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For information on briefing in Washington, DC, see announcement on the inside cover of this issue.

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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

Federal Grain Inspection Service

7 CFR Part 800

Official Testing Service for Vomitoxin

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS) is adopting without change the provisions of an interim final rule to offer official vomitoxin testing services for grain under the authority of the United States Grain Standards Act and to establish a fee to recover the cost of this service. Due to the widespread occurrence of scab this year and the market's demand for rapid, onsite testing capabilities, FGIS decided it is in the best interest of the grain industry to offer vomitoxin testing as an official service at field locations using quick test kits under the authority of the United States Grain Standards Act (USGSA). This action permits FGIS, delegated States, and designated agencies to provide the grain industry with official service to facilitate the orderly and timely marketing of grain.

EFFECTIVE DATE: April 25, 1994.

FOR FURTHER INFORMATION CONTACT:

George Wollam, FGIS, USDA, room 0624–S, P.O. Box 96454, Washington, DC 20090–6454, Telephone (202) 720–0292.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

We are issuing this rule in conformance with Executive Order 12866. This rule has been determined to be not-significant for purposes of Executive Order 12866 and therefore has not been reviewed by OMB.

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. The United States Grain Standards Act provides in section 87g that no State or subdivision may require or impose any requirements or restrictions concerning the inspection, weighing, or description of grain under the Act. Otherwise, this final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Regulatory Flexibility Act Certification

David R. Shipman, Acting Administrator, FGIS, has determined that this final rule will not have a significant economic impact on a substantial number of small entities. Most users of the official inspection and weighing services and those persons who perform those services do not meet the requirements for small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Information Collection Requirements

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the information collection requirements contained in the rule being amended have been previously approved by OMB under control number 0580–0013.

Background

The Federal Grain Inspection Service (FGIS) published an interim rule in the **Federal Register** on September 23, 1993, (58 FR 49421), announcing the immediate availability of official vomitoxin testing services for grain as official criteria under the authority of the United States Grain Standards Act. This service is available upon request.

Wheat scab, also known as head blight, pink mold, white heads, and tombstone scab, is a disease caused by certain fungal species in the genus Fusarium. This disease occurs in wheat and other grains; the severity of the infection depends on weather conditions. This year's weather was favorable for scab infection in wheat, resulting in its more prevalent occurrence.

Wheat infected with scab has a tendency to have lighter weight kernels, some of which are removed during normal harvesting and some during normal cleaning operations. The Fusarium may cause the occurrence of the mycotoxin deoxynivalenol (more commonly known as vomitoxin or DON).

In 1982, the Food and Drug Administration (FDA) developed advisory levels for vomitoxin in wheat and wheat products to assist States and others in use and disposition. On September 16, 1993, FDA issued updated advisories for certain human food and animal feed products containing vomitoxin.

FDA's new advisories set the level for vomitoxin in finished wheat products intended for human consumption at 1 part per million (ppm). Levels were not established for wheat intended for milling because milling processes used to produce flour substantially reduce vomitoxin levels, to varying degrees.

FDA's new advisories also set levels for products intended for use as animal feed. Grains and grain by-products destined for ruminating beef and feedlot cattle older than 4 months or chickens were set at 10 ppm provided these products do not exceed 50 percent of their diet. Grains and grain by-products destined for swine and all other animals were set at 5 ppm provided these products do not exceed 20 percent of the swine diet or 40 percent of the diet for all other animals.

To assist the grain industry in the marketing of wheat, FGIS had offered vomitoxin testing at its Commodity Testing Laboratory in Beltsville, Maryland, using thin-layer chromatography (TLC) under the authority of the Agricultural Marketing Act of 1946. The TLC analysis is very time consuming, thus limiting the number of analyses available in a single day. Providing the service under the authority of the Agricultural Marketing Act of 1946 also limits the availability of service since it is provided only by FGIS and State cooperators.

Due to the widespread occurrence of scab this year in certain areas of the country and the market's demand for rapid, onsite testing capabilities, FGIS decided it is in the best interest of the grain industry to offer vomitoxin testing as an official service at field locations using quick test kits under the authority

of the United States Grain Standards Act. This action permits FGIS, delegated States, and designated agencies to provide the grain industry with official service.

FGIS evaluated the cost of providing this service and established different fees for qualitative and quantitative analyses. FGIS fees for vomitoxin testing will also vary depending on whether the service is initiated as an original FGIS inspection or as an appeal inspection of an original service provided by an official agency. FGIS fees for vomitoxin testing services initiated as an original FGIS inspection service are $7.50 per test for qualitative analysis and $12.00 per test for quantitative analysis plus the applicable hourly rate per service representative required to obtain a sample and perform the test.

FGIS fees for vomitoxin testing services initiated at the appeal inspection level are $35.00 per test (regular workday) and $44.00 per test (nonregular workday) for qualitative analysis, except as otherwise provided for in fee Schedule A. For quantitative testing, the fees are $40.00 per test (regular workday) and $50.00 per test (nonregular workday). This fee per test does not include a sampling fee. Delegated States and designated agencies are responsible for establishing their fees subject to approval by FGIS.

Comment Review

FGIS received two comments during the comment period announced in the September 23, 1993, interim rule (58 FR 49421). Both comments supported the action to offer the service as official criteria under the authority of the United States Grain Standards Act.

One commenter encouraged FGIS to place emphasis on ensuring vomitoxin testing is done at origin, and to promote further test kit research and development to increase test speed and reduce costs, and to improve accuracy and consistency. The commenter also requested that FGIS confirm that the rule would not mandate "official" testing or prohibit or restrict unofficial vomitoxin testing agreed to by the buyer and seller.

Widespread occurrences of vomitoxin in the United States are very unusual in wheat and similar grains. This year's (1993) weather conditions in certain areas of the country led to scab infection in wheat. Thus the occurrence of vomitoxin is a localized problem. FGIS believes that requiring vomitoxin testing at origin would impede the orderly marketing of grain. In addition, this action permits FGIS, delegated States, and designated agencies to provide, upon request, to the grain industry official vomitoxin testing services for grain under the authority of the USGSA. An applicant for service can request vomitoxin testing at any time. However, buyers and sellers may agree to do otherwise. FGIS has and will continue to encourage vomitoxin test kit research and development to increase test speed and reduce costs, and to improve accuracy and consistency.

The other commenter questioned the manner in which FGIS determined that the Neogen test kit was the best method to be declared official and suggested that the agency publicly release the testing data regarding the test kit. FGIS announced its intent to examine vomitoxin (deoxynivalenol) test kits in the February 4, 1992, **Federal Register** (57 FR 4184). Specifically, FGIS solicited input regarding the availability of commercial test kits for qualitatively and quantitatively determining the presence of vomitoxin to conduct a study under field conditions. Manufacturers were requested to notify FGIS of the commercial availability of test kits and to provide information on the performance of these test kits.

In response to this request, only Neogen Corporation submitted information regarding their test kit for vomitoxin. FGIS, after examining the Neogen test kit, determined that it was suitable for official use. The test kit provides qualitative or quantitative results and is adaptable to the existing environment of official aflatoxin laboratories. Further, the chemical compounds used in the test procedure comply with FGIS' established safety and waste disposal programs.

FGIS examined the Neogen test kit for accuracy at several different known contamination levels in wheat and corn samples. Overall, the FGIS field study revealed that the kit was capable of producing accurate results in 89 percent of the wheat tests and 91 percent of the corn tests. For more specific information regarding the comparative analysis and future research plans, contact the FGIS Research and Development Branch, USA–FGIS Technical Center, 10383 North Executive Hills Blvd., Kansas City, Missouri, 64153–1394; (816) 891–0464.

Final Action

FGIS has determined that offering official vomitoxin testing services for grain under the authority of the United States Grain Standards Act and establishing a fee to recover the cost of this service would facilitate the orderly and timely marketing of grain. Accordingly, the interim rule amending 7 CFR part 800 which was published in 58 FR 49421 on September 23, 1993, is adopted as a final rule without change.

List of Subjects in 7 CFR Part 800

Administrative practice and procedure, Grain.

PART 800—GENERAL PROVISIONS

For reasons set out in the preamble, 7 CFR part 800 is amended as follows:

1. The authority citation for part 800 continues to read as follows:

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended, (7 U.S.C. 71 *et seq.*).

§ 800.71 [Amended]

2. Accordingly, the interim final rule revising § 800.71(a), Schedule A, of the regulations, which was published on September 23, 1993, (58 FR 49421), is adopted as a final rule without change.

Dated: March 15, 1994.

David R. Shipman,

Acting Administrator.

[FR Doc. 94–6736 Filed 3–23–94; 8:45 am]

BILLING CODE 3410–EN–M

Agricultural Marketing Service

7 CFR Part 955

[Docket No. FV93–955–2FIR]

Vidalia Onions Grown in Georgia; Revision of Handler Reporting Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of an interim final rule that revised the administrative rules and regulations established under the Federal marketing order for Vidalia onions grown in Georgia. The interim final rule relaxed the reporting requirements on handlers by expanding the period of coverage of the report for receipts and shipments of onions from one week to one month. This is the only form handlers are required to file with the Vidalia Onion Committee (Committee). The reduction in the reporting burden on handlers will not adversely impact program operations. This rule is based on a unanimous recommendation of the Committee, which is responsible for local administration of the order.

EFFECTIVE DATE: April 25, 1994.

FOR FURTHER INFORMATION CONTACT: Shoshana Avrishon, Marketing Specialist, Marketing Order Administration Branch, Fruit and

Vegetable Division, AMS, USDA, Room 2536–S, P.O. Box 96456, Washington, DC 20090–6456; telephone (202) 720–3610, or FAX (202) 720–5698; or William G. Pimental, Marketing Specialist, Southeast Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, P.O. Box 2276, Winter Haven, Florida 33883–2276; (813) 299–4770, or FAX (813) 299–5169.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Order No. 955 [7 CFR Part 955] regulating the handling of Vidalia onions grown in Georgia. The marketing agreement and order are authorized by the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601–674], hereinafter referred to as the Act.

The Department is issuing this rule in conformance with Executive Order 12866.

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

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After a hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after date of entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 145 handlers of Vidalia onions that are subject to regulation under the marketing order and approximately 250 producers in the production area. Small agricultural service firms are defined by the Small Business Administration [13 CFR 121.601] as those whose annual receipts are less than $3,500,000, and small agricultural producers have been defined as those having annual receipts of less than $500,000. The majority of the Vidalia onion handlers and producers may be classified as small entities.

This rule finalizes an interim final rule which revised § 955.101 of Subpart — Administrative Rules and Regulations and is based on a unanimous recommendation of the Committee and other available information.

Previously under § 955.101, Report of Shipments, handlers were required to provide the Committee with information regarding the volume of Vidalia onions received and shipped during each week of the shipping season. The normal shipping season for cured Vidalia onions runs from April through June, approximately 12 weeks. In addition, green Vidalia onions usually are shipped beginning in January of each year. Handlers were required to provide this information to the Committee each week. The Committee provided a form to assist handlers in providing this information. The information required included the name and address of handler, the period covered for the report, the total weekly receipts of Vidalia onions and the total fresh market shipments of Vidalia onions.

The Committee needs such information for the purpose of computing and collecting assessments, which are necessary to finance the program. When the reporting requirement was first implemented, the Committee believed that the best method for obtaining the necessary information was to require handlers to report to the Committee the volume of fresh market shipments at the end of each week during the harvesting and shipping season.

The Committee also uses the information from the reports in planning and evaluating market development activities and recommending production research projects. This information is also made available to the industry on a composite basis to aid growers and handlers in planning their individual operations and making marketing decisions during the season. At the time of implementation, the reporting burden was estimated to be five minutes for a handler to complete each weekly report.

The Committee was experiencing problems in receiving the reports on a timely basis from many handlers. Many of the handlers not reporting were smaller grower-handlers (2 to 10 acres) who only operate two or three weeks of the year and do their bookkeeping at the end of the season. During the harvest season, these small handlers, mostly family-run operations, are very busy and have complained that weekly reporting is burdensome to them. These reports are used by the Committee in calculating the assessments owed by each handler. Thus, it is important that the reports be filed on a timely basis. Because many handlers filed reports late, the Committee experienced difficulty in collecting all assessments. The Committee expended much time and effort in identifying and locating these handlers. In addition, handlers who filed their reports on a timely basis complained to the Committee that others were not being assessed.

