr for Civil Aviation Security. Dir Ofc of Civil Avn Security Pol & Planning. Dir Ofc of Civil Aviation Security Operations. Dep Dir Ofc of Civil Aviation Security Ops. Dir Ofc Civil Aviation Security Intelligence. Dir Ofc of Civil Aviation Security Prog Mgt. Director Asia/Pacific Office. Assoc Administrator for Air Traffic. Dep Assoc Admin for Air Traffic. Mgr Air Traffic Division. Mgr Air Traffic Division. Mgr Air Traffic Div. Manager, Air Traffic Division. Mgr Air Traffic Division. Mgr Air Traffic Division. Manager, Air Traffic Division. Manager, Air Traffic Division. Manager, Air Traffic Division. Manager, Procedures Division. Mgr Airspace-Rules & Aeronautical Inf Div. Dir Air Traffic Rules & Procedures Service. Director, Air Traffic System Management. Dir, Air Traffic Plans & Requirements Serv. Manager System Plans & Programs Div. Manager Automation Software Division. Manager Advanced Syst & Facilities Div. Dir, Ofc of Air Traffic Syst Effectiveness. Dir, Ofc of Air Traffic Program Management.
Asst Sec for Public Affairs .....	
Asst Sec for Administration .....	
Office of Acquisition & Grant Management .....	
Assoc Adm'r for Safety .....	
Associate Administration for Pipeline Safety .....	
Ofc of Assoc Admr for Marketing .....	
Office of Associate administrator for Maritime Aids .....	
Office of Accounting .....	
Office of Airport Planning & Programming .....	
Assistant Administrator for Civil Aviation Security .....	
Office of Civil Aviation Security Policy & Planning .....	
Office of Civil Aviation Security Operations .....	
Office of Civil Aviation Security Intelligence .....	
Office Civil Aviation Security Program Management .....	
Asst Admr for Policy, Planning & International aviation .....	
Associate Administrator for Air Traffic .....	
Regional Air Traffic Divisions .....	
Air Traffic Rules & Procedures Service .....	
Office of Air Traffic System Management .....	
Air Traffic Plans and Requirements Service .....	
Office of Air Traffic System Effectiveness .....	
Office of Air Traffic Program Management .....	

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Associate Administrator for Aviation Standards .....	Assoc Administrator for Aviation Standards. Deputy Assoc Administrator Aviation Standards. Fed Air Surgeon.
Office of Aviation Medicine .....	Deputy Federal Air Surgeon. Mgr, Medical Specialties Division. Director Civil Aeromed Institute.
Office of Accident Investigation .....	Dir, Office of Accident Investigation.
Office of Aviation Systems Standards .....	Dir, Ofc of Aviation Systems Standards. Deputy Director.
Operational Support Service .....	Director Operational Support Service.
Associate Admr for Regulations & Certification .....	Assoc Admr for Regulations & Certification. Dept Assoc Admr for Regul & Certification.
Aircraft Certification Service .....	Dir, Aircraft Certification Service. Deputy Director Aircraft Certification Serv. Asst Dir, Aircraft Certification Service. Manager, Aircraft Engineering Division. Manager, Aircraft Manufacturing Division.
Regional Aircraft Certification Divisions .....	Mgr Transport Airplane Directorate. Mgr Engine & Propeller Directorate. Mgr Small Airplane Directorate. Manager Rotorcraft Directorate.
Flight Standards Service .....	Dir, Flight Standards Service. Dep Dir, Flight Standards Service. Mgr, General Aviation and Commercial Div. Manager, Air Transportation Division. Manager Aircraft Maintenance Division. Manager, Flight Standards Natl Field Office. Manager, Technical Programs Division.
Regional Flight Standards Divisions .....	Mgr, Flight Standards Div. Mgr, Flight Standards Division. Mgr, Flight Standards Div. Manager, Flight Standards Division. Mgr, Flight Standards Div. Mgr, Flight Standards Div. Mgr, Flight Standards Division. Mgr, Flight Standards Div. Manager, Flight Standards Division.
Assoc Administrator for Contracting & Quality Assurance .....	Mgr, Contracts Division. Associate Administrator.
Program Manager for Advanced Automation .....	Dep Assoc Admr for Acquisition Support. Program Mgr for Advanced Automation. Dep Program Mgr for Advanced Automation. Dep Prog Mgr for Voice S&C System.
Program Director for Automation .....	Program Director for Automation.
Program Director for Communications .....	Program Director for Communications.
Program Director for Navigation & Landing Aids .....	Program Dir for Navigation & Landing Aids.
Program Director for Surveillance .....	Program Director for Surveillance.
Program Director for Weather & Flight Service Systems .....	Prog Dir for Weather & Flight Services Syst.
Office Acquisition Policy & Oversight .....	Dir, Ofc of Acquisition Pol & Oversight.
Associate Administrator for Aviation Safety .....	Assoc Admin for Aviation Safety. Dep Assoc Admin for Aviation Safety. Executive Director.
Federal Highway Administration .....	Director Office of Fiscal Services.
Assoc Admr for Admin .....	Director Office of Contracts and Procurement.
Associate Administrator for Safety & System App .....	Assoc Admr for Safety & System Applications.
Office of Highway Safety .....	Dir, Office of Highway Safety.
Office of Motor Carrier Standards .....	Dir, Office of Motor Carrier Standards.
Office of Motor Carrier Safety Field Operations .....	Dir, Ofc of Motor Carrier S/F Operations.
Office of Environment & Planning .....	Chief Environmental Operations Division.
Office of Right of Way .....	Dir Ofc of Right of Way. Chief, Operations Division
Natl Center for Statistics and Analysis .....	Chf, Accident Investigation Div.
Assoc Admr for Enforcement .....	Assoc. Administrator for Enforcement.
Ofc of Defects Investigation .....	Dir, Ofc of Defects Investigation.
Ofc of Vehicle Safety Comp .....	Dir, Ofc of Vehicle Safety Compliance.
US Coast Guard .....	Chief, Procurement Management Division.
Department of Treasury:	
Deputy Assistant Secretary (Intl Monetary Policy) .....	Dir Ofc of Foreign Exchange Operations.
Fiscal Assistant Secretary .....	Fiscal Assistant Secretary.
	Assistant Fiscal Assistant Secretary.
	Commr of Financial Management Service.
Financial Management Service .....	Dep Com Financial Management Service.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Bureau of the Public Debt .....	Dir, Regional Financial Center (Chicago). Director, Regl Fin Ctr (Philadelphia). Director, Regl Fin Ctr (San Francisco). Director, Regl Fin Ctr (Austin). Deputy Director, Operations Group. Comptroller Director, Systems Services Directorate. Assistant Commissioner, Information Systems. Assistant Commissioner, Federal Finance. Director Operations Group. Assistant Commissioner, Regional Operations. Asst Comr, Management (Chief Fin Ofc). Assistant Commissioner, Agency Services. Dir, Systems Development Directorate. Dir, Fin Information Management Directorate. Dir, Technology & Information Group. Director, Working Capital Directorate. Assistant Commissioner, Financial Information. Dir, Financial Accounting & Syst Directorate. Commissioner. Dep commr of the Public Debt. Asst Commissioner (Savings Bond Operations). Asst Commr (Financing). Asst Commr (Administration). Government Securities Act Program Director. Government Securities Policy Advisor. Asst Commr/Securities & Accounting Services. Asst Commissioner (Automated Info Systems). Asst Commissioner (Public Debt Accounting). Asst Dir for Economic Forecasting. Sr Economist.
Assistant Secretary (Economic Policy) .....	Dep Asst Insp Gen for Audit (Audit Prog Serv). Dep Asst Inspector Gen for Audit (Audit Ops). Aig for Policy, Planning & Resources. Asst Insp Gen for Oversight & Quality Assur. Asst Inspector General for Audit. Asst Inspector General for Investigations.
Ofc of the Inspector General .....	Dir (Economic Mod & Computer Applications). Dir, Management Programs Directorate. Director, Office of Procurement Dir Fin Crimes Enforcement Network. Dep Dir, Financial Crimes Enforcement Network. Director, Office of Asset Forfeiture Policy. Director, Office of Law Enforcement. Assistant Director Internal Affairs Asst Dir, Congressional and Media Affairs. Director, Laboratory Services. Dep Dir/Assoc Dir (Law Enforcement). Chief, Spec Operations Division. Chief, Planning & Analysis Staff. Chief, Intelligence Division. Chief, Explosives Division. Deputy Assoc Dir (Law Enforcement). Chief, Firearms Division.
Assistant Secretary (Tax Policy) .....	
Assistant Secretary (Management) .....	
Assistant Secretary (Enforcement) .....	Special Agent in Charge (NY District Office). Special Agent in Charge (LA District Office). Special Agent in Charge (Miami District Ofc). Spec Agent in Charge (Washington Dist Office). Spec Agent in Charge (Detroit Dist Office). Dep Dir/Assoc Dir (Compliance Operations). Dep. Associate Dir. (Compliance Operations). Chief, Revenue Programs Division. Chief, Industry Compliance Division. Regional Director (North Atlantic Region).
Bureau of Alcohol, Tobacco, and Firearms .....	Assistant Chief Counsel (Chicago). Assistant Chief Counsel (New York). Staff Assistant to the Chief Counsel. Asst Commissioner for Internal Affairs. Deputy Asst Comr (International Affairs). Asst Commissioner (Ofc of Info Mgmt). Spec Asst to the Comr for International Affrs. Asst Commr (Inspection & control).
Office of Law Enforcement .....	Deputy Asst Insp Gen for Audit (Audit Prog Serv). Dep Asst Inspector Gen for Audit (Audit Ops). Aig for Policy, Planning & Resources. Asst Insp Gen for Oversight & Quality Assur. Asst Inspector General for Audit. Asst Inspector General for Investigations.
Field Operations .....	Regional Director (North Atlantic Region). Assistant Chief Counsel (Chicago). Assistant Chief Counsel (New York). Staff Assistant to the Chief Counsel. Asst Commissioner for Internal Affairs. Deputy Asst Comr (International Affairs). Asst Commissioner (Ofc of Info Mgmt). Spec Asst to the Comr for International Affrs. Asst Commr (Inspection & control).
Office of Compliance Operations .....	
Field Operations .....	
Chief Counsel .....	
US Customs Service .....	

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
	Comptroller. Deputy Asst Commr (Inspection & Control). Deputy Assistant Commissioner (Management). Director, Ofc of Automated Systems Operations. Dir Budget and Planning. Exec Dir the Interdiction Committee. Assistant Commissioner, Office of Management. Senior Adv for Auto Comm Sys Select Projects. Dep Assoc Commr for Organl Effectiveness. Dir Ofc of Human Resources.
Office of Enforcement .....	Director, Ofc of Automated Commercial Systems. Deputy Assistant Commissioner (Enforcement). Dir, Office of Investigative Programs. Dir, Office of Enforcement Support. Dir Ofc of Domestic Operations.
Field Operations .....	Director Ofc of Foreign Operations. Dep Asst Comr, Ofc of A&M Interdiction. Special Agent in Charge, Miami. Special Agent in Charge—New York. Special Agent in Charge. Special Agent in Charge (New Orleans). Special Agent in Charge. Special Agent in Charge (Houston). Special Agent-in-Charge (San Diego). Special Agent in Charge (Newark). Special Agent-in-Charge (Chicago).
Office of Commercial Operations .....	Deputy Asst Comm Ofc of Regul & Rulings. Dir, International Trade Compliance Division. Dir Ofc of Regulatory Audit. Dir, Office of Technical Services. Dep Asst Comm (Ofc of Trade Operations). Dep Asst Commissioner Commercial Operations. Dep Dir, Ofc of Regulatory Audit.
Regional Commissioners .....	Dir, Commercial Rulings Division. Regl Commr Reg 2 NY. Reg Commr, Reg 1, Boston. Asst Regn Commr Operations Reg II New York. Regl Commr, Reg 4, Miami. Reg Commr, Reg V, New Orleans. Regional Commissioner, Chicago. Asst Regional Commr (Operations). Asst Regl Commr (Operations). Asst Regl Commr (Operations). Asst Regl Commr (Operations). Asst Regional Commr (Operations). District Director, Miami. District Director, Laredo. Area Dir, Newark. Area Director, JFK Airport. Area Director, New York Seaport. Regional Commissioner. District Director, Los Angeles. Regional Dir of Internal Affairs.
Chief Counsel .....	Asst Chief Counsel (Customs Court Litigat). Miami Regl Counsel. Chicago Regl Counsel. New York Regl Counsel. Associate Chief Counsel Enforcement. Assoc Chief Counsel (Trade Tariff & Leg). Regional Counsel (Southwest Region). Regional Counsel (Pacific Region).
US Secret Service .....	Director of the Secret Service. Deputy Director U.S. Secret Service. Assistant Director, Administration. Assistant Director Inspection. Assistant Director—Training. Asst Director—Govt Liaison and Public Aff. Dep Asst Dir (Spec Agent Trng), Ofc of Trng. Director US Secret Service. DAD—Administration. DAD (Uniformed Forces, F&E Dev), Ofc Trng. Special Asst to the Director.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Office of Protective Operations .....	Deputy Asst Director Office of Inspection. Asst Dir (Protective Operations). Dep Asst Dir (Protective Operations). Spec Agent in Charge—Presidential Protective. Spec Agent in Charge—VP Protect Div. DASIC Presidential Protective Division. Spec Agent in Charge Dignitary Protective Div. Deputy Special Agent in Charge Pres Prot Div. Deputy Special Agent in Charge—VP Prot Div.
Office of Protective Research .....	Asst Dir (Protective Research). Dep. Asst. Dir. (Protective Research). Spec Agent in Charge—Tech Sec Div. Spec Agent in Charge—Intelligence Div. Dep Spec Agent in Charge, Intelligence Div. Chf, Info Resources Management Division.
Office of Investigations .....	Asst Director, Investigations.
Field Operations .....	Dep Asst Dir—Investigations (Hdqtrs Ops). Special Agent in Charge, New York Office. Special Agent in Charge, Chicago. Special Agent in Charge, Los Angeles Office. Spec Agent in Charge—Washington Field Office. Spec Agent in Charge—Philadelphia Field Office. Deputy Special Agent in Charge, New York. Spc Agent in Charge San Francisco Office. Special Agent in Charge, Detroit. Special Agent in Charge, Dallas Field Office. Dep Spec Agent in Charge, Washington Fld Ofc. Special Agent in Charge—Houston Field Ofc. Spec Agent in Charge—Miami Field Office. Special Agent in Charge—Boston Field Office. Spec Agent in Charge—Atlanta Field Office.
US Mint .....	Assoc Director, Chief Operating Officer. Dep Assoc Dir for Finance & Dep Chief Fin Ofc. Assoc Dir of Pol & Management.
Internal Revenue Service .....	Associate Director for Marketing. Regl Dir of Appeals—Central Region. Reg Dir of Appeals, Mid-Atlantic Region. Reg Dir of Appeals—Southwest Reg. Regional Dir of Appeals North Atlantic Region. Regional Director of Appeals—Western Region. Asst to the Commissioner (Equal Opportunity). Chief Appeals Office New York City. Deputy Commissioner. Regional Director of Appeals. Taxpayer Ombudsman. Asst to the Commissioner (Legis Affairs). Chief, Appeals Office, Long Island. Regional Director of Appeals. National Director of Appeals. Deputy National Dir of Appeals. Asst to the Commissioner (Quality). Asst to the Senior Dep Commissioner.
Chief Financial Officer .....	Chief Financial Officer. Dir Financial Management Division. Director, Budget Division. Deputy Assistant Commissioner (Procurement). Accounts Receivable Executive Officer. Dir Training & Development Division. Dir, Facilities & Info Mgmt Support Division. Director, Research Division. Director, Support & Services Division. Spec Asst to Dep Comr (P&R)/Chf Fin Officer. Project Dir, Diagnostic Serv Center Proj Ofc. A/C (Planning & Research). Director, Planning Division. Dir, Support & Services Division. Dep Asst Commissioner (Planning & Research). Director, Human Resources Division. Asst Commissioner (Finance)/Controller. Dep Asst Commissioner (Human Res & Support). Dir Accounting Standards & Systems Division. Assistant Commissioner (Human Res & Support).