The Committee met on August 28, 1993, to discuss these complaints and reporting problems and unanimously recommended revising the administrative rules and regulations by expanding the period of coverage of the reports to be filed from one week to one month. This reduced the number of reports filed on an annual basis from approximately 24 to approximately 6. Prior to the issuance of the interim final rule, the reporting process for the 24-week period expended approximately 203 reporting hours annually. The interim final rule reduced the reporting hours to approximately 93, a reduction of 110 hours on an annual basis.

The Committee also recommended that the report be required to be filed no later than seven days after the end of each month.

The Committee believed that its recommendation would decrease the reporting burden on handlers by eliminating unnecessary reporting while still providing the Committee with the information it needs to properly administer the order. The interim final rule brought the reporting requirements into conformance with current industry operating practices and provided an acceptable time frame for the submission of reports.

The Committee believed that this relaxation would enable the small family-run operations to file reports and pay assessments on a timely basis, and reduce the time and effort the

Committee expends on locating handlers who have not filed reports.

The Committee expressed concern about the effect monthly reporting will have on their marketing efforts. The weekly reporting provided a good source of information that was used in their marketing decisions. It was determined that the monthly reporting will provide sufficient information to assist the Committee in its marketing efforts and if any problems arise at a later date, alternate sources of obtaining this information on a weekly basis can be explored. The Committee continues to believe, at this time, that it is more important to ensure that all handlers are properly filing reports with the Committee and paying assessments that are due on a timely and equitable basis.

The interim final rule was published in the **Federal Register** on January 13, 1994, [59 FR 1894]. That rule amended § 955.101 of the rules and regulations in effect under the order. That rule provided a 30-day comment period which ended February 14, 1994. No comments were received.

Based on the above, the Administrator of the AMS has determined that this final rule will not have a significant economic impact on a substantial number of small entities.

The information collection requirements contained in these regulations have been previously approved by the Office of Management and Budget (OMB) and have been assigned OMB Control Number 0581–0160.

After consideration of all relevant information presented, including the Committee's unanimous recommendation and other information, it is found that finalizing the interim final rule, without change, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 955

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 955, is amended as follows:

PART 955—VIDALIA ONIONS GROWN IN GEORGIA

Accordingly, the interim final rule amending 7 CFR part 955 which was published at 59 FR 1894, on January 13, 1994, is adopted as a final rule without change.

Dated: March 17, 1994.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94–6945 Filed 3–23–94; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 212

[INS No. 1344–91; AG Order No. 1856–94]

RIN 1115–AC90

Mariel Cuban Parole Determinations

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule clarifies and expands the discretionary authority of the Immigration and Naturalization Service (the Service), under the Cuban Review Plan, to withdraw parole approval for excludable Mariel Cubans where circumstances make it impossible to execute the parole decision, and release of the detainee is contrary to the public interest. It further provides for flexibility in the scheduling of parole reviews in the case of a new or returning Mariel Cuban detainee whose previous immigration parole has been revoked. These changes are necessary to reduce administrative costs and to clarify the status of the detainee whose parole decision cannot be implemented.

EFFECTIVE DATE: March 24, 1994.

FOR FURTHER INFORMATION CONTACT: Joan Lieberman, Assistant General Counsel, Office of the General Counsel, Immigration and Naturalization Service, 425 I Street, NW., room 6100, Washington, DC 20536, telephone (202) 514–2895.

SUPPLEMENTARY INFORMATION: On May 7, 1991, a proposed rule to amend 8 CFR 212.12(e) and 212.12(g)(1), with request for public comments, was published in the **Federal Register**, at 56 FR 21100. The comment period expired on June 6, 1991. The Service received four comments, representing the views of an alien advocacy organization, a Federal Government agency, and private attorneys. The Service greatly appreciates these comments. Each comment has been considered and some aspects of the comments have been taken into account in this rule.

This rule will revise and expand the discretionary authority of the Service under 8 CFR part 212 to withdraw parole approval previously authorized for excludable Mariel Cubans where circumstances warrant a reversal of the parole approval decision. The proposed changes amend the current regulation, which does not provide the cases where sponsorship is declined or appropriate sponsorship is unavailable. The amendments clarify the authority of the Associate Commissioner for Enforcement to withdraw parole of a detainee prior to release for any appropriate reason, not merely because of the detainee's conduct. Finally, the proposed changes will provide for greater flexibility in the parole review process for Mariel Cubans who are subject to repatriation.

Only one comment was received on the proposed amendment to 8 CFR 212.12(g)(1). That comment suggested word changes to the proposed amendment. The suggested change has been incorporated in the final rule, which replaces the phrase "if such detainee's return to Cuba has been negotiated" with "if such detainee's prompt deportation is practicable and proper."

The remainder of the comments addressed the proposed changes to 8 CFR 212.12(e). One commenter indicated that the detainee should not be advised of a release decision if the Service is aware that the few programs that are available for the placement of released detainees will not accept those detainees. Unfortunately, this situation may arise despite Service efforts to prevent its occurrence. It is beyond the scope of this rule to address that issue. However, one commenter suggested that the panels making release decisions should be informed of the criteria used by the Community Relations Service and the Public Health Service in determining whether an individual is suitable for their programs. The Service has and will continue to address this issue with the review panels.

Two commenters expressed concern that those making the placement decisions sometimes rely on incomplete, outdated, or inaccurate information. The Service attempts throughout the parole process to obtain updated, accurate information and to make reasonable efforts to identify suitable sponsorship opportunities, as described in 8 CFR 212.12(f). For example, detainees are asked at the time of each panel interview for the names of potential sponsors. In order to further address this concern, however, the Service, where appropriate, may extend an additional opportunity to detainees to demonstrate that there are unexplored reasonable sponsorship alternatives.

One commenter asserted that the proposed rule was too broad in scope. The commenter also faulted the proposal because it does not require the Service to notify detainees of the reasons for withdrawal of parole approval, and advise them of what efforts had been made to secure sponsorship. Furthermore, the commenter objected that the proposed

rule does not provide detainees with an opportunity to secure appropriate sponsorship. The Service has attempted to provide such notification whenever possible in cases where suitable sponsorship has not been located. Such notification specifies what sponsorship efforts have been made and the results of each attempt to secure suitable sponsorship. Where appropriate, detainees may be provided with the opportunity to submit evidence of appropriate sponsorship prior to withdrawal of parole approval. Further, if the detainee's parole approval is withdrawn, he or she will continue to receive a yearly interview at which time he or she may advise the Service of any sponsorship opportunities.

This same commenter also asserted that the proposed rule fails to provide independent review of the decision to repatriate an eligible detainee. It is beyond the scope of this regulation to address that issue. This rule deals solely with parole of Mariel Cubans, rather than repatriation procedures and determinations.

One commenter contended that the Associate Commissioner for Enforcement should not be permitted to withdraw parole approval for reasons that do not relate to the established guidelines for parole release. However, the revocation authority exercised pursuant to 8 CFR 212.12(e) is identical to that which was granted by the Attorney General to the Departmental Panels in 8 CFR 212.13. The ultimate criteria for the Associate Commissioner for Enforcement to follow in determination of parole release under both 8 CFR 212.12(e) and 212.13 is set forth in section 212(d)(5)(A) of the Immigration and Nationality Act, 8 U.S.C. 1182(d)(5)(A). When a detainee cannot be sponsored by someone who can help him or her integrate into the community, that fact is a significant consideration in determining whether the detainee's release on parole is in the public interest. Without an appropriate support system, vocational training, and essential social skills, the detainee will be unable in many instances to maintain acceptable behavior upon release. This difficulty is recognized in 8 CFR 212.12(f), which prohibits release without suitable sponsorship or placement. The Service is committed to the task of locating suitable placement for each detainee whose release has been approved. However, administration of the Cuban Review Program has been severely handicapped by cases where suitable placement cannot be secured. In such cases, the detainee remains in custody without any resolution of his or her status. In sponsorship problem cases, parole approval will be withdrawn only after reasonable efforts to secure appropriate placement and after the detainee, where appropriate, has been afforded an opportunity to demonstrate reasonable sponsorship alternatives. The current process does not preclude the detainee from offering sponsorship alternatives. In fact, many detainees do suggest sponsorship possibilities, particularly family sponsors, some of which may ultimately be selected for placement. The Service retains final authority to evaluate sponsorship alternatives and to determine whether release of a detainee is in the public interest.

Several commenters also expressed the hope that exhaustive efforts to locate appropriate sponsorship should be made to ensure that those detainees who have been approved for release are actually released from custody. As indicated, the Service will make reasonable efforts to ensure appropriate placement for each detainee approved for release.

One of these commenters also maintained that it is inappropriate to withdraw parole approval without a hearing. The Service disagrees. See *Alvarez-Mendez* v. *Stock*, 941 F.2d 956, 963 (9th Cir. 1991), *cert. denied*, 113 U.S. 127 (1992); *Fernandez-Roque* v. *Smith*, 734 F.2d 576, 582 (11th Cir. 1984). These court decisions establish that withdrawal of parole approval can be accomplished without a hearing. Nevertheless, in cases of sponsorship problems, it is in the Government's best interest to explore alternatives in order to reduce detention costs and to ensure the safe release of an individual into the community. Detainees are encouraged to submit sponsorship alternatives to the Associate Commissioner for Enforcement, as appropriate.

Where the Associate Commissioner for Enforcement determines that the inability to secure sponsorship is the sole reason behind withdrawal of parole approval, he may, in the exercise of discretion, give the detainee notice of that fact and the opportunity to present proposals for appropriate placement. This authority is made discretionary with the Associate Commissioner for Enforcement to allow for cases where it would be inappropriate to delay the decision to withdraw parole approval, such as where the detainee has previously provided erroneous or inappropriate information relating to sponsorship.

The Service benefits from the detainee's submission of reasonable sponsorship alternatives by the potential for reduction in detention costs. This also may assist the Service in securing the detainee's release pursuant to the initial grant of parole approval. The sponsorship area is particularly amenable to input from the detainee, who may be able to provide information of reasonable sponsorship opportunities otherwise unknown to the Service. The detainee's participation in the placement process will help ensure that no detainee who is approved for parole continues in custody where suitable sponsorship is available and where identifying that sponsorship is the only issue remaining in obtaining release to the community.

An opportunity for the detainee to present information to the Associate Commissioner for Enforcement prior to withdrawal of parole approval is only appropriate where the sole grounds for revocation is the Service's inability to locate appropriate sponsorship. Under these narrow circumstances, it may prove beneficial to solicit any information the detainee possesses in order to implement the parole decision. Where the detainee's parole has been revoked for other reasons, it would be inappropriate and contrary to the public interest to delay the revocation decision in order to solicit information from the detainee. For example, in cases where the misconduct of the detainee is the cause of revocation of parole approval, immediate action is required in the interest of public safety.

One commenter was concerned that the proposed rule change could have a major impact on future political events involving the relationship between the Governments of the United States and Cuba. This issue is beyond the scope of this rule. Should the Cuban Review Plan be substantially changed or abolished, such action will be published, as appropriate, in the **Federal Register**.

One commenter expressed the view that insufficient programs exist as alternatives to detention. It is beyond the scope of this rule to address this issue. It should be noted, however, that the Department continues to work with other government agencies and private enterprise to develop additional programs.

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule will not have a significant adverse economic impact on a substantial number of small entities. The rule affects only a class of Cuban Nationals in their individual capacity who are in the custody of the Attorney General and will have no impact on small entities.

This rule has not been reviewed by the Office of Management and Budget pursuant to Executive Order 12866. This rule does not have Federalism implications warranting the preparation

of a Federal Assessment in accordance with Executive Order 12612.

List of Subjects in 8 CFR Part 212

Administrative practice and procedure, Aliens, Detention, Immigration, Parole, Passports and visas, Reporting and recordkeeping requirements.

Accordingly, part 212 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. The authority citation for part 212 is revised to read as follows:

Authority: 8 U.S.C. 1101, 1102, 1103, 1182, 1184, 1187, 1225, 1226, 1227, 1228, 1252; and 8 CFR part 2.

2. Section 212.12 is amended by revising paragraph (e), and by adding a new sentence at the end of paragraph (g)(1), to read as follows:

§ 212.12 Parole determinations and revocations respecting Mariel Cubans.

* * * * *

(e) *Withdrawal of parole approval.* The Associate Commissioner for Enforcement may, in his or her discretion, withdraw approval for parole of any detainee prior to release when, in his or her opinion, the conduct of the detainee, or any other circumstance, indicates that parole would no longer be appropriate.

* * * * *

(g) * * *

(1) * * * In the case of a Mariel Cuban who is in the custody of the Service, the Cuban Review Plan Director may, in his or her discretion, suspend or postpone the parole review process if such detainee's prompt deportation is practicable and proper.

* * * * *

Dated: March 15, 1994.

Janet Reno,

Attorney General.

[FR Doc. 94–6993 Filed 3–23–94; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM–92; Final Special Conditions No. 25–ANM–81]

Special Conditions: Learjet, Inc., Model 45 Airplane, High Altitude Operation

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued to Learjet Inc. of Wichita, KS, for the Learjet Inc., Model 45 airplane. This new airplane has an unusual design feature associated with an unusually high operating altitude (51,000 feet), for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

EFFECTIVE DATE: April 25, 1994.

FOR FURTHER INFORMATION CONTACT: Mark Quam, FAA, Standardization Branch, ANM–113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98055–4056; telephone (206) 227–2145.

SUPPLEMENTARY INFORMATION:

Background

On January 27, 1992, Learjet Inc., (Learjet), 8220 West Harry Street, Wichita, KS 67209–2942, or P.O. Box 7707, Wichita, KS 67277–7707, applied for a new type certificate in the transport airplane category for the Model 45 airplane. The Learjet Model 45 is a T-tail, low wing, medium sized business jet powered by two Garrett TFE 731–20 turbofan engines mounted on pylons extending from the aft fuselage. Each engine will be capable of delivering 3,500 pounds thrust, with auto performance reserve 3,650 pounds thrust. The airplane will be capable of operating with two flight crewmembers and a maximum of ten passengers (standard is eight passengers). The type design of the Learjet Model 45 series airplanes contains a number of novel and unusual design features for an airplane type certificated under the applicable provisions of part 25 of the Federal Aviation Regulations (FAR). Those features include the relatively small passenger cabin volume and a high operating altitude. The applicable airworthiness requirements do not contain adequate or appropriate safety standards for the Learjet 45 series airplanes; therefore, special conditions are necessary to establish a level of safety equivalent to that established in the regulations.

Type Certification Basis

Under the provisions of § 21.17 of the FAR, Learjet must show, except as provided in § 25.2, that the Model 45 meets the applicable provisions of part 25, effective February 1, 1965, as amended by Amendments 25–1 through 25–75. In addition, the proposed certification basis for the Model 45 includes part 34, effective September 10, 1990, plus any amendments in effect at the time of certification; and part 36, effective December 1, 1969, as amended by Amendments 36–1 through the amendment in effect at the time of certification. These special conditions will form an additional part of the type certification basis. In addition, the certification basis may include other special conditions that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (i.e., part 25, as amended) do not contain adequate or appropriate safety standards for the Learjet Model 45 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16 to establish a level of safety equivalent to that established in the regulations.

Special conditions, as appropriate, are issued in accordance with § 11.49 of the FAR after public notice, as required by §§ 11.28 and 11.29, and become part of the type certification basis in accordance with § 21.17(a)(2).

Novel or Unusual Design Feature

The Learjet Model 45 will incorporate an unusual design feature in that it will be certified to operate up to an altitude of 51,000 feet.

The FAA considers certification of transport category airplanes for operation at altitudes greater than 41,000 feet to be a novel or unusual feature because current part 25 does not contain standards to ensure the same level of safety as that provided during operation at lower altitudes. Special conditions have therefore been adopted to provide adequate standards for transport category airplanes previously approved for operation at these high altitudes, including certain Learjet models, the Boeing Model 747, Dassault-Breguet Falcon 900, Canadair Model 600, Cessna Model 650, Israel Aircraft Industries Model 1125, and

Cessna Model 560. The special conditions for the Cessna Model 650 or previously certified Learjet models are considered the most applicable to the Model 45 and its proposed operation and are therefore used as the basis for the special conditions described below.

Damage tolerance methods are proposed to be used to assure pressure vessel integrity while operating at the higher altitudes, in lieu of the ½-bay crack criterion used in some previous special conditions. Crack growth data are used to prescribe an inspection program that should detect cracks before an opening in the pressure vessel would allow rapid depressurization. Initial crack sizes for detection are determined under § 25.571, as amended by Amendment 25–72. The maximum extent of failure and pressure vessel opening determined from the above analysis must be demonstrated to comply with the pressurization section of the proposed special conditions, which state that the cabin altitude after failure must not exceed the cabin altitude/time curve limits shown in Figures 3 and 4.

In order to ensure that there is adequate fresh air for crewmembers to perform their duties, to provide reasonable passenger comfort, and to enable occupants to better withstand the effects of decompression at high altitudes, the ventilation system must be designed to provide 10 cubic feet of fresh air per minute per person during normal operations. Therefore, these special conditions require that crewmembers and passengers be provided with 10 cubic feet of fresh air per minute per person. In addition, during the development of the supersonic transport special conditions, it was noted that certain pressurization failures resulted in hot ram or bleed air being used to maintain pressurization. Such a measure can lead to cabin temperatures that exceed human tolerance. Therefore, these special conditions require airplane interior temperature limits following probable and improbable failures.

Continuous flow passenger oxygen equipment is certificated for use up to 40,000 feet; however, for rapid decompressions above 34,000 feet, reverse diffusion leads to low oxygen partial pressures in the lungs, to the extent that a small percentage of passengers may lose useful consciousness at 35,000 feet. The percentage increases to an estimated 60 percent at 40,000 feet, even with the use of the continuous flow system. Therefore, to prevent permanent physiological damage, the cabin altitude must not exceed 25,000 feet for more than 2 minutes, or 40,000 feet for any time period. The maximum peak cabin altitude of 40,000 feet is consistent with the standards established for previous certification programs. In addition, at high altitudes the other aspects of decompression sickness have a significant, detrimental effect on pilot performance (for example, a pilot can be incapacitated by internal expanding gases).

Decompression resulting in cabin altitudes above the 37,000-foot limit depicted in Figure 4 approaches the physiological limits of the average person; therefore, every effort must be made to provide the pilots with adequate oxygen equipment to withstand these severe decompressions. Reducing the time interval between pressurization failure and the time the pilots receive oxygen will provide a safety margin against being incapacitated and can be accomplished by the use of mask-mounted regulators. These special conditions therefore require pressure demand masks with mask-mounted regulators for the flightcrew. This combination of equipment will provide the best practical protection for the failures covered by the special conditions and for improbably failures not covered by the special conditions, provided the cabin altitude is limited.

Discussion of Comments

Notice of proposed special conditions No. SC–93–8–NM was published in the **Federal Register** on December 22, 1993 (58 FR 67716). No comments were received, and the special conditions are adopted as proposed.

Conclusion

This action affects only certain unusual or novel design features on one model of airplane. It is not a rule of general applicability and affects only the manufacturer who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows: Authority: 49 U.S.C. app. 1344, 1348(c), 1352, 1354(a), 1355, 1421 through 1431, 1502, 1651(b)(2), 42 U.S.C. 1857f–10, 4321 et seq.; E.O. 11514; and 49 U.S.C. 106(g).

The Special Conditions

Accordingly, the following special conditions are issued as part of the type certification basis for the Learjet Model 45 series airplanes:

Operation to 51,000 Feet

1. *Pressure vessel integrity.* (a) The maximum extent of failure and pressure vessel opening that can be demonstrated to comply with paragraph 4 (Pressurization) of this special condition must be determined. It must be demonstrated by crack propagation and damage tolerance analysis supported by testing that a larger opening or a more severe failure than demonstrated will not occur in normal operations.

(b) Inspection schedules and procedures must be established to assure that cracks and normal fuselage leak rates will not deteriorate to the extent that an unsafe condition could exist during normal operation.

(c) With regard to the fuselage structural design for cabin pressure capability above 45,000 feet altitude, the pressure vessel structure, including doors and windows, must comply with § 25.365(d), using a factor of 1.67 instead of the 1.33 factor described.

2. *Ventilation.* In lieu of the requirements of § 25.831(a), the ventilation system must be designed to provide a sufficient amount of uncontaminated air to enable the crewmembers to perform their duties without undue discomfort or fatigue, and to provide reasonable passenger comfort during normal operating conditions and also in the event of any probable failure to any system that could adversely affect the cabin ventilating air. For normal operations, crewmembers and passengers must be provided with at least 10 cubic feet of fresh air per minute per person, or the equivalent in filtered, recirculated air based on the volume and composition at the corresponding cabin pressure altitude of not more than 8,000 feet.

3. *Air conditioning.* In addition to the requirements of § 25.831, paragraphs (b) through (e), the cabin cooling system must be designed to meet the following conditions during flight above 15,000 feet mean sea level (MSL): (a) After any probably failure, the cabin temperature-time history may not exceed the values shown in Figure 1.

(b) After any improbable failure, the cabin temperature-time history may not exceed the values shown in Figure 2.

4. *Pressurization.* In addition to the requirements of § 25.841, the following apply: (a) The pressurization system, which includes for this purpose bleed air, air conditioning, and pressure control systems, must prevent the cabin altitude from exceeding the cabin altitude-time history shown in Figure 3 after each of the following: (1) Any probable malfunction or failure of the pressurization system. The existence of

undetected, latent malfunctions or failures in conjunction with probable failures must be considered.

(2) Any single failure in the pressurization system, combined with the occurrence of a leak produced by a complete loss of a door seal element, or a fuselage leak through an opening having an effective area 2.0 times the effective area that produces the maximum permissible fuselage leak rate approved for normal operation, whichever produces a more severe leak.

(b) The cabin altitude-time history may not exceed that shown in Figure 4 after each of the following: (1) The maximum pressure vessel opening resulting from an initially detectable crack propagating for a period encompassing four normal inspection intervals. Mid-panel cracks and cracks through skin-stringer and skin-frame combinations must be considered.

(2) The pressure vessel opening or duct failure resulting from probable damage (failure effect) while under maximum operating cabin pressure differential due to a tire burst, engine rotor burst, loss of antennas or stall warning vanes, or any probable equipment failure (bleed air, pressure control, air conditioning, electrical source(s), etc.) that affects pressurization.

(3) Complete loss of thrust from all engines.

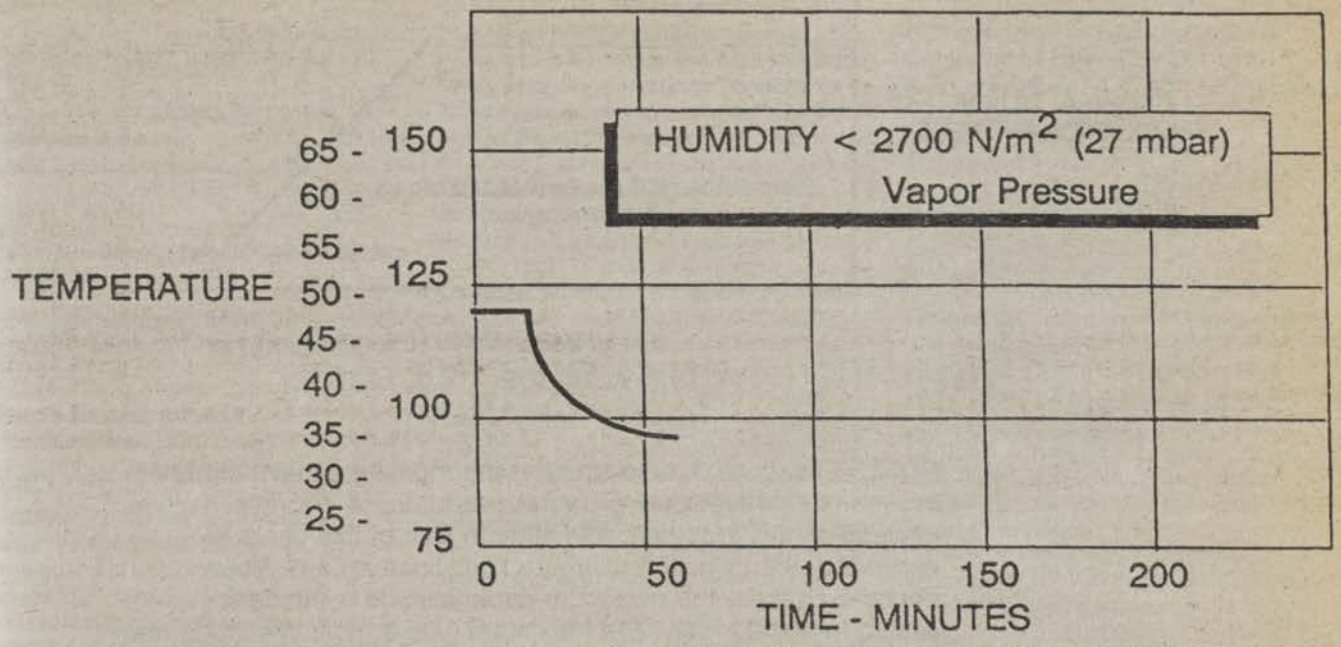
(c) In showing compliance with paragraphs 4(a) and 4(b) of these special conditions (Pressurization), it may be assumed that an emergency descent is made by approved emergency procedure. A 17-second crew recognition and reaction time must be applied between cabin altitude warning and the initiation of an emergency descent.