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Chief Operations Officer .....	Asst Comr (Procurement). Asst Comr (Employee P&E Organizations). Dir. Tax Forms & Publications Div. Special Asst for Exempt Organization Matters. Assistant Commissioner (Taxpayer Services). Program Manager (Tax Systems Modernization). Assistant Commissioner (Examination). Asst Commr (Criminal Investigation). Dir Exempt Organizations Technical Division. D/Employee Plans Tech & Actuarial Division. Director, Statistics of Income Division. Deputy Assistant Commissioner (Examination). Dep Asst Commr (Criminal Investigation). Director, Input Processing Division. Director, Ofc of Field Operations. Asst/Dir Employee Plans Techn & Actuarial Div. Operations Dep Asst Comr (Returns Processing). Director, Coordinated Examination Program. Assistant Dir, Taxpayer Service Division. D/A Comr (Employee Plans & Exempt Orgs). Director, Case Processing Division. Compliance 2000 Executive. Business Integration DAC (Returns Processing). Chief Operations Officer. Asst Commissioner (Returns Processing). Dir Taxpayer Service Division. Dep Asst Commr (Collection). Assistant Commissioner (Collection). Assistant Commissioner (International). Dir Information Reporting Program. Dep Asst Comr (Taxpayer Services). Deputy Asst Commissioner (International). Director, Fed State Relations Division. Reg Commr.
North Atlantic Region .....	Asst Reg Commr (Exam) North Atlantic Reg. ARC (Criminal Investigation). ARC (Resources Mgmt). ARC (Collection) North Atlantic Region. Assistant Regional Commissioner (Data Proc). Service Center Director, Andover, Mass. Svc Ctr Dir, Brookhaven. District Dir, Manhattan. District Dir, Brooklyn. District Dir, Boston. District Dir, Albany. Dist Dir (Hartford). District Dir, Buffalo. Asst Dist Dir, Brooklyn. Assistant District Director Manhattan. Asst District Dir, Boston. District Director, Providence. Dist Dir, Augusta. District Director, Portsmouth. District Director, Burlington. Asst Service Center Director, Andover. Reg Commissioner.
Mid-Atlantic Region .....	ARC (Examination) Mid-Atlantic. ARC (Criminal Investigation) Mid Atlantic Reg. Asst Reg Commr (Collection). Assistant Regional Commissioner (Data Proc). Service Center Dir, Philadelphia. District Dir, Newark. District Dir, Pittsburgh. District Director, Richmond District. Asst District Dir, Philadelphia. Asst District Director (Newark). Assistant District Director—Baltimore, Md. District Director, Wilmington. District Dir, Baltimore. District Director.
Southeast Region .....	Assist Reg'l Commissioner (Resources Mgmt). Reg Commr.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
	ARC (Examination) Southeast Region. Asst Reg Commissioner, Criminal Investigation. Asst Reg'l Commr (Resources Management). Asst Reg (Collection) SE Reg Atlanta. Assistant Regional Commissioner (Data Proc). Service Center Director, Memphis. Svc Ctr Dir, Atlanta. District Dir, Jacksonville. District Dir, Atlanta. District Director Greensboro. District Dir, Nashville. District Director Birmingham. District Dir, New Orleans. District Director, Columbia. District Director, Little Rock District. District Director, Jackson, Miss. Asst District Director, Jacksonville. Assistant District Director, Atlanta. Assistant District Director. District Director.
Central Region .....	Regional Commr, Central. ARC (Examination) Central Region. Asst Regl Comr (Criminal Investigation). Asst Reg Comm (Resource Management). Assistant Regional Commissioner (Collection). Asst Regl Commissioner (Data Processing). Dir Service Ctr Cincinnati. District Dir (Cleveland). District Director Detroit. District Director (Parkersburg). District Director, Indianapolis. District Director, Louisville. District Dir, Cincinnati. Assistant District Director Detroit. Asst Service Center Director.
Midwest Region .....	Regional Commr, Midwest Region. Asst Reg Commr (Resources Mgmt). ARC (Criminal Investigation) Midwest Region. Assistant Regional Commissioner (Data Proc). ARC (Examination), Midwest Region. ARC (Collection) Midwest Region. SRVC Ctr Dir, Kansas City. District Dir, Chicago. District Director St Louis. District Dir, St Paul. District Dir, Omaha. District Dir, Springfield. District Dir, Milwaukee. Asst District Dir, Chicago. District Director, Fargo. District Director, Aberdeen. District Director, Helena. District Director.
Southwest Region .....	Assistant Service Center Director. Regional Commissioner. Asst Regl Commr (Examination). ARC (Criminal Investigation) SW Region. ARC (Resources Mgmt). Assistant Regional Commissioner (Collection). Assistant Regional Commissioner (Data Proc). Service Center Dir, Ogden. Service Center Director, Austin. District Dir, Austin. District Director, Dallas. District Director, Wichita. District Director, Oklahoma City. District Dir, Phoenix. District Dir, Denver. Assistant District Director Dallas. District Director, Albuquerque. District Director, Cheyenne. District Director, Salt Lake City.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Western Region .....	Compliance Center Director. Assistant District Director, Houston. District Director, Houston. Reg Commr. ARC (Criminal Investigation). Assistant Regional Commissioner (Data Proc). Asst Regional Commissioner (Examination). Asst Regl Commr (Collection). Asst Regl Commr/(Resources Management). Service Center Director, Fresno. District Dir, Los Angeles. District Dir, San Francisco. District Director Portland District. District Dir, Seattle. Asst District Dir, Los Angeles. Asst Dist Dir San Francisco. District Director, Honolulu. District Director, Anchorage. District Director, Boise. District Director, (Sacramento). District Director, (Las Vegas). District Director, San Jose. Assistant District Director, Laguna Niguel. Asst Service Center Director. District Director, Laguna Niguel.
Chief Information Officer .....	Assistant District Director Dir Martinsburg Computing Center. Dir, IRS Data Center Detroit. Director, Systems Design Division. Director Systems Acquisition Division. Dir Input Systems Division. Dep Asst Commissioner (Info Systems Mgmt). Dir Project Mgmt Division. Dir Systems Management & Oper Services Div. Asst Commissioner (Information Systems Dev). Privacy Advocate. Dir Case Systems Division. Director, Systems Integration Division. Dep Asst Chf Info Officer Info System Dev. Asst Dir Detroit Computing Ctr. Dir Telecommunications Division. Director, Quality Assurance Division. Chief Information Officer. Director, Corporate Systems Division. Asst Commissioner (Information Systems Mgmt).
Chief Inspector .....	Chief Inspector. Dep Chief Inspector. Assistant Chief Inspector (Int Audit). Assistant Director Internal Audit Division. Asst Chief Inspector (Internal Security). Asst Dir, Internal Security Division. Regional Inspector, Midwest Reg. Regional Inspector, North Atlantic. Regional Inspector Western Region. Regional Inspector, Southwest Reg. Regional Inspector, Mid-Atlantic Reg. Regional Inspector, Central. Regional Inspector Southeast.
Chief Counsel .....	Asst Chief Counsel (General Litigation). Asst Chief Counsel (Criminal Tax). Asst Chief Counsel (General Legal Services). Asst Chief Counsel (Disclosure Litigation). Assistant Chief Counsel (International). Assistant Chief Counsel (Corporate). Dep Asst Chf Coun (Income Tax & Accounting). Dep Asst Chf Coun (Passthroughs/Spec Indust). Asst to the Assoc Chf Coun (Fin & Mgmt). Asst Chief Counsel (Field Service). Asst Chf Coun (Passthroughs/Spec Industries). Deputy Asst Chief Counsel (Corporate). Dep Assoc Chief Counsel (Fin & Management). Special Appellate Counsel.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
	Dep Asst Chief Counsel (Field Service). Dep Asst Chief Coun (Financial Inst & Prod). Dep Assoc Chf Coun (Enforcement Litigation). Dep Assoc Chief Counsel International. Asst Chf Coun (Fin Institutions & Products). Dep Asst Chief Coun (Income Tax & Accounting). Dep Assoc Chief Counsel (EBEO). Dep Asst Chf Coun (Income Tax & Accounting). Asst Chief Counsel (Income Tax & Accounting). Assoc Chief Counsel (Enforcement Litigation). Assoc Chief Counsel Emp Benefits Exempt Org. Special Counsel (Large Case). Special Litigation Counsel. Deputy Chief Counsel. Dep Assoc Chief Counsel (Domestic) (Technical). Associate Chief Counsel (International). Assoc Chf Counsel (Finance & Management). Dep Assoc Chief Coun (Domestic) (Field Serv). Assoc Chief Counsel (Domestic).
Regional Counsels .....	Regl Counsel, Central Reg. Regional Counsel, Mid-Atlantic Region. Regl Counsel Midwest Region. Regl Counsel, North Atlantic Region. Dep Regl Coun (Tax Litigat) N Atlantic Reg. Deputy Regional Counsel (General Litigation). Regional Counsel SE Region. Regl Counsel Southwest Region. Regional Counsel. District Counsel Boston. District Counsel Los Angeles. District Counsel Cincinnati. District Counsel, Philadelphia. District Counsel, Newark. District Counsel, Chicago. District Counsel, Manhattan. District Counsel, Dallas. District Counsel, San Francisco. Dep Regional Counsel (Tax Litigation). Dep Regional Counsel (Tax Litigation). District Counsel. District Counsel. Deputy Regional Counsel (Tax Litigation). District Counsel, Washington, DC. Deputy Regional Counsel (Tax Litigation). District Counsel, Brooklyn, New York. District Counsel, Houston Texas. District Counsel, Denver.
US Arms Control and Disarmament Agency:	
Verification and Implementation Bureau .....	Chief, Verification Division.
Ofc of Administration .....	Director of Administration.
Strategic and Nuclear Affairs Bureau .....	Chief, Defense & Space Division.
Theatre Affairs Division .....	Chief, Theater Affairs Division—A966.
Strategic Affairs Division .....	Chief, Strategic Affairs Division A—977.
Non-Proliferation Policy Bureau .....	Chief Scientist. Chf, Def Programs & Analysis Division. Chf, International Nuclear Affairs Divisions. Chief Sci & Technological Division.
Multilateral Affairs Bureau .....	
United States Information Agency:	
Ofc of the Director .....	Assistant Inspector General for Audits. Assistant Inspector General for Inspections. Director, Office of Personnel. Director, Office of the Comptroller. Dir Off Security. Dir Ofc of Contracts. Director, Office of Technology. Dir Engineering and Technical Operations. Deputy of Systems Engineering. Deputy for Projects Management. Deputy for Operations. Deputy General Counsel.
Bureau of Management .....	
Bureau of Broadcasting .....	
Ofc of the Gen Counsel .....	
US International Trade Commission:	
Office of Industries .....	Dir Ofc of Industries.

## POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1993—Continued

Agency organization	Career reserved positions
Office of Investigations ..... Department of Veterans Affairs: Office of the Inspector General .....	Dir, Ofc of Investigations. Dep Inspector General. Assistant Inspector General for auditing. Asst Inspector General for Investigations. Asst Insp Gen for Policy, Plan & Resources. Dep Asst Inspector General for Investigations. Counselor to the Inspector General. Asst Inspector General for Healthcare Inspect. Director for National Audits. Dep Asst Inspector General for Auditing.
Board of Veterans' Appeals .....	Vice Chairman. Deputy Vice Chairman. Deputy Vice Chairman.
Office of Financial Management .....	Dir, VA Automation Ctr, Austin, TX. Dep Asst Secy for Financial Management. Assoc Dep Asst Secy for Financial Operations. Assoc Dep Asst Secy for ADP Systems. Assoc Dep Asst Secy for Telecommunications. Assoc Das for Info Res Plans & Technology.
Office of Information Resources Management .....	Assoc Dep Asst Secy for Human Res Management. Assoc Dep Asst Secy for Human Res Management.
Office of Human Resources Management .....	Assoc Dep Asst Secy for Human Res Management. Assoc Dep Asst Secy for Human Res Management.
Ofc of the Asst Secretary for Acquisition and Facilities ..... Office of Acquisition and Materiel Management .....	Dir Canteen Service. Dep Asst Sec for Acquisition & Materiel Mgmt. Assoc Dep Assistant Secy for Acquisitions. Associate Dep Asst Secy for Depots. Assoc Dep Asst Secy for Resources. Associate Deputy Asst Secretary for Materiel. Assoc Das for VA Natl ACQ Center Hines, IL.
Office of Security and Law Enforcement ..... Veterans Benefits Administration .....	Dep Asst Secy for Security & Law Enforcement. Director, Budget & Finance Staff. Dep Dir Compensation & Pension Service. Dep Dir Loan Guaranty Svc. Dir Info Management & Tech Assessment Service.
Veterans Health Administration .....	Northeastern Area Project Manager. Southern Area Project Manager. Central Area Project Manager. Western Area Project Manager. Dep Dir, Mental H&B Sciences Service. Director, Budget Office. Deputy Director, Budget Office. Dir, Office of Project Management. Director Ofc of Architecture & Engineering. Dir, Office of Real Property Management. Dir Office of Medical Sharing. Dir, Medical Care Cost Recovery Office. Dir Emergency Medical Preparedness Office. Deputy Director Emergency Medical Prep Ofc.

[FR Doc. 94-5760 Filed 3-14-94; 8:45 am]

BILLING CODE 8325-01

# Federal Register

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Tuesday  
March 15, 1994

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## Part III

### Department of Health and Human Services

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Administration for Children and Families

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Fiscal Year 1994 National Center on  
Child Abuse and Neglect Discretionary  
Funds Program; Availability of Funds and  
Request for Applications; Notice

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Administration for Children and Families****Fiscal Year 1994 National Center on Child Abuse and Neglect Discretionary Funds Program; Availability of Funds and Request for Applications**

**AGENCIES:** Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF), HHS.

**ACTION:** Announcement of the availability of funds and request for applications to conduct child abuse research or demonstration projects as authorized by the Child Abuse Prevention and Treatment Act, as amended.

**SUMMARY:** The National Center on Child Abuse and Neglect (NCCAN), within the Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF) announces the availability of funds for research on the causes, prevention, identification, treatment and cultural distinctions of child abuse and neglect; appropriate, effective and culturally sensitive investigative, administrative and judicial procedures with respect to cases of child abuse; and for demonstration or service programs and projects designed to prevent, identify, and treat child abuse and neglect. This announcement contains forms and instructions for submitting an application.

**DATES:** The closing date for submission of applications is May 31, 1994.

**ADDRESSES:** Applications receipt point: FY 1994 NCCAN Discretionary Funds Program, Department of Health and Human Services, ACF/Division of Discretionary Grants, 6th floor, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: NCCAN-94-1.

**FOR FURTHER INFORMATION CONTACT:** Administration for Children and Families, Administration on Children, Youth and Families, National Center on Child Abuse and Neglect, PO Box 1182, Washington, DC 20201. Telephone (202) 205-8586. To provide 24-hour coverage, calls to this number will be answered by an answering machine.

**SUPPLEMENTARY INFORMATION:** If you plan to submit an application, please send a post card with the following information: the name, address, and telephone number of the contact person; the name of the organization; and the priority area(s) in which you may submit an application, within two (2) weeks of the receipt of this announcement to: Administration on

Children, Youth and Families, Operations Center, 3030 Clarendon Blvd., suite 240, Arlington, VA 22201.

This information will be used to determine the number of expert reviewers needed and to update the mailing list of persons to whom program announcements are sent.

This program announcement consists of three parts. Part I provides information on NCCAN; the statutory funding authority applicable to this announcement; and general information on the application procedures.

Part II describes the review process, additional requirements for NCCAN grant applicants, the criteria for the review and evaluation of applications, and the programmatic priorities under which applications are being solicited.

Part III provides information and instructions for the development and submission of applications.

The forms to be used for submitting an application follow Part III. Please copy and use these forms in submitting an application under this announcement. No additional application materials are available or needed to submit an application.

Applicants should note that grants to be awarded under this program announcement are subject to the availability of funds.

**Part I—Introduction**

In 1974, the Child Abuse Prevention and Treatment Act (the Act) established the NCCAN in the Department of Health and Human Services. It is located organizationally within the Administration on Children, Youth and Families (ACYF) in the Administration for Children and Families (ACF).

The National Center on Child Abuse and Neglect conducts activities designed to assist and enhance national, State and community efforts to prevent, identify and treat child abuse and neglect. These activities include: Conducting research and demonstrations; supporting service improvement projects; gathering, analyzing and disseminating information through a national clearinghouse; and providing grants to eligible States for developing, strengthening and carrying out child abuse and neglect prevention and treatment programs and programs relating to the investigation and prosecution of child abuse cases. In addition, the legislatively mandated Advisory Board on Child Abuse and Neglect and the Inter-Agency Task Force on Child Abuse and Neglect produce periodic reports regarding child abuse and neglect activities.

The Act has been amended several times, and was most recently reauthorized and otherwise amended by the Child Abuse, Domestic Violence, Adoption, and Family Services Act of 1992 (Pub. L. 102-295, May 5, 1992) and by the Juvenile Justice and Delinquency Act Amendments of 1992 (Pub. L. 102-586, November 4, 1992). This announcement reflects research and demonstration priorities and solicits applications under the authority of the Act (42 USC 5101 *et seq.*) as amended.

In the past, ACF has issued a Coordinated Discretionary Funds Program (CDP) announcement combining the research, demonstration and training initiatives for several ACF programs. This announcement for fiscal year (FY) 1994, however, covers only those activities to be funded by NCCAN. The priority areas identified in this announcement derive from NCCAN's legislative mandates as well as agency and Departmental goals and initiatives. The priority areas have been developed as the result of literature reviews and findings from recently completed studies; information and suggestions received from the field including NCCAN-sponsored and co-sponsored symposia and workshops; NCCAN Research, Demonstration and State Grants program meetings; hearings convened by the Advisory Board on Child Abuse and Neglect, other Departmental organizations, and professional associations; and additional comments received in response to the proposed priority areas. The priority areas seek to focus attention on and to encourage research and demonstration efforts to obtain new knowledge and improvements in service delivery for the solution of particular social problems and to promote the dissemination and utilization of the knowledge and model practices developed under these priority areas.

On May 12, 1993, a notice soliciting comments on the National Center on Child Abuse and Neglect's (NCCAN) proposed priority areas for FY 1993 was published in the *Federal Register*. A 60-day period was provided to allow the public to comment on the proposed areas. After review and analyses of these comments, NCCAN is publishing its final priority areas.

At the close of the comment period, NCCAN had received 87 written responses from a variety of sources, including the following: The U.S. Advisory Board on Child Abuse and Neglect; a member of the House of Representatives; State and county departments of social welfare and human services; State, regional, and

local educational agencies; a State department of justice; children's trust and prevention funds programs; State protection and advocacy systems; community agencies for children and families; national, State, and local associations and non-profit organizations; universities; hospitals, medical centers, and a dental center; mental health services agencies and agencies serving children with disabilities; Federal Area and Regional Offices; a State Council on Domestic Violence; foundations; and national resource centers and clearinghouses. Additionally, the Panel on Research on Child Abuse and Neglect of the National Academy of Sciences released its prepublication copy of *Understanding Child Abuse and Neglect* (available for purchase in book form from the National Academy Press, 2101 Constitution Avenue, NW., Box 285, Washington, DC 20055. Telephone: 1-800-624-6242) at a Symposium on Research on Child Abuse and Neglect sponsored by the National Academy of Science and held on July 13 in Washington, DC.

The largest number of written responses came from national, State, and local associations and non-profit organizations, followed closely by the responses from State and county departments of social welfare and human services. A number of supportive and general comments were provided which emphasized the importance of a focus on cultural sensitivity and relevance in the design of research and demonstration projects on child maltreatment; prevention and parental and community empowerment programs; the relationships between child abuse and neglect, family violence and community violence; and sound and rigorous evaluation components as part of prevention and intervention studies. Other comments focused on the application and review process. Comments were also submitted on each of the seven research and demonstration priority areas, along with recommendations for symposia topics and additional priority areas.

The responses were generally supportive of the seven research and demonstration priority areas and the symposia topics included in the announcement. The largest group of written comments were in response to the two demonstration and service priority areas on model inter-agency collaborative approaches to prevent maltreatment of children with disabilities (25) and specialized joint training for State and local Child Protective Services (CPS) workers and providers of services to children with

disabilities on the identification, intervention and/or treatment of maltreated children with disabilities (22). Some of this discussion described research which still needs to be carried out and this topic has been added to the priority area on Field Initiated Research on Child Abuse and Neglect. Based on the comments received in response to the priority area on Research on Risk Assessment Systems, one of the major areas of emphasis has been modified. To the extent feasible, NCCAN has addressed all public comments in preparing its final FY 1994 priority areas. Comments intended to further clarify and focus the priorities were incorporated into the revised descriptions. Additional resources brought to our attention have been cited in the priority descriptions.

The NCCAN has also reviewed the report of the Panel on Research on Child Abuse and Neglect of the National Academy of Sciences for issues that can be addressed both in the FY 1994 research and demonstration priorities and the FY 1994 procurement plan as well as in the development of a coordinated approach and conceptual framework for a long-term research agenda for the field. In its summary chapter on research priorities, the panel concluded that

"\* \* \* a research agenda for child maltreatment studies should address four separate objectives. We need knowledge that can:

- (1) Clarify the nature and scope of child maltreatment, guided by well-developed research definitions and instrumentation.
- (2) Provide an understanding of the origins and consequences of child maltreatment in order to better inform theories regarding its etiology and to establish a foundation for improving the quality of future policy and program efforts to address this problem.
- (3) Determine the strengths and limitations of existing approaches and interventions in preventing and treating child maltreatment to guide the development of new and more effective interventions; and
- (4) Develop a science policy for child maltreatment research that recognizes the importance of developing national leadership, human resources, instrumentation, financial resources, and appropriate institutional arrangements for child maltreatment research."

The Panel acknowledged the complexity of child maltreatment, and presented

"\* \* \* a child-oriented research agenda that emphasizes the importance of knowing more about the backgrounds and experiences of developing children and their families, with a broader social context that includes their friends, neighborhoods, and communities \* \* \*. The Panel has adopted an ecological developmental perspective to examine the factors in the child, family, or

society that can exacerbate or mitigate the incidence and destructive consequences of child maltreatment."

The Panel pointed to the need for more sophisticated models and suggests that research must use multivariate models and etiological theories to understand causes. Rigorous research and evaluation studies of the effectiveness of prevention, intervention and treatment programs are needed. The Panel stated that

"Our report extends beyond what is, to what could be, in a society that fosters healthy development in children and families. We cannot simply build a research agenda for the existing system; we need to develop one that independently challenges the system to adapt to new perspectives, new insights, and new discoveries." (Panel on Research on Child Abuse and Neglect, Commission on Behavioral and Social Sciences and Education, National Research Council. *Understanding Child Abuse and Neglect*. Washington DC: National Academy Press, 1993.)

The NCCAN has accepted that challenge and, to the extent feasible, has incorporated many of the issues identified in the report related to identification, etiology, and prevention into this announcement. The NCCAN also acknowledges those common themes in the written comments from the field and the report of the Panel. In addition, NCCAN will continue to consider the recommendations of the Panel in future announcements as well as in planning efforts with other Federal agencies through the Inter-Agency Task Force on Child Abuse and Neglect and in reaching out to other agencies, organizations and foundations for collaborative activities.

Information on prior research and demonstration projects supported by NCCAN as well as on other studies on child maltreatment are available through the Clearinghouse on Child Abuse and Neglect Information, PO Box 1182, Washington, DC 20013, (1-800-FYI-3366). The Clearinghouse is also a member of the Consortium of Clearinghouses and can provide information on the other Clearinghouses and Resource Centers referred to in this announcement.

## Part II—The Review Process and Priority Areas

This Part describes the screening and review process, the criteria for the evaluation of applications, and the programmatic priorities under which applications are being solicited.

### A. Eligible Applicants

Before applications are reviewed, each application will be screened to

determine that the applicant organization is an eligible applicant as specified under the selected priority area. Applications from organizations which do not meet the eligibility requirements for the priority area will not be considered or reviewed in the competition, and the applicant will be so informed.

Applications will be screened for categorical appropriateness. If NCCAN finds applications inappropriate for the priority area in which they were submitted, applicants will be contacted for verbal approval of redirection to a more appropriate priority area. Redirection does not affect decision-making in the competitive process which follows initial screening.

Each priority area description contains information about the types of agencies and organizations which are eligible to apply under that priority area. Since eligibility varies among priority areas depending on statutory provisions, it is critical that the "Eligible Applicants" section under each specific priority area be carefully considered.

Only agencies and organizations, not individuals, are eligible to apply under any of the priority areas. On all applications developed jointly by more than one agency or organization, the application must identify only one organization as the lead organization and official applicant. The other participating agencies and organizations can be included as co-participants, subgrantees, or subcontractors.

For-profit organizations are eligible to participate as subgrantees or subcontractors with eligible non-profit organizations under all of the priority areas.

Any non-profit agency applying for financial assistance under this announcement must submit proof of its non-profit status with its grant application. Failure to do so will result in rejection of the application. The non-profit agency can accomplish this either by making reference to its listing in the Internal Revenue Service's (IRS) most recent list of tax-exempt organizations or by submitting a copy of its letter from the IRS under IRS Code section 501(c)(3). The ACYF cannot fund a non-profit applicant without acceptable proof of its non-profit status.

#### *B. Review Process and Funding Decisions*

Timely applications from eligible applicants will be accepted for screening and review. The formal review process will be established in accordance with section 105(e) of the Act and will be conducted in

Washington, DC. Applications will be reviewed and scored competitively against the published evaluation criteria (see Part II C of this announcement) by experts in the field, generally persons from outside the Federal government. The results of this review are a primary factor in making funding decisions.