Note: For the flight evaluation of the rapid descent, the test article must have the cabin volume representative of what is expected to be normal, such that Cessna must reduce the total cabin volume by that which would be occupied by the furnishings and total number of people.

5. *Oxygen equipment and supply.* (a) A continuous flow oxygen system must be provided for the passengers.

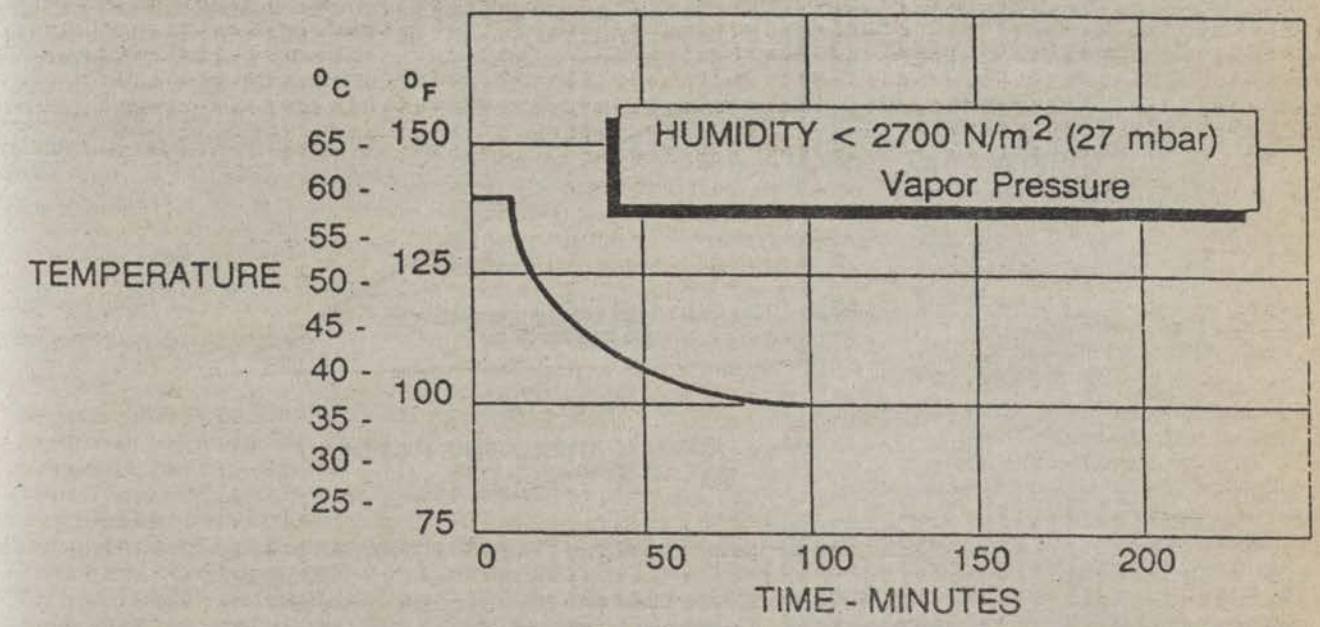
(b) A quick-donning pressure demand mask with mask-mounted regulator must be provided for each pilot. Quick-donning from the stowed position must be demonstrated to show that the mask can be withdrawn from stowage and donned within 5 seconds.

BILLING CODE 4910-13-M



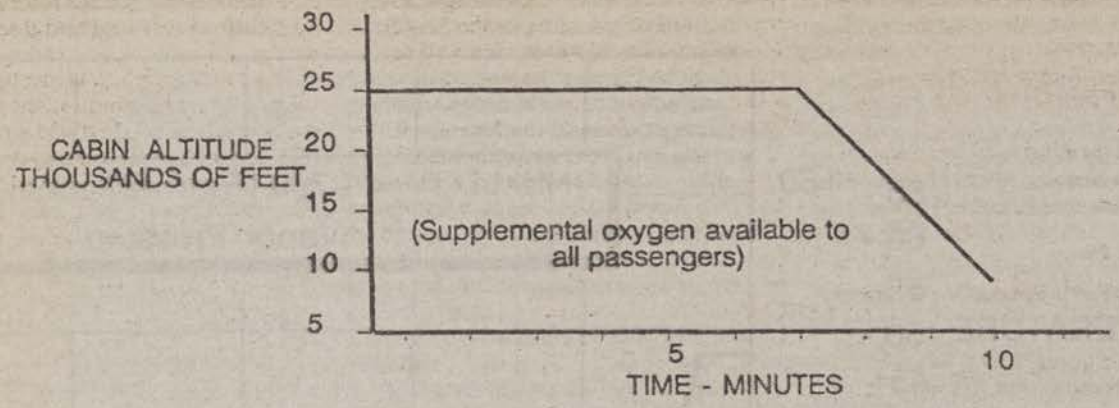
TIME - TEMPERATURE RELATIONSHIP

FIGURE 1



TIME - TEMPERATURE RELATIONSHIP

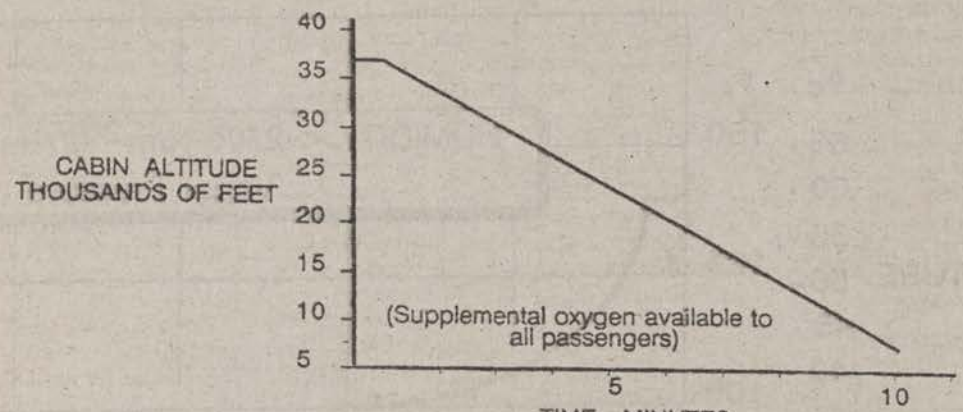
FIGURE 2



CABIN ALTITUDE - TIME HISTORY

FIGURE 3

NOTE: For figure 3, time starts at the moment cabin altitude exceeds 8,000 feet during depressurization. If depressurization analysis shows that the cabin altitude limit of this curve is exceeded, the following alternate limitations apply: After depressurization, the maximum cabin altitude exceedence is limited to 30,000 feet. The maximum time the cabin altitude may exceed 25,000 feet is 2 minutes; time starting when the cabin altitude exceeds 25,000 feet and ending when it returns to 25,000 feet.



CABIN ALTITUDE - TIME HISTORY

FIGURE 4

NOTE: For figure 4, time starts at the moment cabin altitude exceeds 8,000 feet during depressurization. If depressurization analysis shows that the cabin altitude limit of this curve is exceeded, the following alternate limitations apply: After depressurization, the maximum cabin altitude exceedence is limited to 40,000 feet. The maximum time the cabin altitude may exceed 25,000 feet is 2 minutes; time starting when the cabin altitude exceeds 25,000 feet and ending when it returns to 25,000 feet.

BILLING CODE 4910-13-C

Issued in Renton, Washington, on March 9, 1994.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM-100.

[FR Doc. 94-6961 Filed 3-23-94; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 25

[Docket No. NM-91; Special Conditions No. 25-ANM-82]

Special Conditions: SAAB Model 2000 Airplane; Interaction of Systems and Structures

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the SAAB Model 2000 airplane. This airplane will utilize certain fully hydraulically powered electronically controlled flight control systems which are design features that are novel and unusual when compared to the state of technology envisioned in the airworthiness standards of part 25 of the Federal Aviation Regulations (FAR). These special conditions provide the additional safety standards which the Administrator considers necessary to establish a level of safety equivalent to that provided by the airworthiness standards of part 25 of the FAR.

EFFECTIVE DATE: April 25, 1994.

FOR FURTHER INFORMATION CONTACT: Mark I. Quam, FAA, Standardization Branch, ANM-113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2145.

SUPPLEMENTARY INFORMATION:

Background

On April 28, 1989, SAAB Aircraft AB of Sweden applied for an FAA Type Certification through the Swedish Luftfartsverket (LFV) to the FAA, AEU-100, for the SAAB Model 2000 airplane. (The application for FAA Type Certificate was dated June 9, 1989.)

The SAAB Model 2000 is a twin-engined, low-wing, pressurized turboprop aircraft that is configured for approximately 50 passengers and is intended for short to medium haul (100 nm to 1,000 nm). The airplane will have two new Allison GMA-2100 engines rated at 3650 shp. The propeller is a new 6 bladed Dowty Rotol swept shaped propeller. A single lever controls each prop/engine combination. An Auxiliary Power Unit (APU) will be installed in the tail. The fuselage cross-section will be the same as the SAAB Model 340. The fuselage skin will be thicker to handle greater pressures. The wing and empennage are new and larger in all dimensions and the fuselage is longer when compared to the SAAB Model SF-340B. The new cockpit will be a 5 or 6 screen CRT display with new Collins systems. There will be provisions for a Microwave Landing System (MLS), Global Positioning System (GPS), Selective Calling (SELCAL), Engine Indicating and Crew Alerting System (EICAS), and Traffic Collision and Avoidance System (TCAS). The landing gear system will be new. The airplane will have provisions for two pilots, an observer, two flight attendants, overhead bins, a toilet, and provisions for the installation of a galley. There will be a forward and aft stowage compartment and an aft cargo compartment. The airplane will have a maximum operating altitude of 31,000 feet.

The SAAB Model 2000 will have a fully hydraulically powered electronically controlled rudder for initial certification and will have fully hydraulically powered electronically controlled elevators as a follow-on design modification.

The rudder is hydraulically powered and electronically positioned without manual reversion modes. Pilots position the rudder by pedal position transducers connected to the rudder pedals. The transducers supply rudder pedal position to two electronic rudder control units which have two channels each. The rudder control units position two rudder servos which control two actuators that drive the rudder. Parallel and cross channel signals provide redundancy. The rudder limiting function is built into the rudder control units. The rudder system is checked by a preflight built in test system (PBIT) and a continuous built in test system (CBIT). One pedal force cam unit (spring and cam) generates artificial pedal forces. The pedal force cam unit is controlled by the trim actuator which in turn is controlled by a relay connected to manual trim or automatic trim from the autopilot.

The rudders two hydraulic actuators are supplied by two hydraulic circuits and each circuit is driven by an engine driven pump. To protect against common failures including engine burst, fire and tire/wheel failures, two back-up pumps, two emergency shut-off valves, together with a transfer valve, have been added aft of the debris zones. The back-up pumps are driven by a common motor with shear out features. Accumulators aft on both hydraulic circuits provide further reserves against hydraulic power loss and loss of damping.

The rudder system is electrically supported by two redundant system sides, a left hand (LH) and a right hand (RH) side. The electrical system is normally powered by two AC generators, each driven by a propeller gear box. An APU equipped with a standby generator is optional. Each system side includes a DC system with a Transformer Rectifier Unit (TRU). When only one TRU unit is working, the LH and RH buses are tied together with power being received from the remaining TRU. Two DC feeders in addition to two AC feeders provide power aft of the debris zone. The DC feeders are supplied by battery or a TRU unit. The LH is routed through the ceiling and the RH side is routed through the floor.

The proposed elevator system, to be introduced for follow-on certification, is in many respects similar to the rudder design. Control columns, connected to Linear Variable Differential Transducers (LVDT), provide signals to two Powered Elevator Control Units (PECU). The PECUs are connected to the Flight Control Computer, Air Data Computers and servo actuators. Each PECU has built in test circuitry and two channels for direct control and crossmonitoring.