The NCCAN and ACYF reserve the option of discussing applications with, or referring them to, other Federal or non-Federal funding sources when this is determined to be in the best interest of the Federal government or the applicant. The NCCAN or ACYF also may solicit comments from ACF Regional Office staff, other Federal agencies, interested foundations, national organizations, specialists, experts, States and the general public. These comments, along with those of the expert reviewers, will be considered by NCCAN and ACYF in making funding decisions.

To the greatest extent possible, efforts will be made to ensure that funding decisions reflect an equitable distribution of assistance among the States and geographical regions of the country, rural and urban areas, and ethnic populations. In making these decisions, NCCAN and ACYF may also take into account the need to avoid unnecessary duplication of effort.

#### *C. Evaluation Criteria*

There are two sets of evaluation criteria: Research applications will be evaluated against one set; demonstration and training applications will be evaluated against another set. Using the appropriate evaluation criteria below (see sections C.1. and C.2.), a panel of at least three reviewers will evaluate each application. Applicants should ensure that they address each minimum requirement in the priority area description under the appropriate section of the Program Narrative Statement.

Reviewers will determine the strengths and weaknesses of each proposal in terms of the appropriate evaluation criteria listed below. Reviewers also will provide written comments and assign numerical scores for each application. The point value following each criterion heading indicates the maximum numerical score that each section may be given in the review process. These section scores are summed for each application to yield a total evaluation score for each application.

##### **1. Criteria for Research Projects**

Applications under research priority areas will be evaluated against the following criteria:

*A. Objectives (15 points).* The extent to which the application concisely states the specific objectives of the project and describes what the research project is intended to accomplish. The research issue(s) to be addressed or the specific theory driven question(s) to be answered and the hypothesis(es) to be tested are well formulated.

*B. Background and Significance (15 points).* The extent to which the application effectively discusses the current state of knowledge relative to the issue or area that is addressed, and provides a review of the literature, including previous work of the author(s) of the proposal. (A list of references must be included with the application.) The results of any pilot tests are described. The application indicates how the proposed research will build on the current knowledge base and contribute to policy, practice and future research.

*C. Approach (45 points).* The extent to which the application delineates how the terms used in the study will be defined and operationalized, identifies variables and data sources, and discusses the selection, adaptation or development of instruments to be used, including information on reliability and validity. The application outlines the experimental design features and the procedures for data collection, processing, analysis and interpretation. As applicable, it includes a sampling plan for the selection of site(s) and subjects. The sample sizes must be sufficiently large for both statistical power and significance.

The application describes the characteristics of the target population, and details recruitment procedures for the study subjects. It describes and addresses the rationale for the gender and ethnic composition and subject recruitment procedures of the proposed study sample. For intervention studies, the theory base, ecological setting, and level of intervention are described. The application discusses any potential difficulties in the proposed procedures, provides realistic estimates of attrition and discusses statistically appropriate ways of adjusting the sample.

The extent to which the application reflects sensitivity to ethical issues that may arise, such as potential deception, delayed or diminished treatment for control groups placed on waiting lists, provision for treatment and removal from the project if a potentially dangerous behavior is exhibited, plans for stopping an intervention that proves harmful or unsuccessful, or lag in debriefing the subject. The extent to which the applicant addresses procedures for the protection of human

subjects, confidentiality of data and consent procedures. A Protection of Human Subjects Assurance must be included with the application, in addition to the other required assurances.

The extent to which the application indicates that the data will be collected utilizing approaches, measures, and instruments that are culturally sensitive and/or presents thoughtful explanations for using those whose cultural sensitivity may not yet have been empirically determined.

The extent to which the application indicates that the data will be analyzed utilizing approaches that are appropriate to the scientific objectives of the study and how the proposed analyses reflect appropriate examinations of gender and ethnic issues.

The extent to which the application includes plans to prepare data sets according to sound data processing and documentation practices to ensure the potential of these data sets for subsequent use by other researchers. The application provides for these data sets to be made available at the conclusion of the project to the National Data Archive on Child Abuse and Neglect. The extent to which the application indicates that the final report will be prepared in an NCCAN-suggested format that ensures its ease for dissemination and utilization and proposes strategies for dissemination of findings in a manner that will be of use to researchers and practitioners in the field.

The extent to which the application outlines a sound and workable plan of action and details how the proposed work will be accomplished. The activities to be carried out are listed in chronological order, showing a reasonable schedule of accomplishments and target dates. The application includes an adequate staffing plan that lists key staff and consultants along with their responsibilities on the project, and that allocates a sufficient amount of time for each person to these activities. The application delineates how the research team will be assembled and the use of any advisory panels. It also lists each organization, agency, or other key groups that will work on the project, along with a description of their activities and training plans. The application indicates the ability to gain access to necessary information, data and clients. A sound administrative framework for maintaining quality control over the implementation and operation of the study is detailed. The author(s) of the application and his/her

role in the proposed project is/are identified. The proposed project costs are reasonable, and the funds are appropriately allocated across component areas and are sufficient to accomplish the objectives.

**D. Staff background and organization's experience (25 points).** The extent to which the application describes the background, experience, training and qualifications of the key staff and consultants, including work on related research and similar projects. It describes the personnel resources available for sampling, experimental design, statistical analysis and field work. Key personnel have a working knowledge of the proposed research and are geographically accessible. (The curriculum vitae for each key person must be included with the application.) The adequacy of the available facilities and organizational experience related to the tasks of the proposed project are detailed. (A two page organizational capability statement must be included with the application.) Any collaborative efforts with other organizations, including the nature of their contribution to the project, are described. (Letters of commitment for key staff and for collaborative efforts, where appropriate, must be included with the application.)

The extent to which the application demonstrates the ability of the staff and organization to effectively and efficiently administer a project of the size, complexity and scope proposed. It further reflects the capacity to coordinate activities with other agencies for the successful accomplishment of project objectives. The application describes the relationship between this project and other work planned, anticipated or underway by the applicant with Federal assistance.

## 2. Criteria for Demonstration and Training Projects

Applications under demonstration and training priority areas will be evaluated against the following criteria.

**A. Objectives and need for assistance (20 points).** The extent to which the application pinpoints any relevant physical, economic, social, financial, institutional or other problems requiring a solution; demonstrates the need for assistance; states the principal and subordinate objectives of the project; provides supporting documentation or other testimonies from concerned interests other than the applicant; and includes and/or footnotes relevant data based on the results of planning studies. The application must identify the precise location of the project and area to be served by the proposed project.

Maps and other graphic aids may be attached.

**B. Results or benefits expected (20 points).** The extent to which the application identifies the results and benefits to be derived, the extent to which they are consistent with the objectives of the proposal, and the extent to which the application indicates the anticipated contributions to policy, practice, theory and/or research. The extent to which the proposed project costs are reasonable in view of the expected results.

**C. Approach (35 points).** The extent to which the application outlines a sound and workable plan of action pertaining to the scope of the project, and details how the proposed work will be accomplished; cites factors which might accelerate or decelerate the work, giving acceptable reasons for taking this approach as opposed to others; describes and supports any unusual features of the project, such as design or technological innovations, reductions in cost or time, or extraordinary social and community involvements; and provides for projections of the accomplishments to be achieved. It lists the activities to be carried out in chronological order, showing a reasonable schedule of accomplishments and target dates.

The extent to which, when applicable, the application identifies the kinds of data to be collected and maintained, and discusses the criteria to be used to evaluate the results and successes of the project. The extent to which the application describes the evaluation methodology that will be used to determine if the needs identified and discussed are being met and if the results and benefits identified are being achieved. The application also lists each organization, agency, consultant, or other key individuals or groups who will work on the project, along with a description of the activities and nature of their effort or contribution.

The extent to which the application includes plans to prepare data sets according to sound data processing and documentation practices to ensure the potential of these data sets for subsequent use by other researchers. The application provides for these data sets to be made available at the conclusion of the project to the National Data Archive on Child Abuse and Neglect. The extent to which the application indicates that the final report will be prepared in an NCCAN-suggested format that ensures its ease for dissemination and utilization and proposes strategies for dissemination of findings in a manner that will be of use to researchers and practitioners in the field.

D. *Staff background and organization's experience (25 points)*. The application identifies the background of the project director/principal investigator and key project staff (including name, address, training, educational background and other qualifying experience) and the experience of the organization to demonstrate the applicant's ability to effectively and efficiently administer this project. The application describes the relationship between this project and other work planned, anticipated or underway by the applicant with Federal assistance.

#### D. Structure of Priority Area Descriptions

Each priority area description is composed of the following sections:

- *Eligible applicants*: This section specifies the type of organization which is eligible to apply under the particular priority area. Specific restrictions are also noted, where applicable.

- *Purpose*: This section presents the basic focus and/or broad goal(s) of the priority area.

- *Background information*: This section briefly discusses the legislative background as well as the current state-of-the-art and/or current state-of-practice that supports the need for the particular priority area activity. Relevant information on projects previously funded by ACYF, NCCAN, and/or others, and State models are noted, where applicable. Some priority areas specify individuals to contact for more information.

- *Minimum requirements for project design*: This section presents the basic set of issues that must be addressed in the application. Typically, they relate to project design, evaluation, and community involvement. This section also asks for specific information on the proposed project. Inclusion and discussion of these items is important since they will be used by the reviewers in evaluating the applications against the evaluation criteria. Project products, continuation of the project effort after the Federal support ceases, and dissemination/utilization activities, if appropriate, are also addressed.

- *Project duration*: This section specifies the maximum allowable length of time for the project period; it refers to the amount of time for which Federal funding is available.

- *Federal share of project costs*: This section specifies the maximum amount of Federal support for the project.

- *Matching requirement*: This section specifies the minimum non-Federal contribution, where applicable, either through cash or in-kind match, that is

required in relation to the maximum Federal funds requested for the project.

- *Anticipated number of projects to be funded*: This section specifies the number of projects that ACYF anticipates it will fund in the priority area.

Please note that applicants that do not comply with the specific priority area requirements in the section on "Eligible Applicants" will not be included in the review process. Applicants should also note that non-responsiveness to the section "Minimum Requirements for Project Design" will result in a low evaluation score by the panel of expert reviewers.

Applicants must clearly identify the specific priority area under which they wish to have their applications considered, and tailor their applications accordingly. Previous experience has shown that an application which is broader and more general in concept than outlined in the priority area description is less likely to score as well as one which is more clearly focused on and directly responsive to the concerns of that specific priority area.

#### E. Available Funds

Approximately \$4 million is available for grants for FY 1994. The size of the actual awards will vary. Each priority area description includes information on the maximum Federal share of the project costs and the anticipated number of projects to be funded.

The term "budget period" refers to the interval of time (usually 12 months) into which a multi-year period of assistance (project period) is divided for budgetary and funding purposes. The term "project period" refers to the total time a project is approved for support, including any extensions.

Where appropriate, applicants may propose project periods which are shorter than the maximums specified in the various priority areas. Non-Federal share contributions may exceed the minimums specified in the various priority areas when the applicant is able to do so. However, applicants should be cautious in proposing non-Federal share contributions in excess of the required match since failure to provide such match will result in a disallowance of unmatched Federal funds.

For multi-year projects, applications for continuation funding beyond the initial one-year budget period but within the approved project will be entertained in subsequent years on a noncompetitive basis subject to the availability of funds, satisfactory progress by the grantee and determination that continued funding

would be in the best interest of the government.

#### F. Grantee Share of Project Costs

Grantees must provide at least 25 percent of the total cost of the project. The total approved cost of the project is the sum of the ACF share and the non-Federal share. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a project requesting \$75,000 in Federal funds (based on an award of \$100,000), must include a match of at least \$25,000 (25 percent total project cost). This means that, for every \$3 in Federal funds received, up to the maximum amount allowable under each priority area, applicants must contribute at least \$1.

For example, the cost breakout for a project costing \$100,000 to implement would be:

Federal request	Non-Federal share	Total cost
\$75,000 75%	\$25,000 25%	\$100,000 100%

The applicant contribution must always be secured from non-Federal sources, except for American Indian Tribes and Native American organizations. The non-Federal share of total project costs may be in the form of grantee-incurred costs and/or third party in-kind contributions. The ACYF strongly encourages applicants to meet their match requirements through cash contributions, as opposed to in-kind contributions. For further information on in-kind contributions, refer to the instructions for completing the SF 424A—Budget Information, in Part IV.

The required amount of non-Federal share to be met by the applicant is the amount indicated in the approved application. Grant recipients will be required to provide the agreed upon non-Federal share, even if this exceeds 25 percent (or other required portion) of the project costs. Therefore, an applicant should ensure the availability of any amount proposed as match prior to including it in its budget.

The non-Federal share must be met by a grantee during the life of the project. Otherwise, ACYF will disallow any unmatched Federal funds.

#### G. Closed Captioning for Audiovisual Efforts

Applicants are encouraged to include "closed captioning" in the development of any audiovisual products.

#### H. Additional Requirements for NCCAN Grant Applications

All successful applicants for both research and demonstration will be expected to follow an NCCAN-suggested format in the preparation of final program reports in order to achieve broader dissemination and successful utilization of findings by policymakers, practitioners, and researchers. Applications that are submitted in response to the final announcement will be subject to the peer review process outlined in section 105 (e) of the Act which entails review of submissions by experts in the field of child abuse and neglect or related disciplines.

All applicants should include plans to prepare data sets according to sound data processing and documentation practices to ensure the potential of these data sets for subsequent use by other researchers. A manual describing such practices, *The Preparation of Data Sets for Analysis and Dissemination: Technical Standards for Machine-Readable Data*, can be obtained free of cost from the National Data Archive on Child Abuse and Neglect located at Cornell University, Family Life Development Center, G20 MVR Hall, Ithaca, New York 14853-4401 (telephone: 607/255-7794). The NCCAN also encourages the use of common data collection instruments across studies where applicable. The Consortium for Longitudinal Studies on Child Abuse and Neglect is developing common batteries of measures for use with children of different age groups. More information can be obtained through the Longitudinal Study Coordinating Center located at the University of North Carolina at Chapel Hill, Department of Social Medicine, CB# 7240, Wing D, Chapel Hill, North Carolina 27599-7240 (telephone: 919/962-1136). Information can also be obtained from the project on Measurement in Child Abuse and Neglect Research located at the Medical University of South Carolina, 171 Ashley Avenue, Charleston, South Carolina 29425-0742 (telephone: 803/792-2945).

All applicants for research priority areas, including those for Graduate Research and Medical Research Fellowships in Child Abuse and Neglect, must provide an Assurance of Human Subjects Protection as specified in the policy described on the HHS Form 596. All applications will be expected to address ethical issues pertaining to the proposed projects.

All applications for demonstration priority areas are expected to have an evaluation component, as required by the legislation in section 106 (a) of the

Act. It is recommended that not less than 10 percent of the proposed budget be set aside for evaluation efforts. An external evaluator may be hired or an internal evaluation may be designed. As appropriate to the activities being proposed, either a process or outcome/impact evaluation may be designed. Goals and objectives should be stated in specific measurable form to document change, improvement, or effectiveness.

#### I. NCCAN Priority Areas

##### 1. Research priorities.

##### 1.01 Field Initiated Research on Child Abuse and Neglect.

Eligible applicants: State or local, Tribal, public or private non-profit agencies, organizations, and institutions of higher learning. Collaborative efforts and interdisciplinary approaches are encouraged.

Purpose: To support new research designed to carry out the legislative responsibilities established for the National Center on Child Abuse and Neglect (NCCAN) by the Child Abuse Prevention and Treatment Act of 1988, as amended. These responsibilities include the conduct of research on the causes, prevention, identification, treatment and cultural distinctions of child abuse and neglect; and appropriate, effective, and culturally sensitive investigative, administrative and judicial procedures with respect to cases of child abuse and neglect, particularly child sexual abuse and exploitation.

Background information: The generation of new knowledge that promotes an understanding of critical issues in child abuse and neglect is essential in order to improve prevention, identification and treatment. Research areas to be addressed should expand the current knowledge base, build on prior research, contribute to practice and provide insights into new approaches to the prevention and treatment of child maltreatment. The areas include, but are not limited to, mediating factors and mechanisms in the intergenerational transmission of family processes that prevent as well as contribute to child maltreatment, including emotional maltreatment, and to other forms of family and interpersonal dysfunction; the relationship between child maltreatment and spousal abuse; the status of siblings of maltreated children; how interactions between fathers and children promote or buffer the risk of child maltreatment; the role of stress (such as stress in the workplace and stress in the public schools), poor parenting and family dysfunction in child maltreatment; how neighborhood

conditions and factors affect family processes in general and child maltreatment in particular; poverty and child maltreatment; the role of neighborhood safety factors in the etiology and reporting of child abuse and neglect and the delivery of investigation and treatment services; cultural factors in maltreatment; how the adverse consequences of child maltreatment affect subsequent development; how children's perceptions of maltreatment and their cognitive styles mediate their responses to maltreatment; the development of problem behaviors among adolescents maltreated as children; and the relationship between maltreatment and specific attributes or disability characteristics and subsequent effects.

Also included are comparative studies on the cost benefits and cost effectiveness of home visitation, self-help and other innovative prevention and treatment programs for differing types of child maltreatment and on the roles and functions of professionals (paid or volunteer) and paraprofessionals (paid or volunteer).

Secondary analyses of existing databases and computer modeling strategies may be considered for these studies. Use of multiple measures, both quantitative and qualitative, should be considered. Studies should examine the relationship among multiple forms of maltreatment where such co-occurrences are found.

Minimum requirements for project design: In order to compete successfully under this priority area, the applicant should:

- Describe how the proposed research addresses current and emerging issues that have direct application to the field of child abuse and neglect within the context of NCCAN's legislative responsibilities.

- Demonstrate an in-depth understanding of the issues and problems associated with child abuse and neglect, and provide an up-to-date review of the relevant literature.

- Propose an approach that is appropriate to the scientific objectives of the study, comprehensive, and culturally responsive to the populations included in the study.

- Describe the overall research design that would be employed, including as applicable: Sampling procedures, experimental design, the kinds of data to be collected, procedures for data collection, the instruments and measurements to be utilized, adapted or developed and the plans for data analysis.

- Demonstrate an ability to gain access to necessary information, data, and clients.

- Describe strategies for the dissemination of the findings in a manner that would be of use to other researchers and practitioners in the field.

- Provide all required assurances and certifications, including Certification of Protection of Human Subjects Assurances, as part of the application, as necessary.

- Provide assurances that at least one key staff person would attend a three-day annual spring meeting in Washington, DC; that the data set would be prepared according to sound data processing and documentation practices and be made available to the National Data Archive on Child Abuse and Neglect; and that the final report would be prepared in an NCCAN-suggested format ensuring its ease for dissemination and utilization.

Project duration: The length of the project must not exceed 36 months.

Federal share of project costs: The maximum Federal share of the project is not to exceed \$200,000 per 12-month budget period. Applications for lesser amounts, including those for small grants of \$25,000 or less, will also be considered under this priority area.

Matching requirements: There is no matching requirement.

Anticipated number of projects to be funded: It is anticipated that ten projects will be funded at the maximum funding level or more than 12 if acceptable applications for lesser amounts are funded.

#### 1.02 Graduate Research and Medical Research Fellowships in Child Abuse and Neglect.

Eligible applicants: Institutions of higher education, including Historically Black Colleges and Universities, Native American institutions of higher learning and other institutions of higher learning with a history of serving Hispanic and Asian populations, on behalf of qualified doctoral candidates enrolled in the sponsoring institution. To be eligible to administer such a grant on behalf of a student, the institution must be fully accredited by one of the regional institutional accrediting commissions recognized by the U.S. Secretary of Education and the Council on Post-Secondary Accreditation, the Accreditation Council for Graduate Medical Education or the Liaison Committee for Medical Education, as applicable.

Purpose: To provide support for graduate students as well as medical students, residents, or fellows to

conduct research on critical issues in child abuse and neglect.

Background information: The research community has highlighted the need to draw new researchers into the field of child abuse and neglect. During Fys 1991 and 1992, NCCAN funded a total of 17 graduate research fellowships for doctoral candidates to complete dissertations addressing critical issues in child abuse and neglect. The NCCAN is continuing to provide support for individual fellowships for doctoral candidates to complete dissertations addressing critical issues in child abuse and neglect as well as expanding the program to include graduate students at the pre-dissertation level, and medical students, residents, or fellows engaged in empirical research projects.

The ACYF seeks to expand the research capacity of the field by encouraging more students to seek careers in child abuse and neglect research through the granting of individual graduate research and medical research fellowships.

Examples of the proposed questions to be addressed and issues to be studied for Graduate and Medical Research Fellowships include, but are not limited to, the specific topics listed under the priority area on Field Initiated Research for Child Abuse and Neglect (see priority area #1.01), and research on new medical screening and diagnostic techniques or treatments for child abuse and neglect. Applicants may also propose secondary analyses of existing databases or conduct additional analyses of data within ongoing research programs to address new questions. When the proposed study is to be part of an ongoing research project at the institution, the study must be clearly distinguished from the other research.

The NCCAN and ACYF are interested in supporting doctoral-level candidates as well as medical students, residents or fellows, through their sponsoring institutions, who are now conducting or wish to conduct research on child abuse and neglect. While an individual is considered to be the beneficiary of the grant support, awards will be made to eligible institutions on behalf of qualified candidates. Doctoral-level candidates in interdisciplinary programs, social work programs, nursing schools and related programs, such as special education or early childhood education, are also encouraged to apply for support through their institutions as are medical students, residents or fellows participating in such programs.

Minimum requirements for project design: In order to compete successfully

under this priority area, the applicant should:

- Provide evidence that the candidate is enrolled as a doctoral candidate or medical student, resident or fellow in the sponsoring institution and include information on his/her current academic status.

- Provide a resume of the candidate including information on education, employment experiences, conference presentations, papers and other publications. A letter of support from a sponsoring faculty member must also be provided for each candidate seeking a fellowship.

- Propose one or more research questions to be addressed by the candidate which would contribute to the body of knowledge about child maltreatment.

- Demonstrate the candidate's in-depth understanding of the issues and problems associated with child abuse and neglect and provide an up-to-date review of the relevant literature.

- Present specific results from any relevant planning studies, pilot studies or other preparatory work conducted by the candidate.

- Describe the overall research design which would be employed, including as applicable: Sampling procedures, experimental design, kinds of data to be collected, procedures for data collection, the instruments and measurements to be utilized, adapted or developed and the plans for data analysis.

- Indicate how the proposed study is distinguished from other ongoing research at the university of which it is a part, if applicable.

- Demonstrate the candidate's ability to gain access to necessary information, data, and clients. Identify any limitations in carrying out the research (e.g., obtaining the sample) or potential barriers to the completion of the study.

- Provide assurances that the full grant amount would go directly to: The graduate or medical student, resident or fellow as a stipend; some dependent allowances; any appropriate university fees; and major project costs for conducting the proposed research, including any necessary travel. No overhead costs (indirect costs) are allowed for this program.

- Provide all required assurances and certifications, including Certification of Protection of Human Subjects Assurances, as part of the application.

- Provide assurances that the candidate would attend a three-day annual spring meeting in Washington, DC, and would prepare quarterly progress reports and a final project report in an NCCAN-suggested format

ensuring its ease for dissemination and utilization.

**Project duration:** The length of the project must not exceed 17 months.

**Federal share of the project costs:** The maximum Federal share of the project is not to exceed \$10,000.

**Matching requirement:** There is no matching requirement.

**Anticipated number of projects to be funded:** It is anticipated that 20 projects will be funded. No more than two awards per institution will be made.

### 1.03 Research on Risk Assessment Systems

**Eligible applicants:** State or local, Tribal, public or private non-profit agencies, organizations, and institutions of higher learning. Collaborative efforts and interdisciplinary approaches are encouraged.

**Purpose:** To support research studies on risk assessment systems.

**Background information:** Risk assessment systems have been in use by Child Protective Services (CPS) agencies for the past ten years. Several child welfare organizations and nearly all of the State CPS agencies have been involved in the development and/or implementation of such systems. A few States maintain administrative units that conduct research, evaluation and training on risk assessment. At least 14 States are using Child Abuse and Neglect Basic State Grant funds to implement or improve their use of risk assessment systems.

From 1986 to the present, NCCAN has funded eight studies on risk assessment related to such issues as the following: Screening decisions in CPS; development of a predictive screening model; improving cultural sensitivity in risk assessment; comparative analyses of risk assessment systems; the impact of investigations; and a study of high risk child abuse and neglect groups. In December 1991, NCCAN sponsored a Symposium on Risk Assessment in Child Protective Services to determine the state-of-the-field and highlight future directions. The extensive background papers and the proceedings are available from the Clearinghouse on Child Abuse and Neglect Information.

A recent NCCAN-sponsored analysis of State practices indicates that risk assessment is being used mainly as a tool for guiding casework practice, for collecting pertinent information about the child and family, for classifying existing risk factors, and for service planning. About one-third of the States reported that they use risk assessment as a predictive tool. The Children's Bureau and NCCAN are currently supporting a study on Child Welfare Decision

Enhancement that is building on research on risk assessment focused primarily on decisions to investigate and to open cases for ongoing services, client outcomes research, operations research and related research.

Various risk assessment instruments are being used by CPS agencies across the country. Despite this widespread application of risk assessment in CPS practice and its potential for prediction of maltreatment, further research and development need to be conducted before risk assessment can be used with confidence as a comprehensive approach to effective CPS practice and administration. Under the pressure of high staff turnover, excessive caseloads, and increased reporting of more complex types of maltreatment, some agencies have sought to use these instruments and systems without the adequate preparatory training of staff. Sound protocols and operational procedures will help to address these practice problems. Concerns have also been expressed over the need for culturally sensitive risk assessment systems and the need to include strengths or positive case factors in models. Research on risk assessment should also address such areas as the validation of variables and outcome measures.

In this priority area, NCCAN seeks to build upon the current knowledge base on decision-making processes and the use of risk assessment systems to address the need for practice improvements by conducting studies in two areas:

(1) A study of the effectiveness of the decision-making processes and criteria used in CPS operations to determine level of severity of single or multiple types of maltreatment and the risk of re-occurrence of maltreatment. This study should also address the implications of these processes as used by CPS workers for case management, workload management and resource allocation, supervision and training, program evaluation and use of automation.

(2) A comparative study of the use and effectiveness of different risk assessment models in the decision-making processes of CPS operations to determine the level of severity of single and multiple types of maltreatment and predict the risk of re-occurrence of maltreatment and the implications for practice. This study should also examine the reliability and validity of these models with different populations across different jurisdictions, the extent to which these models are sensitive to family strengths, children with disabilities, and cultural differences. Additionally, the study should take into

consideration the background of and training provided to staff in the use of the risk assessment tools for decision-making.

For this particular priority area, an applicant may apply for a grant to conduct either study or apply for two grants to respectively address each study.

**Minimum requirements for project design:** In order to compete successfully under this priority area, the applicant should:

- Demonstrate an in-depth understanding of the issues and methodological problems, including definitions, associated with conducting multi-site and comparative studies of decision-making processes and risk assessment systems.
  - Provide an up-to-date review of the relevant literature.
  - Provide for an 18-month follow-up after the decisions on level of severity and risk of re-occurrence have been made.
  - Provide an approach that is appropriate to the scientific objectives of the study, comprehensive, and culturally responsive to the populations included in the study.
  - Describe the overall research design that would be employed, including as applicable: Sampling procedures, experimental design, the kinds of data to be collected, procedures for data collection, the instruments and measurements to be utilized, adapted or developed and the plans for data analysis.
  - Demonstrate an ability to gain access to the necessary information, data, and clients.
  - Describe strategies for the dissemination of the findings in a manner that would be of use to other researchers and practitioners in the field.
  - Provide all required assurances and certifications, including Certification of Protection of Human Subjects Assurances, as part of the application, as necessary.
  - Provide assurances that at least one key staff person would attend a three-day annual spring meeting in Washington, DC; that the data set would be prepared according to sound data processing and documentation practices and be made available to the National Data Archive on Child Abuse and Neglect; and that the final report would be prepared in an NCCAN-suggested format ensuring its ease for dissemination and utilization.
- Project duration:** The length of the project must not exceed 36 months.
- Federal share of the project costs:** The maximum Federal share of the project is

not to exceed \$200,000 per 12-month budget period.

Matching requirement: There is no matching requirement.

Anticipated number of projects to be funded: It is anticipated that two projects will be funded.

## 2. Demonstration Priorities

### 2.01 Innovative Approaches To Expand the Use of Volunteers in Child Abuse and Neglect Prevention, Intervention and Treatment Programs

Eligible applicants: State or local, Tribal, public or private non-profit agencies, organizations, and institutions of higher learning. Collaborative efforts and interdisciplinary approaches are encouraged.

Purpose: To support the development of innovative approaches to expand the use of volunteers in child abuse and neglect prevention, intervention and treatment programs.

Background information: Volunteers continue to be a vital community resource for the prevention and treatment of child abuse and neglect. They have been used extensively in child protection in such support activities as the provision of transportation, clerical assistance, and arranging for food and clothing donations. They have also worked effectively in public awareness programs, respite care, and substance abuse prevention and treatment programs. Several approaches for the utilization of volunteers, including those supported by NCCAN, have been piloted and fully implemented by the field. Examples include the use of volunteers in the now established roles of the court-appointed special advocate, guardian ad litem, and parent aide. More recent examples of new uses include the Family Mentor Program initiated in 1991 using Foster Grandparents in family preservation programs through a collaborative arrangement between the New York City Department of Aging and the Child Welfare Administration; a program sponsored by the American Association of Retired Persons using retired teachers and administrators to go into the schools to teach peer mediation for conflict resolution; and the involvement of Volunteers in Service to America (VISTA) in child abuse prevention programs as initiated by the Missouri Children's Trust Fund.

Given the problem of scarce resources facing all levels of government and the non-profit sector and the increasing needs of the field, NCCAN is interested in promoting the expansion of volunteer opportunities to augment and improve

prevention, intervention and treatment services. The NCCAN intends to support this expansion through the development of innovative models which utilize volunteers in settings and activities where they have not previously been used and the development of new roles for populations who have not previously served as volunteers.

Collaborative and multidisciplinary approaches are encouraged and may include public-private partnerships. Examples include collaborations with ACTION's Foster Grandparent Program, the Retired Senior Volunteer Program, the National Service Corporation's program for youth in public service, and businesses' volunteer programs for their workers.

There is also a need to identify, document and disseminate information on the most effective practices for the recruitment, training, supervision and retention of volunteers in these new settings in order to enhance the capacity of other communities to successfully develop this valuable resource. The roles, responsibilities, and functions of the volunteers should clearly be delineated and distinguished from those of paid staff. Volunteers, however, may receive some minimal payment or reimbursement for their expenses. Proposed demonstration projects should include an evaluation component and plans for the dissemination and utilization of these findings through new networks, and manuals for the replication of effective approaches in new locations.

Minimum requirements for project design: In order to compete successfully under this priority area, the applicant should:

- Describe how the project builds on the existing knowledge base and capacity of public and private agencies to collaborate in using volunteers.
- Describe the design of the project to be developed and implemented including the nature of any collaborative efforts and the geographical area to be targeted in terms of its distinctive features and the population to be recruited and served.
- Propose an approach that is comprehensive and culturally responsive to the populations included in the demonstration.
- Describe how the evaluation would be carried out, including the design, kinds of data to be collected on clients and services provided, and the outcomes that would be measured.
- Provide a plan for the dissemination of the manual(s) through new networks of potential users; and
- Provide assurances that at least one key staff person would attend an annual

meeting in Washington, DC., and would prepare quarterly progress reports and a final project report in an NCCAN-suggested format ensuring its ease for dissemination and utilization.

Project duration: The length of the project must not exceed 36 months.

Federal share of the project costs: The maximum Federal share of the project is not to exceed \$150,000 per 12-month budget period or a maximum of \$450,000 for a 3-year project period.

Matching requirement: Grantees must provide at least 25 percent of the total cost of the project. The total approved cost of the project is the sum of the ACF share and the non-Federal share. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a project requesting \$450,000 in Federal funds (based on an award of \$150,000 per budget period), must include a match of at least \$150,000 (25 percent total project cost).

Anticipated number of projects to be funded: It is anticipated that two projects will be funded.

### 2.02 Model Inter-Agency Collaborative Approaches To Prevent Maltreatment of Children With Disabilities

Eligible applicants: State or local, Tribal, public or private non-profit agencies, organizations, and institutions of higher learning. Collaborative efforts and interdisciplinary approaches are encouraged.

Purpose: To support the development of model inter-agency collaborative approaches to prevent maltreatment of children with disabilities.

Background information: A number of studies have found that children with mental and physical disabilities are over-represented in maltreated samples, and preliminary studies have found a high incidence of maltreatment among children with disabilities (Ammerman et al., 1988 & 1991). Studies also suggest that many children with disabilities exhibit behaviors that are similar to those of maltreated children who do not have disabilities, indicating that some children with disabilities may be at high risk for child abuse and neglect.

There is a need to identify, develop or adapt model approaches to the prevention of maltreatment of children with disabilities. These approaches should address the unique needs of children with various types of disabilities and their families. Specifically, the approaches should be sensitive to the severe behavioral problems that some children with

disabilities may exhibit. They should also be sensitive to the risk factors for potential medical neglect of infants with disabilities and life-threatening conditions as well as other factors of risk for maltreatment such as disruption in the formation of parent-child attachments, stress and frustration associated with the raising of children with disabilities, and the increased vulnerability of many of these children due to communication difficulties in revealing their possible maltreatment to others.

In this priority area, NCCAN intends to support collaborative efforts for developing and implementing model programs for the prevention of maltreatment of children with disabilities. This would include collaboration with the Education and Training component of the State Protection and Advocacy System created by the Developmental Disabilities Assistance and Bill of Rights Act of 1990, as amended, and the State Interagency Coordinating Council for the early intervention program under Part H of the Individuals with Disabilities Education Act. Examples of products available for use include a training guide for Preventing Maltreatment of Children with Handicaps and Programs to Support Families of Children with Special Needs for Use in Head Start and Public School developed in 1985 and 1986 as a result of an Interagency Agreement between the Department of Education's Special Education Programs, the Administration on Children, Youth and Families and the Administration on Developmental Disabilities. These demonstration programs may build on such materials developed or adapted from or linked with other community-based programs run by Head Start programs, school systems, University Affiliated Programs under the Developmental Disabilities Assistance and Bill of Rights Act of 1990, as amended, Title V funded programs for children with special health care needs and Supplemental Security Income outreach efforts, private agencies, hospitals, mental health centers, crisis nurseries and respite care programs or Child Protective Services agencies.

An evaluation component should be included and the program must be designed, as appropriate, to:

- Create community awareness and sensitivity to the prevention and intervention needs of children with disabilities who are maltreated through the use of brochures, oral presentations, and the media, including television, radio and newspapers; such community education programs should be designed

to reach all families by using closed captioning, large print, audio-tape, and easy reading materials and related efforts to ensure access and understanding;

- Mobilize local public and private agencies and resources to make provision for the prevention of child maltreatment as part of the systematic screening, early identification and referral of children with single and/or multiple disabilities and their families for appropriate prevention and intervention services;
- Make use of self-instructional training materials for the prevention of child maltreatment for use by families and community service agencies in the provision of early screening, identification, and referral of children with disabilities;
- Adopt a comprehensive and individualized approach to prevention in the assessment and a multi-component intervention strategy;
- Target various intervention strategies to remediate the high risk factors for maltreatment of children with various types of disabilities and parental/family stress and need for supportive services;
- Network with social, medical, mental health, and legal consultants and advocacy groups including State Protection and Advocacy Systems;
- Coordinate maltreatment prevention and intervention services among community-based agencies to meet the needs of children with disabilities and their families including safe and appropriate recreational services;
- Recognize the unique transportation needs of children with disabilities and ensure their accessibility to sites where preventive services are being delivered;
- Recognize the unique needs children with disabilities have for access to and accommodation by the legal system;
- Build on the strengths and community-based support system networks of the individual child and family (e.g., churches, service clubs, extended families, support groups, day programs, respite care, and social and recreation facilities); and
- Screen, recruit, train and use volunteers and paraprofessionals for home visitation and provision of home-based support services.

These services may be implemented on a multi-county, State or regional basis. The proposed demonstrations should include plans for the dissemination and utilization of report findings and how-to manuals for the replication of effective approaches in other locations through the State and

local CPS agencies, the State Protection and Advocacy Systems and related networks.

Minimum requirements for project design: In order to compete successfully under this priority area, the applicant should:

- Describe the design of the project to be developed and implemented.
- Propose an approach that is comprehensive and culturally responsive to the populations included in the demonstration.
- Recommend a detailed plan and strategy for further dissemination of the products or publications developed in the course of this work.
- Describe the evaluation that would be carried out, including the kinds of data that would be collected on participants, programs, and communities; the outcomes that would be measured; the evaluation design that would be employed; and how the data would be analyzed.
- Provide assurances that at least one key staff person would attend an annual meeting in Washington, DC, and would prepare quarterly progress reports and a final project report in an NCCAN-suggested format ensuring its ease for dissemination and utilization.

Project duration: The length of the project must not exceed 36 months.

Federal share of the project costs: The maximum Federal share of the project is not to exceed \$200,000 per 12-month budget period or \$600,000 for a 3-year project period.

Matching requirement: Grantees must provide at least 25 percent of the total cost of the project. The total approved cost of the project is the sum of the ACF share and the non-Federal share. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a project requesting \$600,000 in Federal funds (based on an award of \$200,000 per budget period), must include a match of at least \$200,000 (25 percent total project cost).

Anticipated number of projects to be funded: It is anticipated that two projects will be funded.

**2.03 Specialized Joint Training for State and Local Child Protective Services Workers and Providers of Services to Children With Disabilities on the Identification, Intervention and/or Treatment of Maltreated Children With Disabilities**

Eligible applicants: State or local, Tribal, public or private non-profit agencies, organizations, and institutions of higher learning. Collaborative efforts

and interdisciplinary approaches are encouraged. A joint application by the collaborating entities is required; one of the entities must be a Child Protective Service (CPS) agency.

**Purpose:** To support the development of specialized joint training for State and local Child Protective Services workers and providers of services to children with disabilities on the identification, intervention and/or treatment of maltreated children with disabilities.

**Background information:** Infants and children with disabilities are particularly vulnerable to abuse and neglect, and many children develop disabilities because of abuse and neglect. The quality of program development, screening and assessment, diagnosis and referral, interagency case management, and services provided to meet the special needs of abused and neglected infants and children with disabilities and their families depends heavily on collaboration and coordination between State and local Child Protective Services (CPS) agencies and State and local agencies that primarily serve children with disabilities.

There is a need to increase the knowledge and expertise of CPS workers and providers of services to children with disabilities for meeting the needs of maltreated infants and children with disabilities. The NCCAN is interested in supporting joint training programs in order to develop such competence and coordination between agencies in addressing the unique needs of this population. The development of these training programs requires collaboration by State and local agencies in the field of child protection and services to children with disabilities. This includes collaboration with the State Protection and Advocacy System authorized by the Developmental Disabilities Assistance and Bill of Rights Act of 1990, as amended; the State Title V Block Grant Program of the Maternal and Child Health Bureau; and related networks. Resources also include the National Information Clearinghouse for Infants with Disabilities and Life-Threatening Disabilities; the National Maternal and Child Health Clearinghouse; and the National Resource Center for Crises Nurseries and Respite Care Services. The training should focus on techniques for the identification, intervention and/or treatment of abuse and neglect, including medical neglect of infants and children with disabilities and their families. Techniques should include diverse methods of communication and the need for the availability of these

tools for communication (such as TDD phones, sign language, electronic communication boards, and facilitated communication) at the time of investigation. The training program should also be designed to improve coordination between State or local CPS agencies and State agencies and local agencies serving children with disabilities and improve the delivery of services to infants and children with disabilities and their families as a result of this coordination.

The development of such training programs should be documented and include a strong evaluation component. Plans should be included for the dissemination and utilization of report findings, training materials, and how-to-manuals for the replication of effective training approaches through the State and local CPS agencies, the State Protection and Advocacy Systems and related networks.

**Minimum requirements for project design:** In order to compete successfully under this priority area, the applicant should:

- Describe the design of the project to be developed and implemented including the nature of collaborative efforts between CPS agencies and agencies serving children with disabilities.
  - Propose an approach that is comprehensive and culturally responsive to the populations being addressed and those being trained.
  - Describe the specific content areas to be addressed in training, show how these areas are related to the objective of improving coordination between State or local CPS agencies and State and local agencies serving children with disabilities, and indicate how such coordinated training would improve the delivery of services to infants and children with disabilities and their families.
  - Describe the evaluation that would be carried out, including the kinds of data that would be collected on participants and the training provided; the outcomes that would be measured; the evaluation design that would be employed; and how the data would be analyzed.
  - Provide assurances that at least one key staff person would attend an annual meeting in Washington, DC., and would prepare quarterly progress reports and a final project report in an NCCAN-suggested format ensuring its ease for dissemination and utilization.
- Project duration:** The length of the project must not exceed 36 months.
- Federal share of the project costs:** The maximum Federal share of the project is not to exceed \$150,000 per 12-month

budget period or a maximum of \$450,000 for a three year period.

**Matching requirement:** Grantees must provide at least 25 percent of the total cost of the project. The total approved cost of the project is the sum of the ACF share and the non-Federal share. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a project requesting \$450,000 in Federal funds (based on an award of \$150,000 per budget period), must include a match of at least \$150,000 (25 percent total project cost).

**Anticipated number of projects to be funded:** It is anticipated that two projects will be funded.

#### 2.04 Model Approaches to Training Professionals on Child Fatality Review Teams

**Eligible applicants:** State or local, Tribal, public or private non-profit agencies, organizations, and institutions of higher learning. Collaborative efforts and interdisciplinary approaches are encouraged.