Type Certification Basis

The applicable requirements for U.S. type certification must be established in accordance with §§ 21.16, 21.17, 21.19, 21.29, and 21.101 of the Federal Aviation Regulations (FAR). Accordingly, based on the application date of June 9, 1989, the TC basis for the SAAB Model 2000 airplane is as follows:

Part 25 as amended by Amendments 25-1 through 25-66, except where superseded by the following:

§ 25.963(e) as amended by Amendment 25-69, Design Standards for Fuel Tank Access Covers.

§ 25.1423 as amended by Amendment 25-70, Independent Power Sources for the Public Address System.

Part 25 as amended by Amendment 25-71.

§ 25.365, Pressurized Compartment Loads.

Part 25, the following sections as amended by Amendment 25-72:

§ 25.361 Engine torque.

§ 25.365 Pressurized compartment loads.

§ 25.571 Damage tolerance and fatigue evaluation of structure.

§ 25.772 Pilot compartment doors.

§ 25.773 Pilot compartment view.

§ 25.783(g) Doors.
§ 25.905(d) Propellers.
§ 25.933 Reversing systems.

Part 25, the following sections as amended by Amendment 25–73:

§ 25.903(a) Engines.
§ 25.951(d) Fuel System—General.

Part 34, as amended on the date of issuance of the type certificate.

Part 36, as amended on the date of issuance of the type certificate.

Special Conditions No. ANM–25–66, dated 1/12/93, for Lightning and HIRF Protection.

Special conditions, as appropriate, are issued in accordance with § 11.49 of the FAR after public notice, as required by §§ 11.28 and 11.29(b), and become part of the type certification basis in accordance with § 21.101(b)(2).

Discussion

Effect of Flight Control Systems on Structure

The SAAB Model 2000 incorporates certain fly-by-wire (FBW) electronic flight control systems (EFCS). The rudder system includes a yaw damper, rudder limiter, and an auto-trim function which can affect loads. The follow-on design for the elevators has many similar features. System failures can lead to design load conditions not envisioned by the certification rules for transport airplanes. These special conditions are issued to ensure the same level of safety by providing comprehensive criteria in which the structural design safety margins are dependent on systems reliability.

Discussion of Comments

Notice of Proposed Special Conditions No. SC–93–7–NM for the SAAB Model 2000 airplane was published in the **Federal Register** on December 9, 1993 (58 FR 64700). One commenter (an organization representing professional pilots) responded.

"Our comments are fundamentally in support of the proposed special conditions. However, one commenter is concerned regarding the reliability of providing hydraulic power by the two back-up pumps mentioned in the 'Background' information. This apprehension stems from the fact that both back-up pumps are powered from a common motor with shear out features. The commenter questioned this system as redundant or a single point where the 'system' could break down and not provide the required hydraulic power necessary to operate the rudder. The commenter's concern extends to the elevators if a similar design is used."

The commenter's concern is addressed in the SAAB 2000 design. The SAAB 2000 can be flown without hydraulic power to the rudder for most hydraulic failure conditions. However, if during takeoff, one engine fails, hydraulic power is necessary to maintain control of the airplane. With this in mind, the SAAB design provides the rudder's two hydraulic actuators with power from two independent hydraulic circuits. One actuator with one functioning circuit is capable of driving the rudder if the other hydraulic circuit is lost.

Each hydraulic circuit is supplied by an engine driven pump, and for a short duration, power can also be supplied by accumulators. Each circuit is isolated fore and aft by fuses in case the circuits are severed by engine debris. Each circuit, aft of the fuse, has a back-up pump and an accumulator. The back-up pumps, driven by a common electric motor, are activated by low hydraulic pressure in either hydraulic circuit. To protect the independence of the two hydraulic circuits and to eliminate the single point where the "system" could break down, as expressed by the commenter, a shear out feature is provided between each back-up pump and the common electric motor. As a further precaution, the AC motor is automatically started (tested) as part of the preflight reliability check.

Regarding the commenter's concern for the elevator system, that system will have three hydraulic systems which have many of the same features provided for the hydraulic systems supporting the rudder.

Conclusion

This action affects only certain unusual or novel design features on one model of airplane. It is not a rule of general applicability and affects only the manufacturer who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 25

Air transportation, Aircraft, Aviation safety, Safety.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 1344, 1348(c), 1352, 1354(a), 1355, 1421 through 1431, 1502, 1651(b)(2), 42 U.S.C. 1857f–10, 4321 et seq.; E.O. 11514; and 49 U.S.C. 106(g).

Final Special Conditions

Accordingly, the following special conditions are issued as part of the type certification basis for the SAAB Model 2000 airplane:

1. Interaction of Systems and Structures

(a) *General.* For an airplane equipped with certain fully hydraulically powered electronically controlled flight control systems, which directly, or as a result of a failure or malfunction, affect its structural performance, the influence of these systems and their failure conditions shall be taken into account in showing compliance with subparts C and D of part 25 of the Federal Aviation Regulations (FAR).

(b) *System fully operative.* With the system fully operative, the following apply: (1) Limit loads must be derived in all normal operating configurations of the systems from all the deterministic limit conditions specified in subpart C, taking into account any special behavior of such systems or associated functions or any effect on the structural performance of the airplane which may occur up to the limit loads. In particular, any significant nonlinearity (rate of displacement of control surface, thresholds or any other system non-linearities) must be accounted for in a realistic or conservative way when deriving limit loads from limit conditions.

(2) The airplane must meet the strength requirements of part 25 (static strength, residual strength), using the specified factors to derive ultimate loads from the limit loads defined above. The effect of nonlinearities must be investigated beyond limit conditions to ensure the behavior of the systems presents no anomaly compared to the behavior below limit conditions. However, conditions beyond limit conditions need not be considered when it can be shown that the airplane has design features that make it impossible to exceed those limit conditions.

(3) The airplane must meet the aeroelastic stability requirements of § 25.629.

(c) *System in the failure condition.* For any system failure condition not shown to be extremely improbable, the following apply:

(1) *At the time of occurrence.* Starting from 1–g level flight conditions, a realistic scenario, including pilot corrective actions, must be established to determine the loads occurring at the time of failure and immediately after failure. The airplane must be able to withstand these loads, multiplied by an appropriate factor of safety, related to the probability of occurrence of the failure. These loads should be considered as ultimate loads for this evaluation. The factor of safety is defined as follows:

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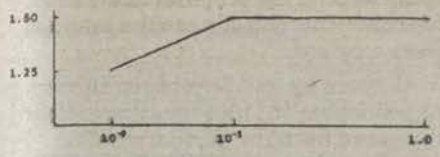
Factor of Safety at Time of Occurrence



Probability of occurrence (per hour)

BILLING CODE 4910–13–C

(i) The loads must also be used in the damage tolerance evaluation required by § 25.571(b) if the failure condition is probable. The loads may be considered as ultimate loads for the damage tolerance evaluation.

(ii) Freedom from flutter and divergence must be shown at speeds up to V_D, or 1.15 V_C, whichever is greater. However, at altitudes where the speed is limited by Mach number, compliance need be shown only up to M_D, as defined by § 25.335(b). For failure conditions which result in speed increases beyond V_C/M_C, freedom from flutter and divergency must be shown at increased speeds, so that the above margins are maintained.

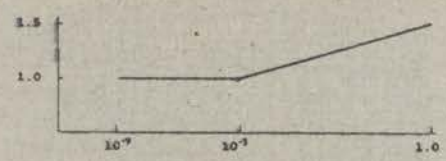
(iii) Notwithstanding subparagraph (1) of this paragraph, failures of the system which result in forced structural vibrations (oscillatory failures) must not produce peak loads that could result in permanent deformation of primary structure.

(2) *For the continuation of the flight.* For the airplane, in the failed configuration and considering any appropriate flight limitations, the following apply: (i) Static and residual strength must be determined for loads induced by the failure condition if the loads could continue to the end of the flight. These loads must be combined with the deterministic limit load conditions specified in subpart C.

(ii) For static strength substantiation, each part of the structure must be able to withstand the loads in subparagraph (2)(i) of this paragraph multiplied by a safety factor depending on the probability of being in this failure state. The factor of safety is defined as follows:

BILLING CODE 4910–13–M

Factor of Safety for Continuation of Flight



Q_j—Probability of being in failure state j

BILLING CODE 4910–13–C

$Q_j=T_j*P_j$ where:

T_j=Average time spent in failure condition

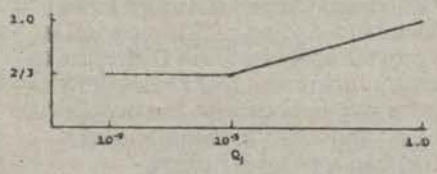
P_j=Probability of occurrence of failure mode

Note: If P_j is greater than 10^{-3} per flight hour then a safety factor of 1.5 must be used.

(iii) For residual strength substantiation as defined in § 25.571(b), for structures also affected by failure of the system and with damage in combination with the system failure, a reduction factor may be applied to the residual strength loads of § 25.571(b). However, the residual strength level must not be less than the 1–g flight load combined with the loads introduced by the failure condition plus two-thirds of the load increments of the conditions specified in § 25.571(b) in both positive and negative directions (if appropriate). The reduction factor is defined as follows:

BILLING CODE 4910–13–M

Residual Strength Reduction Factor



BILLING CODE 4910–13–C

$Q_j=T_j*P_j$ where:

T_j=Average time spent in failure condition

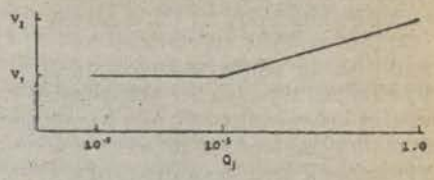
P_j=Probability of occurrence of failure mode

Note: If P_j is greater than 10^{-3} per flight hour then a safety factor of 1.0 must be used.

(iv) Freedom from flutter and divergence must be shown up to a speed determined by the following figure:

BILLING CODE 4910–13–M

Flutter Clearance Speed



BILLING CODE 4910–13–C

$V_1=V_D$ or 1.15 V_C whichever is greater.

V_2=Flutter clearance speed required for normal (unfailed) conditions by § 25.629.

$Q_j=T_j*P_j$ where:

T_j=Average time spent in failure condition

P_j=Probability of occurrence of failure mode

Note: If P_j is greater than 10^{-3} then the flutter clearance speed must not be less than V_2.

(v) Freedom from flutter and divergence must also be shown up to V_1 in the above figure, for any probable system failure condition combined with any damage required or selected for investigation by § 25.571(b).

(vi) If the time likely to be spent in the failure condition is not small compared to the damage propagation period, or if the loads induced by the failure condition may have a significant influence on the damage propagation, then the effects of the particular failure condition must be addressed and the corresponding inspection intervals adjusted to adequately cover this situation.

(vii) If the mission analysis method is used to account for continuous turbulence, all the systems failure conditions associated with their probability must be accounted for in a rational or conservative manner in order to ensure that the probability of exceeding the limit load is not higher than the prescribed value of the current requirement.

(d) *Warning considerations.* For system failure detection and warning, the following apply: (1) Before flight, the system must be checked for failure conditions, not extremely improbable, that degrade the structural capability below the level as intended in paragraph (b) of this special condition. The crew must be made aware of these failures, if they exist, before flight.

(2) An evaluation must be made of the necessity to signal, during the flight, the existence of any failure condition which could significantly affect the structural capability of the airplane and for which the associated reduction in airworthiness can be minimized by suitable flight limitations. The

assessment of the need for such signals must be carried out in a manner consistent with the approved general warning philosophy for the airplane.

(3) During flight, any failure condition, not shown to be extremely improbable, in which the safety factor existing between the airplane strength capability and loads induced by the deterministic limit conditions of Subpart C of part 25 is reduced to 1.3 or less must be signaled to the crew if appropriate procedures and limitations can be provided so that the crew can take action to minimize the associated reduction in airworthiness during the remainder of the flight.

(e) *Dispatch with failure conditions.* If the airplane is to be knowingly dispatched in a system failure condition that reduces the structural performance, then operational limitations must be provided whose effects combined with those of the failure condition allow the airplane to meet the structural requirements as described in paragraph (b) of this special condition. Subsequent system failures must also be considered.