**Purpose:** To support the development of model approaches to training professionals on child fatality review teams.

**Background information:** According to the 1992 Annual Fifty State Survey conducted by the National Committee to Prevent Child Abuse (NCPCA), 1,261 children were registered as fatal victims of child maltreatment. The actual annual national total may be much higher. A large number of child fatalities are classified as accidents or unexplained deaths, rather than as deaths resulting from maltreatment. Undercounting and lack of knowledge about the circumstances of these deaths misrepresented the relationship between many child fatalities and maltreatment. This lack of information also thwarts efforts to develop comprehensive training and targeted prevention plans.

Many agencies are charged with the investigation of a child's death and may not recognize the case as suspicious if sufficient information is unavailable. If medical personnel are unfamiliar with signs of child abuse and neglect, the death may be attributed to natural causes. In the absence of an autopsy or an examination by a coroner or medical examiner who is trained in forensic techniques, evidence of maltreatment may go undetected. Further, lack of coordination and sharing of information among agencies and across multiple jurisdictions as well as concerns over issues of confidentiality often impede

the process of correct identification of the causes of child fatalities. A growing number of localities and States have begun to take action to develop strategies for reviewing child deaths in order to more effectively respond to and ultimately prevent child maltreatment fatalities. Currently there are State and/or local multi-agency child fatality review teams in 34 States and the majority of the remaining States have plans underway to establish State or local teams.

The importance of child fatality review is emphasized in the 1992 reauthorization of the Child Abuse Prevention and Treatment Act (CAPTA). Within two years of enactment of the legislation, the Advisory Board on Child Abuse and Neglect must provide a report to Congress with recommendations for a national policy designed to reduce and prevent child maltreatment-related deaths. The Advisory Board has highlighted the importance of this issue in recent reports and is holding public hearings nationwide on child fatalities. The law also requires that NCCAN include information on the number of deaths due to child abuse and neglect in its national incidence study and that States, under the Basic State Grant Program, include information on special interagency child fatality review panels in their State program plans. In addition, the purpose of the Children's Justice Act program has been expanded to require that State task forces address the handling of cases of suspected child maltreatment-related fatalities. Some of the Children's Trust Funds and prevention programs are also working collaboratively with these child fatality review teams in order to develop public awareness and education programs for the prevention of child fatalities.

The Department has initiated other efforts in support of the establishment of child fatality review panels. Leadership has been provided by the Maternal and Child Health Bureau (MCHB) and many of the efforts currently in place at State and local levels are led and carried out by Title V programs; some of these efforts are supported through the use of State Title V Block Grant funds or through MCHB Special Programs of Regional and National Significance (SPRANS) discretionary grants. One of the Healthy People 2000 National Health Promotion and Disease Prevention Objectives is "to extend to at least 45 States implementation of unexplained child death review systems."

Findings from the Child Maltreatment Fatalities Project, a collaborative effort of the American Bar Association (ABA)

and the American Academy of Pediatrics (AAP), funded by the Robert Wood Johnson Foundation, identified two major models of fatality review committees: Intra-agency committees, which may be interdisciplinary, often formed for internal review purposes to identify problems and propose solutions within a single agency; and inter-agency, multidisciplinary review committees with a broader structure and purpose. Reports from the project are available from the ABA. The National Center for Prosecution of Child Abuse sponsors national conferences, provides basic training, and publishes materials on child maltreatment fatalities. In a recent issue of *Update* published by that Center, Dr. Michael Durfee, an advocate for multi-agency coordination on suspicious child deaths, reports that the core team members should include a prosecuting attorney, a coroner or medical examiner, and representatives of law enforcement, health and child protective services. Additional members may be from a school, preschool, probation, parole, mental health, fire department, emergency room, an emergency medical technician and a child advocate.

In this priority area, NCCAN seeks to encourage efficient and effective child fatality reviews at the community, county and State levels by supporting the development of model approaches to the training of professionals who are members of interagency, multidisciplinary child fatality review teams. Such training programs should include, but not be limited to, the development of curriculum on the roles and responsibilities of team members; guidelines and procedures for conducting comprehensive investigations, including internal requirements and interagency protocols for medical examiners and coroners, law enforcement personnel, child protective services workers, health and mental health care providers, school and early childhood program personnel, and other professionals involved with child fatality reviews; case management reviews; use of uniform protocols and data collection forms and procedures for appropriate sharing of information; and team self-evaluation. These programs should also include a resource manual on relevant forensic issues.

The development of these model approaches should be based on and include:

- A review of existing child fatality review training programs nationwide and an analysis of the strengths and weaknesses of these approaches;
- A review and synthesis of materials and reports from existing child fatality

review team programs and preparation of an annotated bibliography;

- A survey and assessment of training needs nationwide for community, county and State child fatality review teams;
- Development or adaptation and pilot testing of selected approaches to child fatality review teams at each of these levels; and
- Evaluation of the effectiveness of these training approaches and identification of program strengths and barriers to implementation of these programs.

Minimum requirements for project design: In order to compete successfully under this priority area, the applicant should:

- Describe the design of the project to be developed and implemented.
- Propose an approach that is comprehensive and culturally responsive to the populations being addressed and those being trained.
- Propose and describe the specific content areas to be addressed in the training.
- Describe the evaluation that would be carried out, including the kinds of data that would be collected on participants and the training provided; the outcomes that would be measured; the evaluation design that would be employed; and how the data would be analyzed.
- Provide assurances that at least one key staff member would attend an annual meeting in Washington, DC, and would prepare quarterly progress reports and a final project report in an NCCAN-suggested format ensuring its ease for dissemination and utilization.

Project duration: The length of the project must not exceed 36 months.

Federal share of the project costs: The maximum Federal share of the project is not to exceed \$200,000 per 12-month budget period or a maximum of \$600,000 for a 3-year period.

Matching requirement: Grantees must provide at least 25 percent of the total cost of the project. The total approved cost of the project is the sum of the ACF share and the non-Federal share. The non-Federal share may be met by cash or in-kind contributions, although applicants are encouraged to meet their match requirements through cash contributions. Therefore, a project requesting \$600,000 in Federal funds (based on an award of \$200,000 per budget period), must include a match of at least \$200,000 (25 percent total project cost).

Anticipated number of projects to be funded: It is anticipated that one project will be funded.

### Part III—Instructions for the Development and Submission of Applications

This Part contains information and instructions for submitting applications in response to this announcement. Application forms are provided along with a checklist for assembling an application package. Please copy and use these forms in submitting an application.

Potential applicants should read this section carefully in conjunction with the information contained within the specific priority area under which the application is to be submitted. The priority area descriptions are in Part II.

#### A. Required notification of the State single point of contact

All applications for research or demonstration projects submitted to NCCAN are covered under Executive Order (E.O.) 12372, Intergovernmental Review of Federal Programs, and title 45 Code of Federal Regulations (CFR) part 100, Intergovernmental Review of Department of Health and Human Services Programs and Activities. Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs. Therefore, the applicant should contact his or her State Single Point of Contact (SPOC) directly to determine what materials, if any, the SPOC requires. Contact information for each State's SPOC is found at the end of this Part.

All States and territories, except Alabama, Alaska, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Minnesota, Montana, Nebraska, Oklahoma, Pennsylvania, Oregon, Virginia, Washington, American Samoa and Palau, have elected to participate in the Executive Order process and have established a State Single Point of Contact (SPOC). Applicants from these 17 jurisdictions need take no action regarding E.O. 12372. Applications for projects to be administered by federally recognized Indian Tribes are also exempt from the requirements of E.O. 12372.

It is imperative that the applicant submit all required materials to the SPOC as soon as possible and indicate the date of this submittal (or the date of contact, if no submittal is required) on the Standard Form (SF) 424, item 16a. Under 45 CFR 100.8(a)(2), SPOCs have 60 days from the grant application deadline to comment on applications for financial assistance under this program. These comments are reviewed as part of the award process. Failure to notify the

SPOC can result in a delay in grant award.

The SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations. Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the "accommodate or explain" rule. It is helpful in tracking SPOC comments if the SPOC will clearly indicate the applicant organization as it appears on the application SF 424. When comments are submitted directly to ACF, they should be addressed to the application mailing address located in the front section of this announcement.

#### B. Deadline for submittal of applications

**Closing date:** The closing date for submission of applications is May 31, 1994.

**Deadline:** Applications shall be considered as meeting the announced deadline if they are either:

1. Received on or before the deadline date at the place specified in this program announcement, or
2. Sent on or before the deadline date and received by the granting agency in time for the independent review under DHHS GAM Chapter 1-62. (Applicants are cautioned to request a legibly dated U.S. Postal Service postmark or to obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private Metered postmarks shall not be acceptable as proof of timely mailing.)

**Late applications:** Applications which do not meet the above criteria stated above are considered late applications. The granting agency shall notify each late applicant that its application will not be considered in the current competition.

**Extension of deadlines:** The granting agency may extend the deadline for all applicants because of acts of God such as floods, hurricanes, etc., or when there is a widespread disruption of the mails. However, if the granting agency does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicants.

#### C. Instructions for preparing the application and completing application forms

The SF 424, 424A, 424B, and certifications have been reprinted for your convenience in preparing the application. You should reproduce single-sided copies of these forms from the reprinted forms in the announcement, typing your information onto the copies. Please do not use forms

directly from the Federal Register announcement, as they are printed on both sides of the page.

In order to assist applicants in correctly completing the SF 424 and SF 424A, a sample of completed forms has been included at the end of Part III of this announcement. This sample is to be used only as a guide for submitting your application.

Where specific information is not required under this program, NA (not applicable) has been preprinted on the form.

Please prepare your application in accordance with the following instructions:

#### 1. SF 424 Page 1, Application Cover Sheet

Please read the following instructions before completing the application cover sheet. An explanation of each item is included. Complete only the items specified.

**Top of Page.** Enter the single priority area number under which the application is being submitted. An application should be submitted under only one priority area.

##### Item 1.

"Type of Submission"—Preprinted on the form.

##### Item 2.

"Date Submitted" and "Applicant Identifier"—Date application is submitted to ACF and applicant's own internal control number, if applicable.

##### Item 3.

"Date Received By State"—State use only (if applicable).

##### Item 4.

"Date Received by Federal Agency"—Leave blank.

##### Item 5.

"Applicant Information"

"Legal Name"—Enter the legal name of the applicant organization. For applications developed jointly, enter the name of the lead organization only. There must be a single applicant for each application.

"Organizational Unit"—Enter the name of the primary unit within the applicant organization which will actually carry out the project activity. Do not use the name of an individual as the applicant. If this is the same as the applicant organization, leave the organizational unit blank.

"Address"—Enter the complete address that the organization actually uses to receive mail, since this is the address to which all correspondence will be sent. Do not include both street address and P.O.

box number unless both must be used in mailing.

"Name and telephone number of the person to be contacted on matters involving this application (give area code)"—Enter the full name (including academic degree, if applicable) and telephone number of a person who can respond to questions about the application. This person should be accessible at the address given here and will receive all correspondence regarding the application.

**Item 6.**

"Employer Identification Number (EIN)"—Enter the employer identification number of the applicant organization, as assigned by the Internal Revenue Service, including, if known, the Central Registry System suffix.

**Item 7.**

"Type of Applicant"—Self-explanatory.

**Item 8.**

"Type of Application"—Preprinted on the form.

**Item 9.**

"Name of Federal Agency"—Preprinted on the form.

**Item 10.**

"Catalog of Federal Domestic Assistance Number and Title"—Enter the Catalog of Federal Domestic Assistance (CFDA) number 93.670 which is assigned to the program under which assistance is requested and its title, Child Abuse, Prevention and Treatment Act, as amended.

**Item 11.**

"Descriptive Title of Applicant's Project"—Enter the project title. The title is generally short and is descriptive of the project, not the priority area title.

**Item 12.**

"Areas Affected by Project"—Enter the governmental unit where significant and meaningful impact could be observed. List only the largest unit or units affected, such as State, county, or city. If an entire unit is affected, list it rather than subunits.

**Item 13.**

"Proposed Project"—Enter the desired start date for the project and projected completion date.

**Item 14.**

"Congressional District of Applicant/Project"—Enter the number of the Congressional district where the applicant's principal office is located and the number of the Congressional district(s) where the project will be located. If statewide, a multi-State effort, or nationwide,

enter "00."

**Items 15.**

**Estimated Funding Levels**—In completing 15a through 15f, the dollar amounts entered should reflect, for a 17 month or less project period, the total amount requested. If the proposed project period exceeds 17 months, enter only those dollar amounts needed for the first 12 months of the proposed project.

**Item 15a.**

Enter the amount of Federal funds requested in accordance with the preceding paragraph. This amount should be no greater than the maximum amount specified in the priority area description.

**Items 15b-e**

Enter the amount(s) of funds from non-Federal sources that will be contributed to the proposed project. Items b-e are considered cost-sharing or "matching funds." The value of third party in-kind contributions should be included on appropriate lines as applicable. For more information regarding funding as well as exceptions to these rules, see part II, sections E and F, and the specific priority area description.

**Item 15f.**

Enter the estimated amount of income, if any, expected to be generated from the proposed project. Do not add or subtract this amount from the total project amount entered under item 15g. Describe the nature, source and anticipated use of this income in the Project Narrative Statement.

**Item 15g.**

Enter the sum of items 15a-15e.

**Item 16a.**

"Is Application Subject to Review By State Executive Order 12372 Process? Yes."—Enter the date the applicant contacted the SPOC regarding this application. Select the appropriate SPOC from the listing provided at the end of part III. The review of the application is at the discretion of the SPOC. The SPOC will verify the date noted on the application. If there is a discrepancy in dates, the SPOC may request that the Federal agency delay any proposed funding until September 10, 1994.

**Item 16b.**

"Is Application Subject to Review By State Executive Order 12372 Process? No."—Check the appropriate box if the application is not covered by E.O. 12372 or if the program has not been selected by the State for review.

**Item 17.**

"Is the Applicant Delinquent on any Federal Debt?"—Check the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include audit disallowances, loans and taxes.

**Item 18.**

"To the best of my knowledge and belief, all data in this application/preapplication are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded."—To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for signature of this application by this individual as the official representative must be on file in the applicant's office, and may be requested from the applicant.

**Item 18a-c.**

"Typed Name of Authorized Representative, Title, Telephone Number"—Enter the name, title and telephone number of the authorized representative of the applicant organization.

**Item 18d.**

"Signature of Authorized Representative"—Signature of the authorized representative named in Item 18a. At least one copy of the application must have an original signature. Use colored ink (not black) so that the original signature is easily identified.

**Item 18e.**

"Date Signed"—Enter the date the application was signed by the authorized representative.

**2. SF 424A—Budget Information—Non-Construction Programs**

This is a form used by many Federal agencies. For this application, sections A, B, C, E and F are to be completed. Section D does not need to be completed.

Sections A and B should include the Federal as well as the non-Federal funding for the proposed project covering (1) the total project period of 17 months or less or (2) the first year budget period, if the proposed project period exceeds 17 months.

**Section A—Budget Summary.** This section includes a summary of the budget. On line 5, enter total Federal costs in column (e) and total non-Federal costs, including third party in-kind contributions, but not program

income, in column (f). Enter the total of (e) and (f) in column (g).

**Section B—Budget Categories.** This budget, which includes the Federal as well as non-Federal funding for the proposed project, covers (1) the total project period of 17 months or less or (2) the first year budget period if the proposed project period exceeds 17 months. It should relate to item 15g, total funding, on the SF 424. Under column (5), enter the total requirements for funds (Federal and non-Federal) by object class category.

A separate itemized budget justification for each line item is required. The types of information to be included in the justification are indicated under each category. For multiple year projects, it is desirable to provide this information for each year of the project. The budget justification should immediately follow the second page of the SF 424A.

**Personnel—Line 6a.** Enter the total costs of salaries and wages of applicant/grantee staff. Do not include the costs of consultants, which should be included on line 6h, "Other."

**Justification:** Identify the principal investigator or project director, if known. Specify by title or name the percentage of time allocated to the project, the individual annual salaries, and the cost to the project (both Federal and non-Federal) of the organization's staff who will be working on the project.

**Fringe Benefits—Line 6b.** Enter the total costs of fringe benefits, unless treated as part of an approved indirect cost rate.

**Justification:** Provide a break-down of amounts and percentages that comprise fringe benefit costs, such as health insurance, FICA, retirement insurance, etc.

**Travel—6c.** Enter total costs of out-of-town travel (travel requiring per diem) for staff of the project. Do not enter costs for consultant's travel or local transportation, which should be included on Line 6h, "Other."

**Justification:** Include the name(s) of traveler(s), total number of trips, destinations, length of stay, transportation costs and subsistence allowances.

**Equipment—Line 6d.** Enter the total costs of all equipment to be acquired by the project. Equipment is non-expendable tangible personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit.

**Justification:** Equipment to be purchased with Federal funds must be justified. The equipment must be required to conduct the project, and the applicant organization or its subgrantees

must not have the equipment or a reasonable facsimile available to the project. The justification also must contain plans for future use or disposal of the equipment after the project ends.

**Supplies—Line 6e.** Enter the total costs of all tangible expendable personal property (supplies) other than those included on Line 6d.

**Justification:** Specify general categories of supplies and their costs.

**Contractual—Line 6f.** Enter the total costs of all contracts, including (1) procurement contracts (except those which belong on other lines such as equipment, supplies, etc.) and (2) contracts with secondary recipient organizations, including delegate agencies. Also include any contracts with organizations for the provision of technical assistance. Do not include payments to individuals on this line. If the name of the contractor, scope of work, and estimated total costs are not available or have not been negotiated, include on Line 6h, "Other."

**Justification:** Attach a list of contractors, indicating the names of the organizations, the purposes of the contracts, and the estimated dollar amounts of the awards as part of the budget justification. Whenever the applicant/grantee intends to delegate part or all of the program to another agency, the applicant/grantee must complete this section (Section 8, Budget Categories) for each delegate agency by agency title, along with the supporting information. The total cost of all such agencies will be part of the amount shown on Line 6f. Provide backup documentation identifying the name of contractor, purpose of contract, and major cost elements. Applicants who anticipate procurements that will exceed \$25,000 and are requesting an award without competition should include sole source justification in the proposal which at a minimum should include the basis for contractor's selection, justification for lack of competition when competitive bids or offers are not obtained and basis for award cost or price. (Note: Previous or past experience with a contractor is not sufficient justification for sole source.)

**Construction—Line 6g.** Not applicable. New construction is not allowable.

**Other—Line 6h.** Enter the total of all other costs. Where applicable, such costs may include, but are not limited to: insurance; medical and dental costs; noncontractual fees and travel paid directly to individual consultants; local transportation (all travel which does not require per diem is considered local travel); space and equipment rentals; printing and publication; computer use;

training costs, including tuition and stipends; training service costs, including wage payments to individuals and supportive service payments; and staff development costs. Note that costs identified as "miscellaneous" and "honoraria" are not allowable.

**Justification:** Specify the costs included.

**Total Direct Charges—Line 6i.** Enter the total of Lines 6a through 6h.

**Indirect Charges—6j.** Enter the total amount of indirect charges (costs). If no indirect costs are requested, enter "None." Generally, this line should be used when the applicant (except local governments) has a current indirect cost rate agreement approved by the Department of Health and Human Services or another Federal agency.

Local and State governments should enter the amount of indirect costs determined in accordance with HHS requirements. When an indirect cost rate is requested, these costs are included in the indirect cost pool and should not be charged again as direct costs to the grant. In the case of training grants to other than State or local governments (as defined in title 45, Code of Federal Regulations, part 74), the Federal reimbursement of indirect costs will be limited to the lesser of the negotiated (or actual) indirect cost rate or 8 percent of the amount allowed for direct costs, exclusive of any equipment charges, rental of space, tuition and fees, post-doctoral training allowances, contractual items, and alterations and renovations.

For training grant applications, the entry under line 6j should be the total indirect costs being charged to the project. The Federal share of indirect costs is calculated as shown above. The applicant's share is calculated as follows:

(a) Calculate total project indirect costs (a\*) by applying the applicant's approved indirect cost rate to the total project (Federal and non-Federal) direct costs.

(b) Calculate the Federal share of indirect costs (b\*) at 8 percent of the amount allowed for total project (Federal and non-Federal) direct costs exclusive of any equipment charges, rental of space, tuition and fees, post-doctoral training allowances, contractual items, and alterations and renovations.

(c) Subtract (b\*) from (a\*). The remainder is what the applicant can claim as part of its matching cost contribution.

**Justification:** Enclose a copy of the indirect cost rate agreement. Applicants subject to the limitation on the Federal

reimbursement of indirect costs for training grants should specify this.

**Total—Line 6k.** Enter the total amounts of lines 6i and 6j.

**Program Income—Line 7.** Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount.

**Justification:** Describe the nature, source, and anticipated use of program income in the Program Narrative Statement.

**Section C—Non-Federal Resources.** This section summarizes the amounts of non-Federal resources that will be applied to the grant. Enter this information on line 12 entitled "Totals." In-kind contributions are defined in 45 CFR Part 74.51 and 45 CFR Part 92.3, as "property or services which benefit a grant-supported project or program and which are contributed by non-Federal third parties without charge to the grantee, the subgrantee, or a cost-type contractor under the grant or subgrant."

**Justification:** Describe third party in-kind contributions, if included.

**Section D—Forecasted Cash Needs.** Not applicable.

**Section E—Budget Estimate of Federal Funds Needed For Balance of the Project.** This section should only be completed if the total project period exceeds 17 months.

**Totals—Line 20.** For projects that will have more than one budget period, enter the estimated required Federal funds for the second budget period (months 13 through 24) under column "(b) First." If a third budget period will be necessary, enter the Federal funds needed for months 25 through 36 under "(c) Second." Columns (d) and (e) are not applicable in most instances, since ACF funding is almost always limited to a three-year maximum project period. They should remain blank.

**Section F—Other Budget Information.**

**Direct Charges—Line 21.** Not applicable.

**Indirect Charges—Line 22.** Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

**Remarks—Line 23.** If the total project period exceeds 17 months, you must enter your proposed non-Federal share of the project budget for each of the remaining years of the project.

### 3. Project Summary Description

Clearly mark this separate page with the applicant name as shown in item 5 of the SF 424, the priority area number as shown at the top of the SF 424, and

the title of the project as shown in item 11 of the SF 424. The summary description should not exceed 300 words. These 300 words become part of the computer database on each project.

Care should be taken to produce a summary description which accurately and concisely reflects the proposal. It should describe the objectives of the project, the approaches to be used and the outcomes expected. The description should also include a list of major products that will result from the proposed project, such as software packages, materials, management procedures, data collection instruments, training packages, or videos. (Please note that audiovisuals should be closed captioned.) The project summary description, together with the information on the SF 424, will constitute the project abstract. It is the major source of information about the proposed project and is usually the first part of the application that the reviewers read in evaluating the application.

At the bottom of the page, following the summary description, type up to 10 key words which best describe the proposed project, the service(s) involved and the target population(s) to be covered. The key words are to be selected from the list provided at the end of Part III of this announcement. These key words will be used for computerized information retrieval for specific types of funded projects.

### 4. Program Narrative Statement

The Program Narrative Statement is a very important part of an application. It should be clear, concise, and address the specific requirements mentioned under the priority area description in Part II. The narrative should also provide information concerning how the application meets the evaluation criteria (see Part II, Section C) using the appropriate headings for research or demonstration and training applications.

Research applications should use the following headings:

- (a) Objectives;
- (b) Background and Significance;
- (c) Approach; and
- (d) Staff Background and Organization's Experience.

Demonstration and Training applications should use the following headings:

- (a) Objectives and Need for Assistance;
- (b) Results or Benefits Expected;
- (c) Approach; and
- (d) Staff Background and Organization's Experience.

The specific information to be included under each of these headings is described in Part II, Section C. Evaluation Criteria.

The narrative should be typed double-spaced on a single-side of an 8½"×11" plain white paper, with 1" margins on all sides. All pages of the narrative (including charts, references/footnotes, tables, maps, exhibits, etc.) must be sequentially numbered, beginning with "Objectives" or "Objectives and Need for Assistance" as page number one. Applicants should not submit reproductions of larger size paper, reduced to meet the size requirement.

### 5. Organizational Capability Statement

The Organizational Capability Statement should consist of a brief (two to three pages) background description of how the applicant organization (or the unit within the organization that will have responsibility for the project) is organized, the types and quantity of services it provides, and/or the research and management capabilities it possesses. This description should cover capabilities not included in the Program Narrative Statement. It may include descriptions of any current or previous relevant experience, or describe the competence of the project team and its demonstrated ability to produce a final product that is readily comprehensible and usable. An organization chart showing the relationship of the project to the current organization should be included.

### 6. Assurances/Certifications

Applicants are required to file an SF 424B, Assurances—Non-Construction Programs and the Certification Regarding Lobbying. Both must be signed and returned with the application. In addition, applicants must provide certifications regarding: (1) Drug-Free Workplace Requirements; and (2) Debarment and Other Responsibilities. These two certifications are self-explanatory. Copies of these assurances/certifications are reprinted at the end of this announcement and should be reproduced, as necessary. A duly authorized representative of the applicant organization must certify that the applicant is in compliance with these assurances/certifications. A signature on the SF 424 indicates compliance with the Drug Free Workplace Requirements, and Debarment and Other Responsibilities certifications.

For research projects on child abuse and neglect, a Protection of Human Subjects Assurance is required. If there is a question regarding the applicability

of this assurance, contact the Office for Research Risks of the National Institutes of Health at (301) 496-7041.

The length of the application, including the application forms and items specified as part of a complete application in Section D below except for any appendices/attachments, should not exceed 60 pages. Staff vita, letters of agreement from participating agencies, questionnaires may be attached as appendices and are not included in the page limitations, although they should be numbered sequentially. A page is a single side of an 8½ x 11" sheet of paper. Applicants are requested not to send pamphlets, brochures, or other printed material along with their applications as these pose xeroxing difficulties. These materials, if submitted, will not be included in the review process, though they will be kept on file.

#### D. Checklist for a Complete Application

The checklist below is for your use to ensure that your application package has been properly prepared.

- \_\_\_ One original, signed and dated application, plus two copies. Applications for different priority areas should be packaged separately;
  - \_\_\_ Application is from an organization which is eligible under the eligibility requirements defined in the priority area description (screening requirement);
  - \_\_\_ Application length does not exceed 60 pages, not including any appendices/attachments as described above.
- A complete application consists of the following items in this order:
- \_\_\_ Application for Federal Assistance (SF 424, REV 4-88);
  - \_\_\_ A completed SPOC certification with the date of SPOC contact entered in line 16, page 1 of the SF 424 if applicable.
  - \_\_\_ Budget Information—Non-Construction Programs (SF 424A, REV 4-88);
  - \_\_\_ Budget justification for Section B—Budget Categories;
  - \_\_\_ Table of Contents;
  - \_\_\_ Letter from the Internal Revenue Service to prove non-profit status, if necessary;
  - \_\_\_ Copy of the applicant's approved indirect cost rate agreement, if appropriate;
  - \_\_\_ Project summary description and listing of key words;
  - \_\_\_ Program Narrative Statement (See Part III, Section C.4);
  - \_\_\_ Organizational capability statement, including an organization chart;

- \_\_\_ Any appendices/attachments;
- \_\_\_ Assurances—Non-Construction Programs (Standard Form 424B, REV 4-88);
- \_\_\_ Certification Regarding Lobbying; and
- \_\_\_ Certification of Protection of Human Subjects, if necessary.

#### E. The Application Package

Each application package must include an original and two copies of the complete application. Each copy should be stapled securely (front and back if necessary) in the upper left-hand corner. All pages of the narrative (including charts, tables, maps, exhibits, etc.) must be sequentially numbered, beginning with page one. In order to facilitate handling, please do not use covers, binders or tabs. Do not include extraneous materials as attachments, such as agency promotion brochures, slides, tapes, film clips, minutes of meetings, or articles of incorporation.

Do not include a self-addressed, stamped acknowledgment card. All applicants will be notified automatically about the receipt of their application and of the four digit identification number assigned to their application. This number and the priority area must be referred to in all subsequent communication with NCCAN and ACF concerning the application. If acknowledgment of receipt of your application is not received within eight weeks after the deadline date, please notify ACF-DPE by telephone at (202) 205-8297.

(Catalog of Federal Domestic Assistance Number 93.670, Child Abuse and Neglect Prevention and Treatment)

Dated: March 2, 1994.

Olivia A. Golden,  
Commissioner, Administration on Children,  
Youth and Families.

#### EXECUTIVE ORDER 12372—STATE SINGLE POINTS OF CONTACT

##### Arizona

Mrs. Janice Dunn, ATTN: Arizona State Clearinghouse, 3800 N. Central Avenue, 14th floor, Phoenix, Arizona 85012, telephone (602) 280-1315.

##### Arkansas

Tracie L. Copeland, Manager, State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, P.O. Box 3278, Little Rock, Arkansas 72203, telephone (501) 682-1074.

##### California

Glenn Stober, Grants Coordinator, Office of Planning and Research, 1400

Tenth Street, Sacramento, California 95814, telephone (916) 323-7480.

##### Colorado

State Single Point of Contact, State Clearinghouse, Division of Local Government, 1313 Sherman Street, Room 520, Denver, Colorado 80203, telephone (303) 866-2156.

##### Delaware

Ms. Francine Booth, State Single Point of Contact, Executive Department, Thomas Collins Building, Dover, Delaware 19903, telephone (302) 736-3326.

##### District of Columbia

Rodney T. Hallman, State Single Point of Contact, Office of Grants Management and Development, 717 14th Street, NW., suite 500, Washington, DC 20005, telephone (202) 727-6551.

##### Florida

Florida State Clearinghouse, Intergovernmental Affairs Policy Unit, Executive Office of the Governor, Office of Planning and Budgeting, The Capitol, Tallahassee, Florida 32399-0001, telephone (904) 488-8441.

##### Georgia

Mr. Charles H. Badger, Administrator, Georgia State Clearinghouse, 254 Washington Street, SW., Atlanta, Georgia 30334, telephone (404) 656-3855.

##### Illinois

Steve Klokkenga, State Single Point of Contact, Office of the Governor, 107 Stratton Building, Springfield, Illinois 62706, telephone (217) 782-1671.

##### Indiana

Jean S. Blackwell, Budget Director, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, telephone (317) 232-5610.

##### Iowa

Mr. Steven R. McCann, Division of Community Progress, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, telephone (515) 281-3725.

##### Kentucky

Ronald W. Cook, Office of the Governor, Department of Local Government, 1024 Capitol Center Drive, Frankfort, Kentucky 40601, telephone (502) 564-2382.

- Maine**  
Ms. Joyce Benson, State Planning Office, State House Station #38, Augusta, Maine 04333, telephone (207) 289-3261.
- Maryland**  
Ms. Mary Abrams, Chief, Maryland State Clearinghouse, Department of State Planning, 301 West Preston Street, Baltimore, Maryland 21201-2365, telephone (301) 225-4490.
- Massachusetts**  
Karen Arone, State Clearinghouse, Executive Office of Communities and Development, 100 Cambridge Street, room 1803, Boston, Massachusetts 02202, telephone (617) 727-7001.
- Michigan**  
Richard S. Pastula, Director, Michigan Department of Commerce, Lansing, Michigan 48909, telephone (517) 373-7356.
- Mississippi**  
Ms. Cathy Mallette, Clearinghouse Officer, Office of Federal Grant Management and Reporting, 301 West Pearl Street, Jackson, Mississippi 39203, telephone (601) 960-2174.
- Missouri**  
Ms. Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, P.O. Box 809, room 430, Truman Building, Jefferson City, Missouri 65102, telephone (314) 751-4834.
- Nevada**  
Department of Administration, State Clearinghouse, Capitol Complex, Carson City, Nevada 89710, telephone (702) 687-4065, Attention: Ron Sparks, Clearinghouse Coordinator.
- New Hampshire**  
Mr. Jeffrey H. Taylor, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review, Process/James E. Bieber, 2½ Beacon Street, Concord, New Hampshire 03301, telephone (603) 271-2155.
- New Jersey**  
Gregory W. Adkins, Acting Director, Division of Community Resources, N.J. Department of Community Affairs, Trenton, New Jersey 08625-0803, telephone (609) 292-6613. Please direct correspondence and questions to: Andrew J. Jaskolka, State Review Process, Division of Community Resources, CN 814, room 609, Trenton, New Jersey 08625-0803, telephone (609) 292-9025.
- New Mexico**  
George Elliott, Deputy Director, State Budget Division, room 190, Bataan Memorial Building, Santa Fe, New Mexico 87503, telephone (505) 827-3640, FAX (505) 827-3006.
- New York**  
New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, telephone (518) 474-1605.
- North Carolina**  
Mrs. Chrys Baggett, Director, Office of the Secretary of Admin., N.C. State Clearinghouse, 116 W. Jones Street, Raleigh, North Carolina 27603-8003, telephone (919) 733-7232.
- North Dakota**  
N.D. Single Point of Contact, Office of Intergovernmental Assistance, Office of Management and Budget, 600 East Boulevard Avenue, Bismarck, North Dakota 58505-0170, telephone (701) 224-2094.
- Ohio**  
Larry Weaver, State Single Point of Contact, State/Federal Funds Coordinator, State Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th floor, Columbus, Ohio 43266-0411, telephone (614) 466-0698.
- Rhode Island**  
Mr. Daniel W. Varin, Associate Director, Statewide Planning Program, Department of Administration, Division of Planning, 265 Melrose Street, Providence, Rhode Island 02907, telephone (401) 277-2656. Please direct correspondence and questions to: Review Coordinator, Office of Strategic Planning.
- South Carolina**  
Omeagia Burgess, State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street, room 477, Columbia, South Carolina 29201, telephone (803) 734-0494.
- South Dakota**  
Ms. Susan Comer, State Clearinghouse Coordinator, Office of the Governor, 500 East Capitol, Pierre, South Dakota 57501, telephone (605) 773-3212.
- Tennessee**  
Mr. Charles Brown, State Single Point of Contact, State Planning Office, 500 Charlotte Avenue, 309 John Sevier Building, Nashville, Tennessee 37219, telephone (615) 741-1676.
- Texas**  
Mr. Thomas Adams, Governor's Office of Budget and Planning, P.O. Box 12428, Austin, Texas 78711, telephone (512) 463-1778.
- Utah**  
Utah State Clearinghouse, Office of Planning and Budget, ATTN: Carolyn Wright, room 116 State Capitol, Salt Lake City, Utah 84114, telephone (801) 538-1535.
- Vermont**  
Mr. Bernard D. Johnson, Assistant Director, Office of Policy Research & Coordination, Pavilion Office Building, 109 State Street, Montpelier, Vermont 05602, telephone (802) 828-3326.
- West Virginia**  
Mr. Fred Cutlip, Director, Community Development Division, West Virginia Development Office, Building #6, room 553, Charleston, West Virginia 25305, telephone (304) 348-4010.
- Wisconsin**  
Mr. William C. Carey, Federal/State Relations, Wisconsin Department of Administration, 101 South Webster Street, P.O. Box 7864, Madison, Wisconsin 53707, telephone (608) 266-0267.
- Wyoming**  
Sheryl Jeffries, State Single Point of Contact, Herschler Building, 4th Floor, East Wing, Cheyenne, Wyoming 82002, telephone (307) 777-7574.
- Guam**  
Mr. Michael J. Reidy, Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96910, telephone (671) 472-2285.
- Northern Mariana Islands**  
State Single Point of Contact, Planning and Budget Office, Office of the Governor, Saipan, CM, Northern Mariana Islands 96950.
- Puerto Rico**  
Norma Burgos/Jose H. Caro, Chairman/Director, Puerto Rico Planning Board, Minillas Government Center, PO Box 41119, San Juan, Puerto Rico 00940-9985 telephone (809) 727-4444.

*Virgin Islands*

Jose L. George, Director, Office of Management and Budget, #41 Norregade Emancipation Garden Station, Second floor, Saint Thomas, Virgin Islands 00802.  
Please direct correspondence to: Linda Clarke telephone (809) 774-0750.

**List of Key Words**

Abandoned infants/children  
Abuse  
Abused children/spouse  
Abusive children/parents  
Accreditation  
Achievement  
Adjudication  
Addicted infants/mothers/fathers  
Administration  
Adolescent abuse  
Adolescent parents  
Adolescent perpetrator  
Adoption  
Adults  
Advocacy  
Affective behavior  
African Americans  
Alcohol abuse  
Anatomical dolls  
Archive  
Art therapy  
Assessment  
Asians  
Attitudes  
At-risk youth  
Audio-visual  
Autism  
Autopsies  
Background investigations  
Barrier-free design  
Behavior  
Behavior therapy  
Blacks  
Bonding  
Caregivers  
Caretakers  
Case management  
Central Registries  
Child abuse and neglect  
Child abuse reporting  
Child advocacy centers  
Child care  
Child care centers  
Child care workers  
Child development  
Child fatalities  
Child fatality review  
Child health  
Child pornography  
Child prostitution  
Child protective services  
Child rearing  
Child welfare  
Child witness  
Children  
Children's Trust Fund  
Clearinghouse  
Client outcome measures

Clergy  
Communication  
Coalitions  
Cognitive styles  
Collaboration  
Colleges  
Communication  
Community  
Community-based child abuse and neglect prevention grants  
Community college  
Comprehensive care  
Computer networks  
Computers  
Conferences  
Confidentiality  
Conflict  
Consumer education  
Continuing education  
Contracting  
Co-occurrence  
Cooperative agreement  
Coordination  
Coordinated services  
Coroners and medical examiners  
Corporeal punishment  
Correctional institutions  
Cost benefit  
Cost effective  
Counseling  
Courts  
Court appointed special advocates (CASAs)  
Crisis intervention  
Crisis nurseries  
Cross-cultural  
Cultural activities  
Cultural competency  
Cultural factors  
Cultural sensitivity  
Curricula  
Curriculum development  
Custody  
Cycle of violence  
Data collection  
Day care programs  
Deafness  
Decategorization  
Decision making  
Definitions  
Delinquency  
Dental clinics  
Depression  
Developmental disabilities  
Diagnosis  
Disabilities  
Discipline  
Dissemination  
District attorneys  
Doctoral dissertations  
Dropouts  
Dysfunctional families  
Drug abuse  
Drug-exposed infants  
Economic factors  
Education and training  
Educational neglect  
Effectiveness measures  
Elementary school

Emergency services  
Emergency shelters  
Emotional abuse  
Emotional development  
Emotional/behavioral disorder  
Employer-sponsored programs  
Employment  
Empowerment  
Etiology  
Environment  
Evaluation  
Exploited youth  
Families  
Families-at-risk  
Family counseling  
Family day care  
Family needs assessment  
Family preservation  
Family strengths  
Family support  
Family violence  
Fellowships  
Fetal Alcohol Syndrome  
Field initiated  
Films  
Fiscal management  
Follow-up  
Food and nutrition  
Forensic  
Foster care  
Foster grandparents  
Foundations  
Group homes  
Group therapy  
Guardianship  
Guardian-ad-litem  
Handbooks  
Head Start  
Health  
Health impairment  
Hearing impairment  
High risk groups  
Higher education  
Hispanics  
Historically Black Colleges and Universities (use HBCU)  
Home-based services  
Home visitors  
Homeless  
Hospitals  
Housing  
Human services  
Identification  
Immigrants and refugees  
Immunization  
Incidence  
Income generation  
Independent living  
Indians  
Indian Reservations  
Infant care review committees  
Infants and toddlers  
Information centers  
Information and referral  
Information transfer  
Injuries  
Institutional abuse and neglect  
Instruments  
Intake

Interagency cooperation	Parent-child relations	Self-care
Interdisciplinary	Parent involvement	Self esteem
Intergenerational	Parent education	Self-help
International	Parental abduction	Self-sufficiency
Interstate agreements	Parenting skills	Seminars
Intervention	Pediatric AIDS	Service integration
Interviews	Peer counseling	Severity
Intrafamilial	Peer relations	Sexual abuse
Investigations	Perception	Sexual exploitation
Judicial system	Perpetrator	Shaken baby
Juvenile justice	Permanency planning	Sibling abuse
Latchkey and school-age children	Personal safety	Sibling relations
Law enforcement	Placement prevention	Single parents
Learning disability	Physical abuse	Social isolation
Legal	Physical development	Social skills
Legal counseling	Physical therapy	Social services
Legislation and model codes	Physician	Social work
Liability and legal issues	Planning	Special education
Linkages	Play therapy	Special needs adoption
Literacy	Police	Speech or language impairment
Local government	Post-Traumatic Stress Disorder	Staff
Longitudinal studies	Poverty	Standards
Low-cost alternatives	Prenatal substance abuse	States
Low-income	Preschools	State laws
Males	Prevalence	Statistical analysis
Mainstreaming	Prevention	Status offenders
Management	Primary schools	Stipends
Management information systems	Private sector	Stress
Management training	Probation	Substance abuse
Manuals	Professional education	Substantiation
Marketing	Prosecution	Sudden infant death syndrome
Materials	Prostitution	Supervision
Meals	Protective services	Support groups
Mediation	Protocols	Synthesis
Media	Psychopathology	Systems
Medical	Public awareness	Target populations
Medical neglect	Public/private partnership	Teachers
Medical schools	Public schools	Technical assistance
Mental health	Radio	Technology
Mental retardation	Rating scales	Technology transfer
Mentors	Readiness skills	Teenage parents
Migrants	Recidivism	Teenage pregnancy
Military	Recovered memory	Telecommunications
Minorities	Recreation	Television
Missing children	Recruitment	Temporary child care
Models	Referral	Testimony
Multiple personality disorder	Refugees	Theoretical models
Multidisciplinary teams	Relative foster care	Therapeutic day care
Multiproblem family	Religious institution(s)	Therapy
National	Replication	Throwaway children
Native Alaskans	Reporting	Toddlers
Native Americans	Research	Training
Native Hawaiians	Research center	Training of trainers
Needs assessment	Residential care	Transitional Living
Neglect	Resource allocation	Transitioning
Neighborhood	Resource center	Transportation
Networking	Respite care	Traumatic brain injury
Newsletters	Retention	Treatment
Newspapers	Revictimization	Tribally Controlled Community Colleges
Non-offending parent	Risk	Unemployed
Nurses	Risk assessment	University
Nutrition counseling	Ritual abuse	Unsubstantiated
On-the-job training	Runaway and homeless youth	Urban
Orthopedic impairment	Rural	Urban Indian Centers
Outreach	Safety factors	Veterans
Pacific Islanders	School-age children	Victimization
Paraprofessional training	Screening	Video
Parent	Secondary analyses	Violence
Parent aides	Secondary schools	Visual impairment

Volunteers  
Vouchers  
Welfare

Witness  
Women  
Workplace

Workshops  
Youth  
BILLING CODE 4184-01-P



**Instructions for the SF 424**

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

**Item and Entry**

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.