Discussion: This special condition is intended to be applicable to certain fully hydraulically powered electronically controlled flight controls. The criteria provided by the special condition only address the direct structural consequences of the systems responses and performances and therefore cannot be considered in isolation but should be included into the overall safety evaluation of the airplane. The presentation of these criteria may in some instances duplicate standards already established for this evaluation. The criteria are applicable to structure, the failure of which could prevent continued safe flight and landing.

The following definitions are applicable to this special condition:

1. Structural performance: Capability of the airplane to meet the requirements of part 25.
2. Flight limitations: Limitations which can be applied to the airplane flight conditions following an inflight occurrence and which are included in the flight manual (e.g., speed limitations, avoidance of severe weather conditions, etc.).
3. Operational limitations: Limitations, including flight limitations, which can be applied to the airplane operating conditions before dispatch (e.g., payload limitations).
4. Probabilistic terms: The probabilistic terms (probable, improbable, extremely improbable) used in this special condition should be understood as defined in AC 25.1309–1.
5. Failure condition: The term failure condition is defined in AC 25.1309–1, however this special condition applies only to system failure conditions which have a direct impact on the structural performance of the airplane (e.g., failure conditions which induce loads or change the response of the airplane to inputs such as gusts or pilot actions).

Issued in Renton, Washington, on March 11, 1994.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM–100.

[FR Doc. 94–6960 Filed 3–23–94; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 93–ANM–35]

Establishment of Class D Airspace; Hailey, ID

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action proposes to establish Class D airspace at Friedman Memorial Airport, Hailey, Idaho. Midwest ATC Service, Inc., operates a control tower at Friedman Memorial Airport with an associated airport traffic area. Airspace Reclassification, which became effective September 16, 1993, discontinued the use of the term "airport traffic area" and eliminated those ATA's not already designated to become Class D Airspace. As a result, the requirement for two-way radio communication with the control tower at Friedman Memorial Airport lapsed. The intended effect of this proposal is to provide adequate Class D airspace to contain instrument flight rules (IFR) operations and continue the two-way radio communication requirement at Friedman Memorial Airport.

EFFECTIVE DATE: 0901 u.t.c., June 23, 1994.

FOR FURTHER INFORMATION CONTACT: Bob Brown, ANM–535, Federal Aviation Administration, Docket No. 93–ANM–35, 1601 Lind Avenue SW., Renton, Washington 98055–4056, Telephone: (206) 227–2535.

SUPPLEMENTARY INFORMATION:

History

On January 12, 1994, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by establishing the Hailey, Idaho, Class D airspace (59 FR 1680). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Airspace reclassification, in effect as of September 16, 1993, has discontinued the use of the term "airspace traffic area," replacing it with the designation "Class D airspace." Class D airspace areas are published in Paragraph 5000 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 (58 FR 36298; July 6, 1993). The Class D airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations establishes the Class D airspace at Friedman Memorial Airport, Hailey, Idaho. Midwest ATC Service, Inc., operates a control tower at Friedman Memorial Airport with an associated airport traffic area (ATA). Airspace Reclassification, which became effective September 16, 1993, discontinued the use of the term "airport traffic area" and, for control zones with operating control towers, replaced it with the designation "Class D airspace." Only ATA's already designated to become Class D airspace continued to exist; Friedman Memorial Airport was not so designated. As a result, the requirement for two-way radio communication with the control tower at Friedman Memorial Airport lapsed. The intended effect of this proposal is to provide adequate Class D airspace to contain IFR operations and continue the two-way communication requirement at Friedman Memorial Airport.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§71.1 [Amended]

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

Paragraph 5000 General

* * * * *

ANM ID D Hailey, Idaho [New]

Friedman Memorial Airport, Hailey, ID (lat. 43°30'17" N, long. 114°17'48" W)

That airspace extending upward from the surface to, and including, 7,800 feet MSL within a 4.1-mile radius of the Friedman Memorial Airport. This Class D airspace area is effective during the specified dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Seattle, Washington, on March 17, 1994.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 94–6966 Filed 3–23–94; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Part 799

[Docket No. 930775–4082]

RIN 0694–AA96

Removal of National Security-Based Validated License Requirements for Exports to Proscribed Destinations of Oil Well Perforators

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: This final rule amends ECCN 1C18A to remove national security-based validated license requirements for exports to Country Groups Q, W, Y, and Z and the People's Republic of China of certain oil well perforators. This action is a result of a determination that foreign availability exists for certain oil well perforators within the meaning of section 5(f) of the Export Administration Act (EAA), as amended, and part 791 of the Export Administration Regulations (EAR). The Bureau of Export Administration (BXA) published an interim rule in the **Federal Register** on November 23, 1993 (58 FR 61806), that included the foreign availability determination and removed national security-based validated license requirements for exports of these oil well perforators to Country Groups T and V, except the People's Republic of China.

A validated export license continues to be required for exports to Iran, Syria, Country Groups S and Z, and the South African military and police, for foreign policy reasons.

This rule will eliminate export license applications for these oil well perforators for all but a few countries, thereby reducing the paperwork burden on exporters.

EFFECTIVE DATE: This rule is effective March 18, 1994.

FOR FURTHER INFORMATION CONTACT: For questions of a technical nature, contact Jeffrey Tripp, Office of Technology and Policy Analysis, Bureau of Export Administration, Department of Commerce, Telephone: (202) 482–1309.

For questions on the foreign availability assessment, contact Ronald Rolfe, Foreign Industrial Analyst, Office of Foreign Availability, Bureau of Export Administration, Department of Commerce, Telephone: (202) 482–0074.

SUPPLEMENTARY INFORMATION:

Background

Section 5(f)(3) of the EAA and part 791 of the EAR set forth the procedures and criteria for determining the foreign availability of items controlled for national security reasons. The Secretary of Commerce, or the Secretary's designee, is authorized to determine whether foreign availability exists.

With limited exceptions, the Department of Commerce may not maintain national security controls on exports of an item when the Department determines that items of comparable quality are available, in fact, to countries from foreign sources in quantities sufficient to render the controls ineffective in achieving their purpose.

On June 21, 1993, the Office of Foreign Availability (OFA) initiated a foreign availability assessment of oil well perforators controlled by ECCN 1C18A in response to a claim filed pursuant to Part 791 of the EAR. The Department published a notice of the initiation of the assessment in the **Federal Register** on July 28, 1993 (58 FR 40407).

On October 18, 1993, the Acting Assistant Secretary, having considered the assessment and other relevant information provided by OFA, determined that foreign availability of certain oil well perforators exists within the meaning of section 5(f) of the EAA and part 791 of the EAR. The Department provided all interested agencies an opportunity to review and comment on the assessment and determination. On November 8, 1993, based on discussions with other agencies, the Acting Assistant Secretary clarified the scope of oil well perforators covered by the foreign availability determination, as provided for in the EAA.

On November 23, 1993, the Department published an interim rule containing the foreign availability determination. This rule removed validated licensing requirements for exports to most non-proscribed destinations (i.e. Country Groups T and V, except for Iran, Syria, and the People's Republic of China) for oil well perforators controlled by 1C18A, and made them eligible for export under General License GFW.

Effective March 18, 1994, these oil well perforators are eligible for export under General License G-DEST to all destinations except Cuba, North Korea, Libya, Iran, Syria, and the South African military and police.

Exporters should also be aware that the Department of the Treasury's Office of Foreign Assets Control maintains an embargo on other destinations, such as Iraq, Haiti, and the Federal Republic of Yugoslavia (Serbia and Montenegro).

In the course of the foreign availability study, the U.S. determined that there was not unanimous agreement that these oil well perforators were, in fact, controlled under the COCOM International Munitions List. Consistent with the foreign availability procedures, the United States has notified COCOM that it is removing national security controls on these oil well perforators.

This final rule amends ECCN 1C18A by revising the GFW paragraph in the Requirements section to remove GFW eligibility for certain oil well perforators. General License GFW no longer applies to these oil well perforators because they may now be exported under General License G-DEST to most destinations.

This rule also creates a new ECCN 1C93F for shaped charges specially designed for oil well operations, utilizing one charge functioning along a single axis, that upon detonation produce a hole, and: (a) Contain any formulation of RDX, PYX, PETN, HNS, or HMX; and (b) have only a uniformly shaped conical liner with an included angle of 90 degrees or less; and (c) have a total explosive mass of no more than 90 grams; and (d) have a diameter not exceeding three inches.These changes are controlled for foreign policy reasons to Country Groups S and Z, Iran, Syria, and the South African military and police. The creation of ECCN 1C93F does not constitute a new control.

Rulemaking Requirements

1. This rule was not subject to review by the Office of Management and Budget under Executive Order 12866.

2. This rule involves collections of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). These collections have been approved by the Office of Management and Budget under control numbers 0694–0005, 0694–0007, and 0694–0010.

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

4. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553) or by any other law, under section 3(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

5. The provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in the effective date, are inapplicable because this regulation involves a military or foreign affairs function of the United States. Section 13(b) of the EAA does not require that this rule be published in proposed form because this rule does not impose a new control. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Patricia Muldonian, Office of Technology and Policy Analysis, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects in 15 CFR Part 799

Exports, Reporting and recordkeeping requirements.

Accordingly, part 799 of the Export Administration Regulations (15 CFR parts 730–799) is amended as follows:

1. The authority citation for 15 CFR part 799 continues to read as follows:

Authority: Pub. L. 90–351, 82 Stat. 197 (18 U.S.C. 2510 *et seq.*), as amended; sec. 101, Pub. L. 93–153, 87 Stat. 576 (30 U.S.C. 185), as amended; sec. 103, Pub. L. 94–163, 89 Stat. 877 (42 U.S.C. 6212), as amended; secs. 201 and 201(11)(e), Pub. L. 94–258, 90 Stat. 309 (10 U.S.C. 7420 and 7430(e)), as amended; Pub. L. 95–223, 91 Stat. 1626 (50 U.S.C. 1701 *et seq.*); Pub. L. 95–242, 92 Stat. 120 (22 U.S.C. 3201 *et seq.* and 42 U.S.C. 2139a); sec. 208, Pub. L. 95–372, 92 Stat. 668 (43 U.S.C. 1354); Pub. L. 96–72, 93 Stat. 503 (50 U.S.C. App. 2401 *et seq.*), as amended (extended by Pub. L. 103–10, 107 Stat. 40); sec. 125, Pub. L. 99–64, 99 Stat. 156 (46 U.S.C. 466c); E.O. 11912 of April 13, 1976 (41 FR 15825, April 15, 1976); E.O. 12002 of July 7, 1977 (42 FR 35623, July 7, 1977), as amended; E.O. 12058 of May 11, 1978 (43 FR 20947, May 16, 1978; E.O. 12214 of May 2, 1980 (45 FR 29783, May 6, 1980); E.O. 12735 of November 16, 1990 (55 FR 48587, November 20, 1990), as continued by Notice of November 12, 1993 (58 FR 60361, November 15, 1993); E.O. 12867 of September 30, 1993 (58 FR 51743, October 7, 1993; and E.O. 12868 of September 30, 1993 (58 FR 51749, October 7, 1993).

PART 799—[AMENDED]

Supplement No. 1 to § 799.1—[Amended]

2. In Supplement No. 1 to § 799.1 (the Commerce Control List), Category 1 (Materials), ECCN 1C18A is revised and a new ECCN 1C93F is added, as follows:

1C18A Items on the International Munitions List

Requirements

Validated License Required: QSTVWYZ
Unit: Kilograms
Reason for Control: NS
GLV: $3,000
GCT: No
GFW: Yes (Advisory Note Only).

List of Items Controlled

a. Ethyl and Methyl centralites.
b. NN-Diphenylurea (unsymmetrical diphenylurea).
c. Methyl-NN-diphenylurea (methyl unsymmetrical diphenylurea).
d. Ethyl-NN-diphenylurea (ethyl unsymmetrical diphenylurea).
e. Ethyl phenyl urethane.
f. Diphenyl urethane.
g. Diortho tolyl-urethane.
h. 2-Nitrodiphenylamine.
i. p-Nitromethylaniline.
j. 2,2' Dinitropropanol.
k. Bis(2,2' dinitropropyl) formal and acetal.
l. 3-Nitraza-1,5 pentane diisocyanate.
m. Guanidine nitrate.
n. Hydrogen peroxide in concentrations of 85%.
o. Charges specially designed for civilian applications, containing military explosives, except those items described in 1C93.

TECHNICAL NOTE: Military high explosives are solid, liquid or gaseous substances or mixtures of substances that, in their application as primary, booster, or main charges in warheads, demolition and other military applications, are required to detonate.