7. Enter the appropriate letter in the space provided.

8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:

- \_\_\_ "New" means a new assistance award.
- \_\_\_ "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
- \_\_\_ "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.

9. Name of Federal agency from which assistance is being requested with this application.

10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.

11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplication, use a separate sheet to provide a summary description of this project.

12. List only the largest political entities affected (e.g., State, counties, cities).

13. Self-explanatory.

14. List the applicant's Congressional District and any District(s) affected by the program project.

15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.

16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.

17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans, and taxes.

18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

BILLING CODE 4184-01-P

OMB Approval No. 0148-0044

**BUDGET INFORMATION — Non-Construction Programs**

**SECTION A — BUDGET SUMMARY**

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1		\$	\$	\$	\$	\$
2						
3						
4						
5. TOTALS		\$	\$	\$	\$	\$

**SECTION B — BUDGET CATEGORIES**

Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY					Total (5)
	(1)	(2)	(3)	(4)	(5)	
a. Personnel	\$	\$	\$	\$	\$	\$
b. Fringe Benefits						
c. Travel						
d. Equipment						
e. Supplies						
f. Contractual						
g. Construction						
h. Other						
i. Total Direct Charges (sum of 6a-6h)						
j. Indirect Charges						
k. TOTALS (sum of 6i and 6j)	\$	\$	\$	\$	\$	\$
7. Program Income	\$	\$	\$	\$	\$	\$

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Standard Form 424A (4-88)  
Prescribed by GAO Circular A-107

SECTION C - NON-FEDERAL RESOURCES					
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS	
8.	\$	\$	\$	\$	\$
9.					
10.					
11.					
12. TOTALS (sum of lines 8 and 11)	\$	\$	\$	\$	\$
SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
	\$	\$	\$	\$	\$
13. Federal	\$	\$	\$	\$	\$
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	\$	\$	\$	\$	\$
SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT					
(a) Grant Program	FUTURE FUNDING PERIODS (Years)				
	(b) First	(c) Second	(d) Third	(e) Fourth	
16.	\$	\$	\$	\$	
17.					
18.					
19.					
20. TOTALS (sum of lines 16-19)	\$	\$	\$	\$	
SECTION F - OTHER BUDGET INFORMATION (Attach additional Sheets if Necessary)					
21. Direct Charges:					
22. Indirect Charges:					
23. Remarks					

**Instructions for the SF-424A****General Instructions**

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

**Section A. Budget Summary**

Lines 1-4, Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g)

For *new applications*, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For *continuing grant program applications*, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The

amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For *supplemental grants and changes* to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the totals for all columns used.

**Section B. Budget Categories**

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-i—Show the totals of Lines 6a to 6h in each column.

Lines 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

**Section C. Non-Federal-Resources**

Lines 8-11—Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals of Columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)-(e). The amount in Column (e)

should be equal to the amount on Line 5, Column (f), Section A.

**Section D. Forecasted Cash Needs**

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

**Section E. Budget Estimates of Federal Funds Needed for Balance of the Project**

Lines 16-19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

**Section F. Other Budget Information**

Line 21—Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

**Assurances—Non-Construction Programs**

**Note:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in

accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;

(e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other

nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42

U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of Authorized Certifying Official  
Title \_\_\_\_\_

Applicant Organization \_\_\_\_\_

Date Submitted \_\_\_\_\_

BILLING CODE 4184-01-P

Priority Area Number /1.16/

OMB Approval No. 0348-0043

**APPLICATION FOR FEDERAL ASSISTANCE**

<b>1. TYPE OF SUBMISSION:</b> Application <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction		<b>2. DATE SUBMITTED:</b> 05/08/92		Applicant Identifier	
		<b>3. DATE RECEIVED BY STATE:</b>		State Application Identifier	
		<b>4. DATE RECEIVED BY FEDERAL AGENCY:</b>		Federal Identifier	
<b>5. APPLICANT INFORMATION</b>					
Legal Name: Children's Center			Organizational Unit:		
Address (give city, county, state, and zip code):  3242 Montgomery Street Trenton, NJ 08650			Name and telephone number of the person to be contacted on matters involving this application (give area code):  Harriet Thomas (609) 555-8237		
<b>6. EMPLOYER IDENTIFICATION NUMBER (EIN):</b> 08 - 7654321			<b>7. TYPE OF APPLICANT (enter appropriate letter in box):</b> <input checked="" type="checkbox"/> N A. State B. County C. Municipal D. Township E. Interstate F. Inter-municipal G. Special District M. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify): Nonprofit Org.		
<b>8. TYPE OF APPLICATION:</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es): A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify):			<b>9. NAME OF FEDERAL AGENCY:</b> Administration for Children and Families		
<b>10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:</b> 93 - 608			<b>11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:</b> Specialized Family Foster Care		
<b>12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):</b> Mercer County, N.J.					
<b>13. PROPOSED PROJECT:</b> Start Date: 01/01/92 Ending Date: 09/30/95		<b>14. CONGRESSIONAL DISTRICTS OF:</b> a. Applicant: 5 b. Project: 5			
<b>15. ESTIMATED FUNDING:</b>		<b>16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?</b>			
a. Federal	\$ 75,000	a. YES THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE 05/01/92			
b. Applicant	\$ 25,000	b. NO <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372			
c. State	\$ .00	<input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW			
d. Local	\$ .00				
e. Other	\$ .00				
f. Program Income	\$ .00	<b>17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?</b>			
g. TOTAL	\$ 100,000	<input type="checkbox"/> Yes If "Yes," attach an explanation. <input checked="" type="checkbox"/> No			
<b>18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED</b>					
a. Typed Name of Authorized Representative Alice Farber		b. Title Executive Director		c. Telephone number 609/555-8235	
d. Signature of Authorized Representative <i>Alice Farber</i>		e. Date Signed 05/08/92			

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Standard Form 424 (REV 4-88)  
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OMB Approval No. 0348-0044

**BUDGET INFORMATION — Non-Construction Programs**

**SECTION A — BUDGET SUMMARY**

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		Total (g)
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	
1. Child Welfare	93.608	\$	\$	\$ 75,000	\$ 25,000	\$ 100,000
2.						
3.						
4.						
5. TOTALS		\$	\$	\$ 75,000	\$ 25,000	\$ 100,000

**SECTION B — BUDGET CATEGORIES**

Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	\$ NA	\$ NA	\$ NA	\$ NA	\$ 60,000
b. Fringe Benefits	\$ NA	\$ NA	\$ NA	\$ NA	9,000
c. Travel	\$ NA	\$ NA	\$ NA	\$ NA	2,000
d. Equipment	\$ NA	\$ NA	\$ NA	\$ NA	5,000
e. Supplies	\$ NA	\$ NA	\$ NA	\$ NA	3,500
f. Contractual	\$ NA	\$ NA	\$ NA	\$ NA	15,500
g. Construction	\$ NA	\$ NA	\$ NA	\$ NA	NA
h. Other	\$ NA	\$ NA	\$ NA	\$ NA	5,000
i. Total Direct Charges (sum of 6a - 6h)	\$ NA	\$ NA	\$ NA	\$ NA	100,000
j. Indirect Charges	\$ NA	\$ NA	\$ NA	\$ NA	0
k. TOTALS (sum of 6i and 6j)	\$ NA	\$ NA	\$ NA	\$ NA	\$ 100,000

7. Program Income	\$ NA	\$ NA	\$ NA	\$ NA	\$ 0
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SECTION C - NON-FEDERAL RESOURCES					
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS	
	\$ NA	\$ NA	\$ NA	\$	NA
	NA	NA	NA	NA	NA
	NA	NA	NA	NA	NA
	NA	NA	NA	NA	NA
12. TOTALS (sum of lines 8 and 11)	\$ 25,000	\$ 0	\$ 0	\$	25,000
SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year				
	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	
13. Federal	\$ NA	\$ NA	\$ NA	\$ NA	NA
14. NonFederal	\$ NA	\$ NA	\$ NA	\$ NA	NA
15. TOTAL (sum of lines 13 and 14)	\$ NA	\$ NA	\$ NA	\$ NA	NA
SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT					
(a) Grant Program	FUTURE FUNDING PERIODS (Year)				
	(b) First	(c) Second	(d) Third	(e) Fourth	
16.	\$ NA	\$ NA	\$ NA	\$ NA	NA
17.	\$ NA	\$ NA	\$ NA	\$ NA	NA
18.	\$ NA	\$ NA	\$ NA	\$ NA	NA
19.	\$ NA	\$ NA	\$ NA	\$ NA	NA
20. TOTALS (sum of lines 16-19)	\$ 70,080	\$ 60,000	\$	\$	
SECTION F - OTHER BUDGET INFORMATION (Attach additional Sheets if Necessary)					
21. Direct Charges:	NA				
22. Indirect Charges:	NA				
23. Remarks	Non-Federal Share of Project Cost: \$23,333 (2nd year); \$20,000 (3rd year)				

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**U.S. Department of Health and Human Services**  
**Certification Regarding Drug-Free Workplace Requirements**  
**Grantees Other Than Individuals**

By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

This certification is required by regulations implementing the Drug-Free Workplace Act of 1988, 45 CFR Part 76, Subpart F. The regulations, published in the May 25, 1990 Federal Register, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HHS, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment.

Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios.)

If the workplace identified to HHS changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see above).

Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 USC 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15).

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

**The grantee certifies that it will or will continue to provide a drug-free workplace by:**

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace; (2) The grantee's policy of maintaining a drug-free workplace; (3) Any available drug counseling, rehabilitation, and employee assistance programs; and, (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and, (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or, (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments, if needed):

Place of Performance (Street address, City, County, State, ZIP Code) \_\_\_\_\_

Check  if there are workplaces on file that are not identified here.

Sections 76.630(c) and (d)(2) and 76.635(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central receipt point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, S.W., Washington, D.C. 20201.

DGMO Form#2 Revised May 1990

*Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions*

By signing and submitting this proposal, the applicant, defined as the primary participant in accordance with 45 CFR Part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency;

(b) have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) are not presently indicated or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

The inability of a person to provide the certification required above will not necessarily result in denial of participation in this covered transaction. If necessary, the prospective participant shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the Department of Health and Human Services (HHS) determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

The prospective primary participant agrees that by submitting this proposal, it will include the clause entitled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transaction." provided below without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

*Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions (To Be Supplied to Lower Tier Participants)*

By signing and submitting this lower tier proposal, the prospective lower tier participant, as defined in 45 CFR Part 76, certifies to the best of its knowledge and belief that it and its principals:

(a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

(b) where the prospective lower tier participant is unable to certify to any of the above, such prospective participant shall attach an explanation to this proposal.

The prospective lower tier participant further agrees by submitting this proposal that it will include this clause entitled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions." without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

*Certification Regarding Lobbying*

*Certification for Contracts, Grants, Loans, and Cooperative Agreements*

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the

undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

*State for Loan Guarantee and Loan Insurance*

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature \_\_\_\_\_

Title \_\_\_\_\_

Organization \_\_\_\_\_

Date \_\_\_\_\_

BILLING CODE 4184-01-P



DEPARTMENT OF HEALTH AND HUMAN SERVICES  
**PROTECTION OF HUMAN SUBJECTS  
 ASSURANCE/CERTIFICATION/DECLARATION**  
 ORIGINAL     FOLLOWUP     REVISION

GRANT     CONTRACT     FELLOW     OTHER  
 NEW     RENEWAL     CONTINUATION  
 APPLICATION IDENTIFICATION NUMBER (If known)

**STATEMENT OF POLICY:** Safeguarding the rights and welfare of subjects at risk in activities supported under grants and contracts from DHHS is primarily the responsibility of the institution which receives or is accountable to DHHS for the funds awarded for the support of the activity. In order to provide for the adequate discharge of this institutional responsibility, it is the policy of DHHS that no activity involving human subjects to be supported by DHHS grants or contracts shall be undertaken unless the Institutional Review Board has reviewed and approved such activity, and the institution has submitted to DHHS a certification of such review and approval, in accordance with the requirements of Public Law 93-348, as implemented by Part 46 of Title 45 of the Code of Federal Regulations, as amended, (45 CFR 46). Administration of the DHHS policy and regulation is the responsibility of the Office for Protection from Research Risks, National Institutes of Health, Bethesda, MD 20205.

1. TITLE OF PROPOSAL OR ACTIVITY

2. PRINCIPAL INVESTIGATOR/ACTIVITY DIRECTOR/FELLOW

3. DECLARATION THAT HUMAN SUBJECTS EITHER WOULD OR WOULD NOT BE INVOLVED

- A. NO INDIVIDUALS WHO MIGHT BE CONSIDERED HUMAN SUBJECTS, INCLUDING THOSE FROM WHOM ORGANS, TISSUES, FLUIDS, OR OTHER MATERIALS WOULD BE DERIVED, OR WHO COULD BE IDENTIFIED BY PERSONAL DATA, WOULD BE INVOLVED IN THE PROPOSED ACTIVITY. (IF NO HUMAN SUBJECTS WOULD BE INVOLVED, CHECK THIS BOX AND PROCEED TO ITEM 7. PROPOSALS DETERMINED BY THE AGENCY TO INVOLVE HUMAN SUBJECTS WILL BE RETURNED.)
- B. HUMAN SUBJECTS WOULD BE INVOLVED IN THE PROPOSED ACTIVITY AS EITHER:  NONE OF THE FOLLOWING, OR INCLUDING:  MINORS,  FETUSES,  ABORTUSES,  PREGNANT WOMEN,  PRISONERS,  MENTALLY RETARDED,  MENTALLY DISABLED. UNDER SECTION 6. COOPERATING INSTITUTIONS, ON REVERSE OF THIS FORM, GIVE NAME OF INSTITUTION AND NAME AND ADDRESS OF OFFICIAL(S) AUTHORIZING ACCESS TO ANY SUBJECTS IN FACILITIES NOT UNDER DIRECT CONTROL OF THE APPLICANT OR OFFERING INSTITUTION.

4. DECLARATION OF ASSURANCE STATUS/CERTIFICATION OF REVIEW

- A. THIS INSTITUTION HAS NOT PREVIOUSLY FILED AN ASSURANCE AND ASSURANCE IMPLEMENTING PROCEDURES FOR THE PROTECTION OF HUMAN SUBJECTS WITH THE DHHS THAT APPLIES TO THIS APPLICATION OR ACTIVITY. ASSURANCE IS HEREBY GIVEN THAT THIS INSTITUTION WILL COMPLY WITH REQUIREMENTS OF DHHS Regulation 46 CFR 46, THAT IT HAS ESTABLISHED AN INSTITUTIONAL REVIEW BOARD FOR THE PROTECTION OF HUMAN SUBJECTS AND, WHEN REQUESTED, WILL SUBMIT TO DHHS DOCUMENTATION AND CERTIFICATION OF SUCH REVIEWS AND PROCEDURES AS MAY BE REQUIRED FOR IMPLEMENTATION OF THIS ASSURANCE FOR THE PROPOSED PROJECT OR ACTIVITY.
- B. THIS INSTITUTION HAS AN APPROVED GENERAL ASSURANCE (DHHS ASSURANCE NUMBER \_\_\_\_\_) OR AN ACTIVE SPECIAL ASSURANCE FOR THIS ONGOING ACTIVITY, ON FILE WITH DHHS. THE SIGNER CERTIFIES THAT ALL ACTIVITIES IN THIS APPLICATION PROPOSING TO INVOLVE HUMAN SUBJECTS HAVE BEEN REVIEWED AND APPROVED BY THIS INSTITUTION'S INSTITUTIONAL REVIEW BOARD IN A CONVENED MEETING ON THE DATE OF \_\_\_\_\_ IN ACCORDANCE WITH THE REQUIREMENTS OF THE Code of Federal Regulations on Protection of Human Subjects (45 CFR 46). THIS CERTIFICATION INCLUDES, WHEN APPLICABLE, REQUIREMENTS FOR CERTIFYING FDA STATUS FOR EACH INVESTIGATIONAL NEW DRUG TO BE USED (SEE REVERSE SIDE OF THIS FORM).

THE INSTITUTIONAL REVIEW BOARD HAS DETERMINED, AND THE INSTITUTIONAL OFFICIAL SIGNING BELOW CONCURS THAT:

EITHER  HUMAN SUBJECTS WILL NOT BE AT RISK;    OR     HUMAN SUBJECTS WILL BE AT RISK.

5. AND 6. SEE REVERSE SIDE

7. NAME AND ADDRESS OF INSTITUTION

8. TITLE OF INSTITUTIONAL OFFICIAL

TELEPHONE NUMBER

SIGNATURE OF INSTITUTIONAL OFFICIAL

DATE

**5. INVESTIGATIONAL NEW DRUGS - ADDITIONAL CERTIFICATION REQUIREMENT**

SECTION 46.17 OF TITLE 45 OF THE Code of Federal Regulations states, "Where an organization is required to prepare or to submit a certification . . . and the proposal involves an investigational new drug within the meaning of The Food, Drug, and Cosmetic Act, the drug shall be identified in the certification together with a statement that the 30-day delay required by 21 CFR 130.3(a)(2) has elapsed and the Food and Drug Administration has not, prior to expiration of such 30-day interval, requested that the sponsor continue to withhold or to restrict use of the drug in human subjects; or that the Food and Drug Administration has waived the 30-day delay requirement; provided, however, that in those cases in which the 30-day delay interval has neither expired nor been waived, a statement shall be forwarded to DHHS upon such expiration or upon receipt of a waiver. No certification shall be considered acceptable until such statement has been received."

**INVESTIGATIONAL NEW DRUG CERTIFICATION**

TO CERTIFY COMPLIANCE WITH FDA REQUIREMENTS FOR PROPOSED USE OF INVESTIGATIONAL NEW DRUGS IN ADDITION TO CERTIFICATION OF INSTITUTIONAL REVIEW BOARD APPROVAL, THE FOLLOWING REPORT FORMAT SHOULD BE USED FOR EACH IND: (ATTACH ADDITIONAL IND CERTIFICATIONS AS NECESSARY).

— IND FORMS FILED:  FDA 1571,  FDA 1572,  FDA 1573

— NAME OF IND AND SPONSOR \_\_\_\_\_

— DATE OF 30-DAY EXPIRATION OR FDA WAIVER  
(FUTURE DATE REQUIRES FOLLOWUP REPORT TO AGENCY) \_\_\_\_\_

— FDA RESTRICTION \_\_\_\_\_

— SIGNATURE OF INVESTIGATOR \_\_\_\_\_ DATE \_\_\_\_\_

**6. COOPERATING INSTITUTIONS - ADDITIONAL REPORTING REQUIREMENT**

SECTION 46.16 OF TITLE 45 OF THE Code of Federal Regulations IMPOSES SPECIAL REQUIREMENTS ON THE CONDUCT OF STUDIES OR ACTIVITIES IN WHICH THE GRANTEE OR PRIME CONTRACTOR OBTAINS ACCESS TO ALL OR SOME OF THE SUBJECTS THROUGH COOPERATING INSTITUTIONS NOT UNDER ITS CONTROL. IN ORDER THAT THE DHHS BE FULLY INFORMED, THE FOLLOWING REPORT IS REQUESTED WHEN APPLICABLE.

USE FOLLOWING REPORT FORMAT FOR EACH INSTITUTION OTHER THAN GRANTEE OR CONTRACTING INSTITUTION WITH RESPONSIBILITY FOR HUMAN SUBJECTS PARTICIPATING IN THIS ACTIVITY: (ATTACH ADDITIONAL REPORT SHEETS AS NECESSARY).

**INSTITUTIONAL AUTHORIZATION FOR ACCESS TO SUBJECTS**

— SUBJECTS: STATUS (WARDS, RESIDENTS, EMPLOYEES, PATIENTS, ETC.) \_\_\_\_\_

NUMBER \_\_\_\_\_ AGE RANGE \_\_\_\_\_

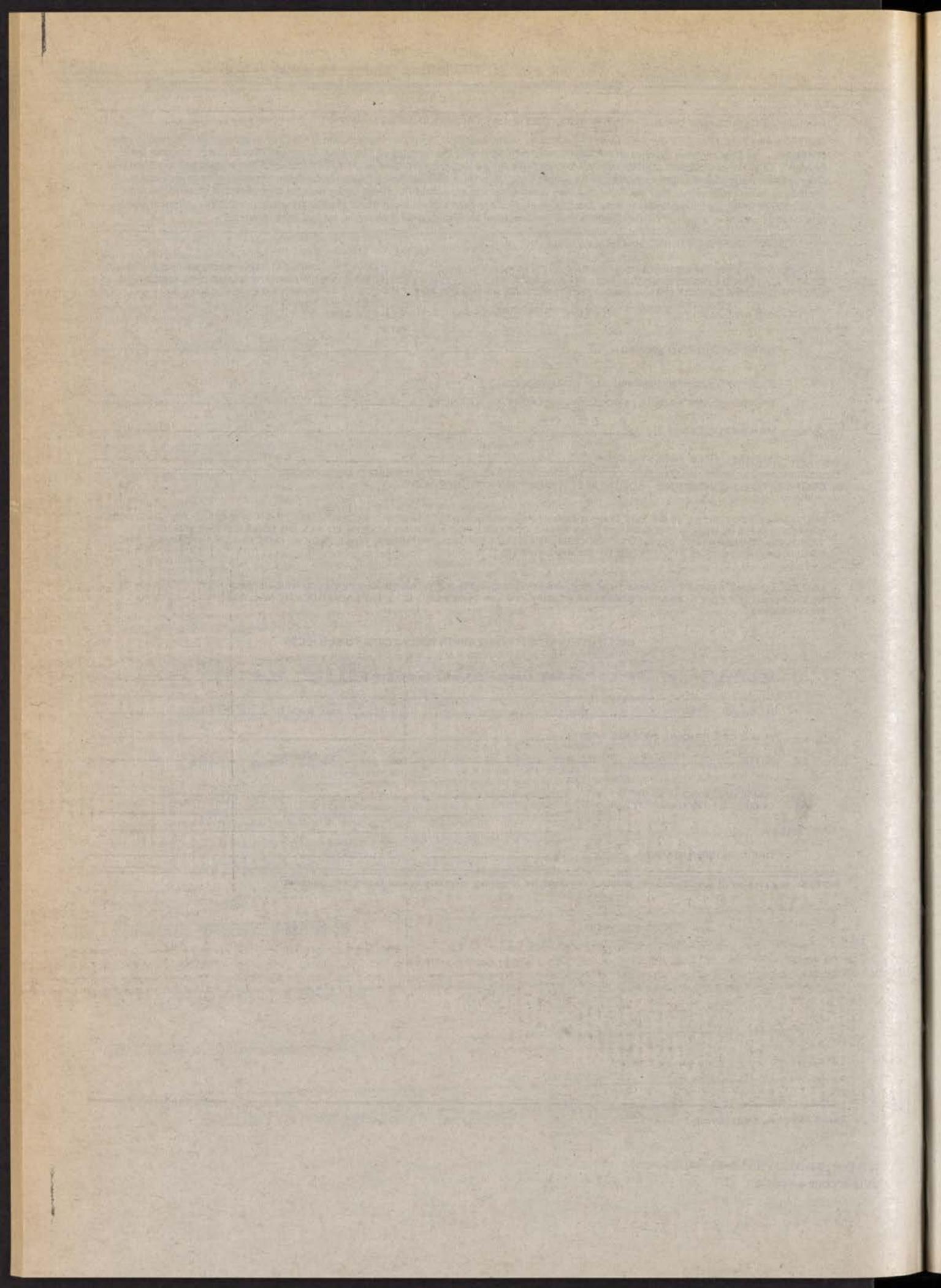
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TITLE \_\_\_\_\_ TELEPHONE \_\_\_\_\_

NAME AND ADDRESS OF  
COOPERATING INSTITUTION \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

— OFFICIAL SIGNATURE \_\_\_\_\_

NOTES: (e.g., report of modification in proposal as submitted to agency affecting human subjects involvement)



# **federal register**

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Tuesday  
March 15, 1994

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**Part IV**

## **Department of the Interior**

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**Bureau of Indian Affairs**

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**Final Determination That the Mohegan  
Indian Tribe of Connecticut, Inc., Does  
Exist as an Indian Tribe; Notice**

## DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

## Final Determination That the Mohegan Indian Tribe of Connecticut, Inc., Does Exist as an Indian Tribe

March 7, 1994.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of final determination.

**SUMMARY:** Pursuant to 25 CFR 83.9(h), notice is hereby given that the Assistant Secretary—Indian Affairs has determined that the Mohegan Indian Tribe of Connecticut, Inc., (Mohegan) 27 Church Lane, Uncasville, Connecticut 06382 does exist as an Indian tribe within the meaning of Federal law.

This notice is based on a determination, following a review of public comments on the proposed finding, that the Mohegan satisfies all of the criteria set forth in 25 CFR 83.7, and, therefore, meets the requirements for a government-to-government relationship with the United States.

**DATES:** This notice is final and will become effective 60 days after the date on which this notice appears in the *Federal Register* unless the Secretary of the Interior requests a reconsideration by the Assistant Secretary—Indian Affairs pursuant to 25 CFR 83.10(a)-(c).

**FOR FURTHER INFORMATION CONTACT:** Holly Reckord, (202) 208-3592.

**SUPPLEMENTARY INFORMATION:** This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Notice of the proposed finding to decline to acknowledge the tribe was published in Vol. 54, No. 216, pages 47136-47137, of the *Federal Register* on November 9, 1989. This finding was based on a determination that the tribe met criteria a, d, e, f, and g, but did not meet criteria b and c of part 83.7 of the Acknowledgment regulations (25 CFR Part 83). In accordance with 25 CFR 83.9(g), interested parties were given 120 days in which to submit factual or legal arguments and evidence to rebut or support the evidence relied upon in the finding. Pursuant to a request by the Mohegan and the Connecticut Attorney General's Office (CTAG), the Department of the Interior (Department) extended the comment period from March 9, 1990, until October 30, 1990.

During the comment period, a rebuttal containing substantive new evidence and arguments challenging the proposed finding was submitted by the Mohegan and another was submitted on behalf of the Mohegan by Mr. Robert B. Cohen.

Comments were also received from June Hatstat, also known as "Princess Chikara," of the Mohegan Tribe and Nation; Laurie Weinstein-Farson, Ph.D., Assistant Professor of Anthropology at Western Connecticut State University, Danbury, Connecticut; and Ann McMullen, Department of Anthropology, Brown University, Providence, Rhode Island. The comments of Weinstein-Farson and McMullen were critical of the proposed finding from an anthropological and historical standpoint.

Short comments were submitted by Kevin A. McBride, Assistant Professor, Department of Anthropology, University of Connecticut, Storrs, Connecticut; Trudie Lamb Richmond, Director of Education, American Indian Archaeological Institute, Washington, Connecticut; James D. Wherry, Socio-Economic Development, Mashantucket Pequot Tribe; and Joan Lester, Chief Curator, Boston Children's Museum, Boston, Massachusetts. The CTAG submitted extensive evidence opposing the Mohegan's response, and the Mohegan submitted a final reply.

All submissions were carefully considered, the new evidence was evaluated, and data and conclusions in both the tribe's original petition and the proposed finding were reconsidered in light of the arguments presented. The tribe's response and the response submitted by Mr. Cohen presented substantive new evidence and arguments which served to greatly strengthen the petition. It has been found that this evidence, when considered along with the arguments and observations presented by the other interested parties and a reconsideration of the evidence presented in the proposed finding, warrants a final determination that the tribe does meet criteria § 83.7 (b) and (c) of the Acknowledgment regulations.

The proposed finding concluded that the Mohegan did not meet criterion 83.7(b) because the presence of extensive social contact within the extended Mohegan community since 1941 had not been documented. The finding noted that a substantial portion of the Mohegan did live within an area that comprised the Mohegan aboriginal territory, that they are descendants of an Indian tribe which historically inhabited the area, and that they had retained a minimal cultural distinction from the surrounding population. Yet, at the time the finding was being prepared, evidence to support a positive determination for social interaction and social cohesion was insufficient.

The Mohegan's response to the proposed finding, along with responses

received from other interested parties, has provided information previously lacking and documentation demonstrating social interaction and social cohesion, as well as political communication, linking the major family lines and the tribal officers.

Extensive new information was supplied about the importance of the Mohegan Congregational Church as a focus of tribal activity and community in the modern period. This evidence demonstrated that the period when the church was closed was much shorter than assumed in the proposed finding, that some activities had continued during the period when the building itself was not usable, and that the restoration and reopening had the support of the wider Mohegan community, including members who belonged to other religious faiths.

The Mohegan also supplied additional information about the tribe's interaction at such significant events as funerals, focusing particularly upon the continued usage, until the present day, of the traditional burial ground at Fort Shantok by all but one of the major family lines. The proposed finding concluded that interaction at such times had not been documented, but the new evidence submitted demonstrates that it was substantial.

These new data, when taken collectively and conjoined with those originally provided by the Mohegan and those obtained by the Acknowledgment staff in the course of their research, are deemed sufficient to conclude that the Mohegan maintain the requisite degree of social interaction to meet criterion (b).

The proposed finding concluded that the tribe did not meet criterion 83.7(c) because it could not demonstrate that it had maintained political influence or other authority over all of its members since 1941. The proposed finding concentrated on the role of those men identified as "chiefs" in the documentation. New evidence submitted in response to the proposed finding indicated that the Mohegan leadership structure was much more complex. The office of chief, while largely representational, was supported by various working officials such as the president of the League of the Descendants and the president of the Mohegan Ladies Sewing Society. The proposed finding also focused upon the formal, male, leadership of the tribe, and ignored the traditional importance of its informal, female, leadership.

Additionally, analysis of the new evidence submitted indicated that the influence of the chief could be exerted without the formality of holding

meetings at which a vote was taken. This was particularly demonstrated by the fact that the tribe undertook no claims activity from 1952 to 1966 because Harold Tantaquidgeon, the chief recognized by most Mohegan, opposed it. Under the leadership of John E. Hamilton, who returned from the west in 1966, the majority of Mohegan adults from all of the major family groups became involved with land claims once again. The lack of claims activities from 1952 to 1966 is a demonstration of the exercise of political authority by Tantaquidgeon from 1952 to 1966, since the other two most influential leaders of the tribe during this period were interested in pursuing claims. The focus of the group on non-land claims activity under Tantaquidgeon was a purposeful action taken by a widely respected leader and supported by the membership.

After the Mohegan's repudiation of Hamilton and election of Courtland Fowler to replace him in 1970, Fowler continued to defer to Tantaquidgeon on the claims issue. No claims work was undertaken by the tribal leadership until a 97% favorable membership vote required it in 1980. Therefore, land claims as a political issue also demonstrates there is a bilateral relationship between the Mohegan tribe and their leaders.

The Mohegan's response to the proposed finding presented convincing new evidence that the Council of the Descendants did not die for lack of interest in 1970. Rather, it was dissolved after a leadership dispute. Until 1970, both John Hamilton and Harold Tantaquidgeon were supported by the Mohegan in their roles as land claims representative and chief, respectively. In 1970, there was a dispute over the leadership of the Council of the Descendants which resulted in the repudiation of John Hamilton as a Mohegan leader and the election of Courtland E. Fowler as council president and chief by the Mohegan majority. The Council of the Descendants was dissolved soon thereafter and Hamilton started a new organization, which only a very small minority of the Mohegan followed. By 1973, Native Mohegans, Inc. began functioning as a tribal council for the majority of the Mohegan. Native Mohegans, Inc. continued in this capacity until the incorporation of the Mohegan Tribe of Connecticut in 1980.

We find the contention of the CTAG, that the Mohegan do not qualify for

Federal recognition under 25 CFR Part 83 on the grounds that the Mohegan were subject to the Pequot for a period prior to the year 1650, is not grounds for rejection within the meaning of the regulations. Therefore, we conclude that the tribe has maintained political influence or other authority over its members, independent of the control of any other Indian governing body, throughout history until the present.

There was a fluctuation in social and political activity among the Mohegan from 1941 to 1966, compared to the eras before 1941 and after 1966. The Mohegan response to the proposed finding provided more data on the exercise of political authority from the late 1930's to the present. The level of data submitted on social community, political process, the exercise of leadership, and the bilateral political relationship during the late 1930's and from 1966 to the present was high. The evidence for the period from 1941 to 1966 remains thin and uneven. We find that two factors caused the fluctuation from 1941 to 1966: A temporary migration from Mohegan Hill to perform military service, and the dying out of three family lines that had been central to Mohegan social and political life through the 1940's and 1950's. Even during the fluctuation period there is evidence for some social and political activities and exercise of authority by individual leaders. With a better understanding of the causes of the fluctuation, and the strengthening of evidence for the period before 1941 and after 1966, we conclude that the Mohegan Tribe of Connecticut meets criteria b and c of 83.7 of the Acknowledgment regulations. Consequently, the petitioner satisfied all of the mandatory criteria for Federal acknowledgment and, therefore, meets all of the requirements for a government-to-government relationship with the United States.

A report summarizing the Department's response to the evidence and arguments submitted to refute the proposed finding is available to interested parties upon request. Requests for copies of this supplement report or the proposed finding published earlier should be addressed to the Assistant Secretary—Indian Affairs.

Requests to the Secretary for reconsideration may be made by any party and must be received within 60 days of the publication of this notice. Requests should be accompanied by a detailed statement of the grounds for the

request and should include any new evidence to be considered. If necessary, the 60-day time limit in 83.10(a) may be extended to allow the Secretary a period of 90 days from the receipt of a request in which to review and act, on any requests.

Under the regulations, the Secretary may request reconsideration of any decision but shall request reconsideration of any decision which in his opinion meets the requirements of 25 CFR 83.10(c)(1-3). If the Secretary receives a request for reconsideration, the Assistant Secretary—Indian Affairs will recommend that such a request be referred to the Interior Board of Indian Appeals (IBIA) and that the IBIA be authorized (pursuant to 43 CFR part 4) to determine whether reconsideration is merited on the grounds stated in 83.10(c)(1-3) of the Acknowledgment regulations (25 CFR 83). The IBIA will be further authorized to either affirm this determination or, if the reconsideration request is merited, vacate the decision and return it to the Assistant Secretary for reconsideration. The IBIA will be authorized to request comments or technical assistance from the Assistant Secretary concerning the final determination and may, at its discretion, require a hearing conducted by an administrative law judge of the Office of Hearings and Appeals if the IBIA determines that further inquiry is necessary to resolve a genuine issue of material fact concerning the final determination.

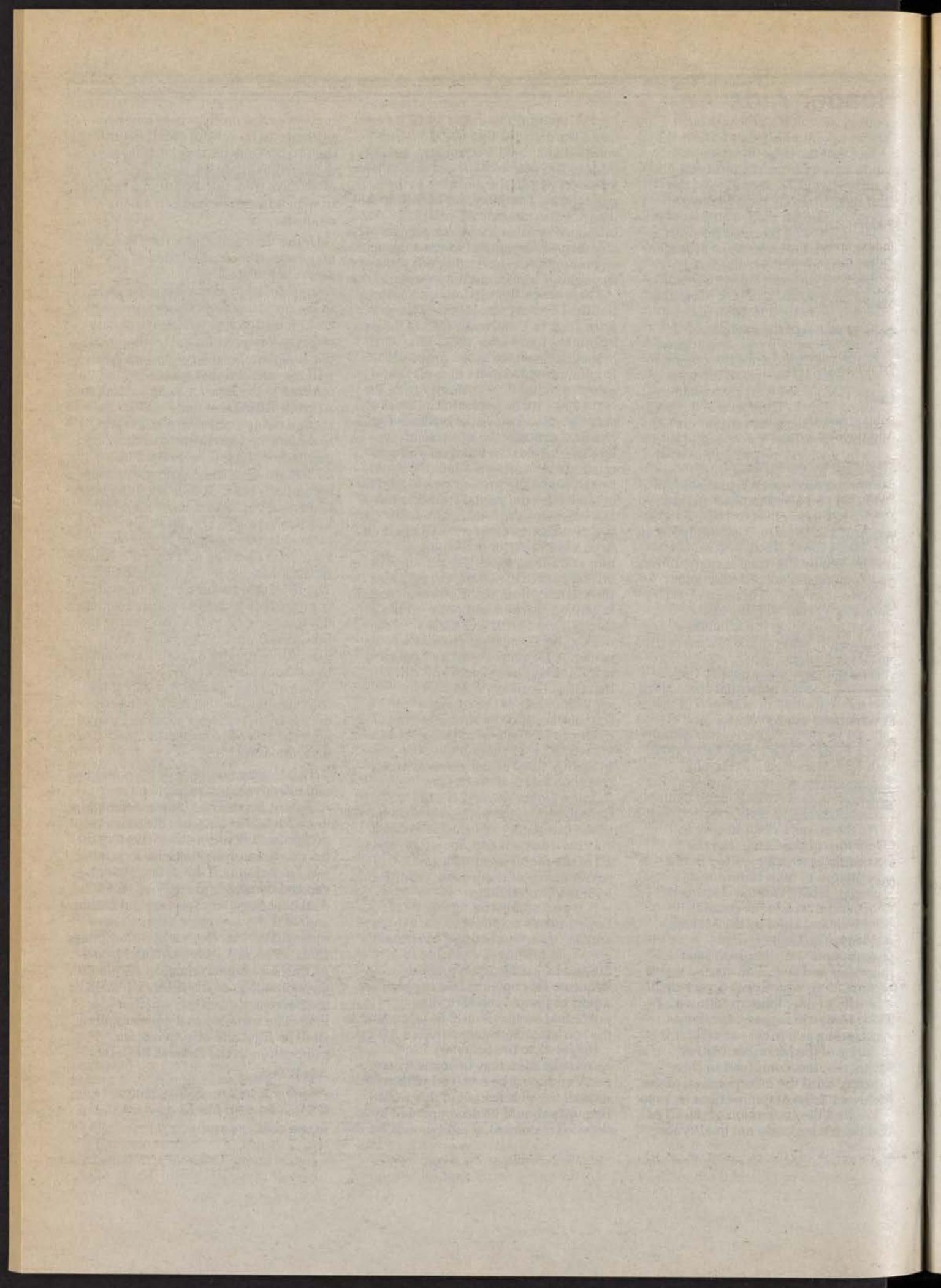
This determination will become final and effective upon receipt by the Assistant Secretary—Indian Affairs of a decision by the IBIA to affirm the determination unless the Secretary in his discretion has otherwise requested reconsideration. If the determination is vacated by IBIA and returned to the Assistant Secretary for reconsideration and/or if the Secretary has requested reconsideration, the Assistant Secretary shall, in accord with 83.10(a), issue a reconsidered determination within 60 days of receipt of the IBIA's decision or the Secretary's request, whichever is later. The reconsidered determination shall be final and effective upon publication in the *Federal Register*.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 94-5901 Filed 3-14-94; 8:45 am]

BILLING CODE 4310-02-P



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Federal Register

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Tuesday, March 15, 1994

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**H.R. 2339/P.L. 103-218**

Technology-Related Assistance for Individuals With Disabilities Act Amendments of 1994 (Mar. 9, 1994; 108 Stat. 50; 48 pages)

**H.R. 3617/P.L. 103-219**

To amend the Everglades National Park Protection and Expansion Act of 1989, and for other purposes. (Mar. 9, 1994; 108 Stat. 98; 2 pages)

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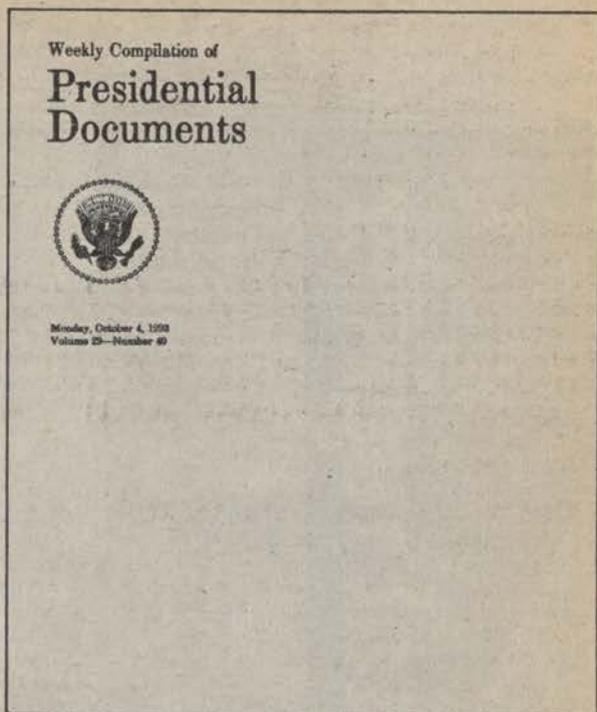
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