ADVISORY NOTE: Licenses are likely to be approved for export to satisfactory end-users in Country Groups QWY and the PRC of certain explosive substances and mixtures in reasonable quantities for civilian or industrial purposes when made into cartridges or charges of an exclusively civilian or industrial nature, such as propellants for sporting purposes or shooting gallery practice; cartridges for riveting guns; and explosive charges for agricultural purposes, public works, mines, quarries or oil-well drilling. The following are the substances or mixtures to which this procedure applies:

a. Nitrate-based (40 percent or more) and provided they do not contain more than 40 percent nitroglycol/nitroglycerin or no more than 16 percent TNT;
b. Nitrocellulose with a nitrogen content of over 12.2 percent;
c. Nitroglycerin;
d. Single base nitrocellulose; and
e. Sodium azide and other inorganic azides.

* * * * *

1C93F Oil Well Perforators

Requirements

Validated License Required: SZ, Iran, Syria, South African military and police
Unit: Number
Reason for Control: FP
GLV: No
GCT: No
GFW: No

List of Items Controlled

a. Shaped charges specially designed for oil well operations, utilizing one charge functioning along a single axis, that upon detonation produce a hole, and:

a.1. Contain any formulation of RDX, PYX, PETN, HNS, or HMX; and

a.2. Have only a uniformly shaped conical liner with an included angle of 90 degrees or less; and

a.3. Have a total explosive mass of no more than 90 grams; and

a.4. Have a diameter not exceeding three inches.

b. [Reserved]

Dated: March 17, 1994.

Iain S. Baird,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 94-6886 Filed 3-23-94; 8:45 am]

BILLING CODE 3510-DT-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1310

Provisional Exemption From Registration for Certain List I Chemical Handlers

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Interim rule.

SUMMARY: Under the provisions of the Domestic Chemical Diversion Control Act of 1993 (DCDCA), which was enacted on December 17, 1993, and becomes effective April 16, 1994, any person who manufactures, distributes, imports or exports a list I chemical (formerly known as a precursor chemical), or who proposes to do so, must first obtain a registration.

Since regulations implementing the DCDCA may not be finalized by April 16, 1994, DEA is establishing a temporary exemption from the registration requirement for any person who must register under the DCDCA. The exemption will stay in effect for each affected person until DEA has either approved the person's application for registration or the Administrator has issued a final order regarding the application, provided that the person makes proper application for registration within 45 days of the effective date of the regulations implementing the DCDCA. Failure to submit to a proper application within this time period will invalidate the exemption. At this time, affected persons are requested to submit to DEA a notice of their intent to seek registration.

EFFECTIVE DATE: March 24, 1994.

FOR FURTHER INFORMATION CONTACT: G. Thomas Gitchel, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307-4025.

SUPPLEMENTARY INFORMATION: On December 17, 1993, the Domestic Chemical Diversion Control Act of 1993 was enacted. The DCDCA redesignates precursor chemicals and essential chemicals in Title 21, section 802, as list I chemicals and list II chemicals respectively, and requires that any person who manufactures, distributes, imports or exports a list I chemical shall obtain an annual registration from DEA for each location where such activities are carried out.

The DCDCA also removes the exemption from the definition of a regulated transaction for drugs marketed or distributed under the Food, Drug and Cosmetic Act which either, (1) contain ephedrine or its salts, optical isomers, or salts of optical isomers either as the only active medicinal ingredient or in combination with therapeutically insignificant quantities of another active medicinal ingredient, or (2) contain another listed chemical which DEA has determined is being diverted to obtain the listed chemical for use in the manufacture of a controlled substance. As a result, any person who manufactures, imports, exports or distributes, either by wholesale or retail sales, any drug described above will be required to register and will also be subject to the applicable requirements of the DCDCA and title 21, Code of Federal Regulations, parts 1310 and 1313, when the DCDCA becomes effective on April 16, 1994. Those persons manufacturing, distributing, importing, or exporting drugs distributed or marketed under the Food, Drug and Cosmetic Act which contain ephedrine in combination with therapeutically significant quantities of another drug will remain exempt from the requirements of the DCDCA and the applicable portions of title 21 of the regulations.

The DCDCA also establishes certain other requirements with respect to listed chemicals which will be addressed in a separate **Federal Register** notice proposing the establishment of regulations implementing the DCDCA.

In the event that the regulations and administrative mechanisms to implement the DCDCA are not finalized prior to the April 16, 1994 effective date, DEA is establishing a temporary exemption from the registration requirement for affected persons who manufacture, distribute, import or export list I chemicals. Each affected person will be exempted from the registration requirement until they have made proper application for registration with DEA, provided such application is made within 45 days after the effective date of the regulations implementing the DCDCA, and that application has either been approved by DEA or the Administrator has issued a final order regarding the application following a full administrative proceeding pursuant to sections 823 and 824 of the Controlled Substances Act. Failure to make proper application within the specified time period will result in loss of the exemption. Further, the exemption will apply only to the requirement to register which goes into effect in April 16, 1994. All other requirements of the DCDCA become effective on April 16, 1994, and the requirements of parts 1310 and 1313 of title 21 of the regulations will remain in full force and effect. The change in the designation of the regulated chemicals from precursor and essential to list I and list II chemicals will have no effect on the requirements of parts 1310 and 1313.

To assist DEA in ensuring that the necessary information regarding registration and application forms reaches the affected persons, these persons are requested to notify DEA at this time of their intent to register for their activities. The notice should reflect the name under which business is conducted, the address at which the list I chemical activities are conducted, the type of activity (i.e., manufacture, distribute, import or export), and the specific list I chemical(s) involved. Notice should be submitted for each separate physical location at which such activities are carried out. Notices should be sent to:

Drug Enforcement Administration, Chemical Operations Section, Office of Diversion Control, Washington, DC 20537.

With respect to persons who manufacture list I chemicals, DEA has made a preliminary determination that registration will not be required for persons who manufacture a list I chemical solely for internal consumption with no subsequent distribution or exportation of the List I chemical. Those persons who manufacture a list I chemical for distribution will be required to register. Specific details regarding DEA's determination will be set forth in the **Federal Register** notice proposing the regulations to implement the DCDCA.

The Acting Administrator of the Drug Enforcement Administration hereby certifies that this interim rulemaking will have no significant impact upon entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. This interim rulemaking grants a temporary exemption from the registration requirements of the DCDCA pending completion of the regulatory amendments necessary to implement the DCDCA.

This rule is not a significant regulatory action and therefore has not been reviewed by the Office of Management and Budget pursuant to Executive Order 12866.

This action has been analyzed in accordance with the principles and criteria in Executive Order 12612, and it has been determined that the interim rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 21 CFR Part 1310

Drug traffic control, Reporting and recordkeeping requirements, List I and List II chemicals.

For reasons set out above, title 21, Code of Federal Regulations, part 1310 is amended as follows.

PART 1310—[AMENDED]

1. The authority citation for part 1310 continues to read as follows:

Authority: 21 U.S.C. 802, 830, 871(b).

2. Section 1310.09 is added to read as follows:

§ 1310.09 Temporary exemption from registration.

Each person required by section 3(b) of the Domestic Chemical Diversion Control Act of 1993 (Pub. L. 103–200, effective April 16, 1994), to obtain a registration to manufacture, distribute, import, or export a list I chemical (other than those list I chemicals exempted under § 1310.01(f)(1)(iv)), is temporarily exempted from the registration requirement. The exemption will remain in effect for each person until the person has made proper application for registration and the Administration has approved or denied such application, provided that the application has been submitted within 45 days following the effective date of the regulations in part 1309 implementing the Domestic Chemical Diversion Control Act of 1993. This exemption applies only to registration; all other chemical control requirements set forth in the Domestic Chemical Diversion Control Act of 1993 and in parts 1310 and 1313 of this chapter remain in full force and effect.

Dated: March 17, 1994.

Stephen H. Greene,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 94–6884 Filed 3–23–94; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 203 and 234

[Docket No. R–94–1647; FR–3445–F–02]

RIN 2502–AF93

Single Family and Manufactured Home FHA Insurance—Miscellaneous Amendments, Final Rule; Correction

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule; Correction.

SUMMARY: On July 30, 1993 (58 FR 40996), the Department published in the **Federal Register**, a final rule that implemented various provisions in the Housing and Community Development Act of 1992 that related to FHA single family and manufactured home loan limits, veterans exemption from certain equity requirements, establishment of mortgage insurance premiums, and the correction of defects in certain FHA insured homes. The purpose of this document is to correct certain editorial errors contained in 24 CFR parts 203 and 234 of that final rule.

EFFECTIVE DATE: August 30, 1993.

FOR FURTHER INFORMATION CONTACT: *For Single Family Housing issues:* Morris Carter, Director, Single Family Development Division, room 9272, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708–2700. A telecommunications device for deaf persons (TDD) is available at (202) 708–4594. (These are not toll-free telephone numbers.)

For manufactured home loan issues: Robert J. Coyle, Director, Title I Insurance Division, room 9160, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708–2880. A telecommunications device for deaf persons (TDD) is available at (202) 708–4594. (These are not toll-free telephone numbers.)

SUPPLEMENTARY INFORMATION: Accordingly, in FR Doc. 93–18038, a final rule published in the **Federal Register** on July 30, 1993 (58 FR 40996), 24 CFR parts 203 and 234 is corrected to read as follows:

§ 203.18 [Corrected]

1. On page 41002, in column one, in § 203.18(e) introductory text, correct lines 8 through 10 to read, "excess of the lesser of 100 percent of the appraised value of the property or the cost of acquisition as of the date the".

§ 203.18 [Corrected]

2. On page 41002, in column three, in § 203.18b(b)(1), correct line 2 to read, "in paragraph (a) of this section must consist".

§ 203.50 [Corrected]

3. On page 41003, in column two, in § 203.50(f)(1)(i), correct line 13 to read. "the case of an eligible non-".

§ 203.259a [Corrected]

4. On page 41003, in column two, in § 203.259a(b), correct line 4 to read, "§ 203.284 or § 203.285 for mortgages executed on or".

§ 234.27 [Corrected]

5. On page 41006, in column one, in § 234.27(a)(2), in the paragraph heading, the word "Limitation" is lower-cased to read "limitation".

§ 234.27 [Corrected]

6. On page 41006, in column three, in § 234.27(d)(4)(ii), lines 1 and 2, are corrected to read, "Borrower-paid closing costs allowed under § 234.48(a)(1)–(2), except".

7. On page 41007, in column two, § 234.48 is corrected by redesignating paragraph (a)(2)(v) as (a)(2)(vi); and by adding a new paragraph (a)(2)(v), to read as follows:

§ 234.48 Charges, fees or discounts.

(a) * * *

(2) * * *

(v) Fees paid to an appraiser or inspector approved by the Commissioner for the appraisal and inspection, if required, of the property; and

* * * * *

Dated: March 18, 1994.

Myra L. Ransick,

Assistant General Counsel for Regulations.

[FR Doc. 94–6925 Filed 3–23–94; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 0

[A.G. Order No. 1858–94]

Organization; Vacancy Designation.

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order amends § 0.132(c) of title 28, Code of Federal Regulations to allow the Attorney General, in the

event of a vacancy in the office of the Associate Attorney General, to designate another official of the Department to perform the functions and duties of and act as Associate Attorney General. This amendment will conform the designation process for an Acting Associate Attorney General with that for other senior Department officials.

EFFECTIVE DATE: March 17, 1994.

FOR FURTHER INFORMATION CONTACT: Carl Stern, Director, Office of Public Affairs, U.S. Department of Justice, Washington, D.C. 20530, (202) 616–2777.

SUPPLEMENTARY INFORMATION: This order pertains to a matter of internal Department management. It does not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605(b). This order has not been reviewed by the Office of Management and Budget pursuant to Executive Order No. 12866.

List of Subjects in 28 CFR Part O

Authority delegations (Government agencies), Government employees, Organization and functions (Government agencies), Whistleblowing.

Accordingly, by virtue of the authority vested in me as Attorney General, including 5 U.S.C. 301 and 28 U.S.C. 509 and 510, Part O of title 28 of the Code of Federal Regulations is amended as follows:

PART O—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

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

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515–519.

2. Section 0.132 is amended by revising paragraph (c) to read as follows:

§ 0.132 Designating officials to perform the functions and duties of certain offices in case of absence, disability or vacancy.

* * * * *

(c) In the event of a vacancy in the office of Associate Attorney General, the Attorney General may designate another official of the Department to perform the functions and duties of and act as Associate Attorney General.

* * * * *

Dated: March 17, 1994.

Janet Reno,

Attorney General.

[FR Doc. 94–6871 Filed 3–23–94; 8:45 am]

BILLING CODE 4410–10–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FL–051–5819; FRL–4851–6]

Approval and Promulgation of Implementation Plans Florida: Approval of Revisions to Florida Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving revisions to the Florida State Implementation Plan (SIP) for ozone. These revisions were submitted to EPA through the Florida Department of Environmental Regulation (FDER) on January 8, 1993, and revise regulations for Stage I vapor recovery (Stage I) in Florida's SIP and add regulations pertaining to Stage II vapor recovery (Stage II). This plan has been submitted by the FDER to satisfy the requirement of section 182(b)(3) of the 1990 Clean Air Act, which requires all ozone nonattainment areas classified as moderate or above to require owners and operators of gasoline dispensing facilities to install and operate Stage II vapor recovery systems. FDER has also submitted this plan as an integral part of the program to achieve and maintain the National Ambient Air Quality Standards (NAAQS) for ozone, carbon monoxide and nitrogen dioxide. EPA proposed approval of these revisions on December 14, 1993, (58 FR 65307), and no comments were received. These regulations meet all of EPA's requirements for Stage II programs and therefore EPA is approving the SIP revisions.

EFFECTIVE DATE: This final rule will be effective April 25, 1994.

ADDRESSES: Copies of the material submitted by Florida may be examined during normal business hours at the following locations:

Region IV Air Programs Branch, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Florida Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399–2400.

Environmental Protection Agency, Air Docket, 6102, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Alan W. Powell of the EPA Region IV Air Programs Branch at (404) 347–2864 and at the above address.

SUPPLEMENTARY INFORMATION: On November 15, 1990, the President signed into law the Clean Air Act Amendments of 1990. The Clean Air Act as amended in 1990 (CAA) includes new requirements for the improvement of air quality in ozone nonattainment areas. Under section 181(a) of the CAA, nonattainment areas were categorized by the severity of the area's ozone problem, and progressively more stringent control measures were required for each category of higher ozone concentrations. The basis for classifying an area in a specific category was the ambient air quality data obtained in the three year period 1987–1989. The CAA delineates in section 182 the SIP requirements for ozone nonattainment areas based on their classifications. Specifically, section 182(b)(3) requires areas classified as moderate to implement Stage II controls unless and until EPA promulgates On Board Vapor Recovery (OBVR) regulations pursuant to section 202(a)(6) of the CAA. Based on consultation with the National Highway Transportation Safety Board, EPA determined that OBVR were unsafe and therefore moderate areas must implement a Stage II program. On January 22, 1993, the United States Court of Appeals for the District of Columbia ruled that EPA's previous decision not to require OBVR controls be set aside and that OBVR regulations be promulgated pursuant to section 202(a)(6) of the CAA. Subsequently, EPA reached a settlement with the plaintiffs which required EPA to promulgate final regulations by January 22, 1994. After such promulgation, moderate areas will not be required to implement Stage II regulations, but Florida has indicated that the State intends to continue Stage II as part of its long term maintenance plan. The EPA Administrator signed the OBVR final rule on January 24, 1994. Under section 182(b)(3), EPA was required to issue guidance as to the effectiveness of Stage II systems. In November 1991, EPA issued technical and enforcement guidance to meet this requirement. These two documents are entitled "Technical Guidance-Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities" (EPA–450/3–91–022) and "Enforcement Guidance for Stage II Vehicle Refueling Control Programs." In addition, on April 16, 1992, EPA published the "General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990" (57 FR 13498). The guidance documents and the General Preamble discuss Stage II statutory requirements and indicate what EPA believes a State submittal needs to include to meet those

requirements. The Florida regulations meet those requirements and are discussed below.

Rule 17-252, Gasoline Vapor Recovery

Stage II

The Southeast Florida Air Quality region is designated nonattainment for ozone and classified as moderate. See 56 FR 56694 (November 6, 1991) and 57 FR 56762 (November 30, 1992), codified at 40 CFR 81.300 through 81.437. Under section 182(b)(3) of the CAA, Florida was required to submit Stage II vapor recovery rules for this area by November 15, 1992. On January 8, 1993, FDER submitted to EPA Stage II vapor recovery rules that were adopted by the State on December 9, 1992, and the rules became state effective January 21, 1993. The Florida regulation meets all EPA requirements (see proposal, December 14, 1993, 58 FR 65307). Additional information is contained in the Technical Support Document (TSD) which is available for review in the EPA Region IV office.

Stage I

The Stage I regulations have been amended to require Stage I vapor recovery at all facilities subject to the Stage II requirements in areas which are designated as a nonattainment or maintenance area for ozone under Rule 17-275, F.A.C. (Broward, Dade, Duval, Hillsborough, Palm Beach, and Pinellas Counties). The gasoline tanker truck section was also revised to require submerged filling at bulk plants and facilities required to have Stage I and II vapor recovery. These revisions are consistent with EPA policy and requirements.

Final Action

EPA is approving the above referenced revisions as meeting the requirements of section 182(b)(3) of the CAA. All of the revisions are consistent with EPA guidance.

This document makes final the action proposed at (58 FR 65307). As noted elsewhere in this document, EPA received no adverse public comment on the proposed action. As a direct result, the Regional Administrator has reclassified this action from Table 2 to Table 3 under the processing procedures established at 54 FR 2214, January 19, 1989.

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 Shapiro, Acting Assistant Administrator for Air and Radiation. A future document will inform the general public of these tables. On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and 3 SIP revisions from the requirements of section 3 of Executive Order 12291 for 2 years. The EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The 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.

Under section 307(b)(1) of the Act, 42 U.S.C. 7607 (b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 23,1994. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the Act, 42 U.S.C. 7607 (b)(2).)

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a 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.

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 non-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 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, the Federal SIP-approval does not impose any new requirements, I certify that 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).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Nitrogen dioxide, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: March 8, 1994.

Donald J. Guinyard,

Acting Regional Administrator.

Part 52, title 40, chapter I of the Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42.U.S.C. 7401-7671q.

Subpart K—Florida

2. Section 52.520 is amended by adding paragraph (c)(79) to read as follows:

§ 52.520 Identification of plan.

* * * * *

(c) * * *

(79) Revisions to the F.A.C. Chapter 17-252 which were submitted by the Florida Department of Environmental Protection on January 8, 1993. The submittal revised the regulations for vapor recovery.

(i) Incorporation by reference.

(A) Revision to F.A.C. 17-252 which was effective on February 2, 1993: 17-252.100; 17-252.200(2-12); 17-252.300; 17-252.400; 17-252.500; 17-252.800; 17-252.900

(ii) Other material.

(A) Letter of January 8, 1993, from the Florida Department of Environmental Regulation.

* * * * *

[FR Doc. 94-6976 Filed 3-23-94; 8:45 am]

BILLING CODE 6560-50-F

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40 CFR Part 52

[AK-4-2-6299; FRL-4850-3]

Approval and Promulgation of State Implementation Plans: Alaska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving the State Implementation Plan (SIP) submitted by the State of Alaska Department of Environmental Conservation (ADEC) for the purpose of bringing about the attainment of the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM_{10}). The SIP revision was submitted to EPA by ADEC on June 22, 1993 to satisfy certain Federal Clean Air Act requirements for an approvable moderate PM_{10} nonattainment area SIP for Mendenhall Valley, Alaska. EPA is also approving the contingency measures submitted by the state of Alaska for the Mendenhall Valley and Eagle River moderate PM_{10} nonattainment areas. This action to approve this plan has the effect of making requirements adopted by the ADEC federally enforceable by EPA.

EFFECTIVE DATE: April 25, 1994.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at: Environmental Protection Agency, Air Programs Branch, Docket # AK–4–1–6027, 1200 Sixth Avenue, AT–082, Seattle, Washington 98101; Alaska Department of Environmental Conservation, 410 Willoughby, suite 105, Juneau, Alaska 99801–1795.

Documents which are incorporated by reference are available for public inspection at Environmental Protection Agency, Air and Radiation, Docket and Information Center, 6102, 401 M Street, SW., Washington, DC 20460, as well as the above addresses.

FOR FURTHER INFORMATION CONTACT: Christi Lee, Air and Radiation Branch (AT–082), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553–1814.

SUPPLEMENTARY INFORMATION:

I. Background

The Mendenhall Valley, Alaska area was designated nonattainment for PM_{10} and classified as moderate under sections 107(d)(4)(B) and 188(a) of the Clean Air Act, upon enactment of the Clean Air Act Amendments of 1990.[1] See 56 FR 56694 (November 6, 1991). The air quality planning requirements for moderate PM_{10} nonattainment areas are set out in subparts 1 and 4 of part D, title I of the Act.[2] EPA has issued a "General Preamble" describing EPA's preliminary views on how EPA intends to review SIP's and SIP revisions submitted under title I of the Act, including those state submittals containing moderate PM_{10} nonattainment area SIP requirements. See generally 57 FR 13498 (April 16, 1992); see also 57 FR 18070 (April 28, 1992).

On December 22, 1993 EPA announced its proposed approval of the moderate nonattainment area PM_{10} SIP for Mendenhall Valley, Alaska and the contingency measures submitted for Mendenhall Valley and Eagle River Alaska (58 FR 13572–13575). In that rulemaking action, EPA described its interpretations of title 1 and its rationale for proposing to approve the PM_{10} SIP revisions, taking into consideration the specific factual issues presented.

Those states containing initial moderate PM_{10} nonattainment areas (those areas designated nonattainment under section 107(d)(4)(B)) were required to submit, among other things, the following provisions by November 15, 1991:

1. Provisions to assure that reasonably available control measures (RACM) (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology (RACT)) shall be implemented no later than December 10, 1993;

2. Either a demonstration (including air quality modeling) that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 1994, or a demonstration that attainment by that date is impracticable;

3. Quantitative milestones which are to be achieved every three years and which demonstrate reasonable further progress (RFP) toward attainment by December 31, 1994; and

4. Provisions to assure that the control requirements applicable to major stationary sources of PM_{10} also apply to major stationary sources of PM_{10} precursors except where the Administrator determines that such sources do not contribute significantly to PM_{10} levels which exceed the NAAQS in the area. See sections 172(c), 188, and 189 of the Act.

Some provisions were due at a later date. States with initial moderate PM_{10} nonattainment areas were required to submit contingency measures by November 15, 1993 which became effective without further action by the state or EPA, upon a determination by EPA that the area has failed to achieve RFP or to attain the PM_{10} NAAQS by the applicable statutory deadline (see section 172(c)(9) and 57 FR 13543–13544).

II. Response To Comments

EPA received no comments on its December 22, 1993 (58 FR 67754–67759) **Federal Register** proposal to approve the Mendenhall Valley moderate nonattainment area PM_{10} SIP and contingency measures for Mendenhall Valley and Eagle River as revisions.

III. This Action

Section 110(k) of the Act sets out provisions governing EPA's review and processing of SIP submittals (see 57 FR 13565–13566). In this action, EPA is approving the plan submitted to EPA on June 22, 1993 which contains the Mendenhall Valley contingency measures, and the Eagle River contingency measures submitted to EPA on January 13, 1992. EPA has determined that the submittals meet all of the applicable requirements of the Act. Among other things, the Alaska Department of Environmental Conservation has demonstrated the Mendenhall Valley moderate PM_{10} nonattainment area will attain the PM_{10} NAAQS by December 31, 1994.

IV. Administrative Review

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 document 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 two years. The EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The 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.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state

[1] The 1990 Amendments to the Clean Air Act made significant changes to the Act. See Public Law No. 101–549, 104 Stat. 2399. References herein are to the Clean Air Act, as amended ("the Act"). The Clean Air Act is codified, as amended, in the U.S. Code at 42 U.S.C. 7401, *et seq.*

[2] Subpart 1 contains provisions applicable to nonattainment areas generally and subpart 4 contains provisions specifically applicable to PM_{10} nonattainment areas. At times, subpart 1 and subpart 4 overlap or conflict. EPA has attempted to clarify the relationship among these provisions in the "General Preamble" and, as appropriate, in this action and supporting information

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.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit May 23, 1994. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)) (See 42 U.S.C. 7607 (b)(2))

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: March 3, 1994.

Gerald A. Emison,

Acting Regional Administrator.

NOTE: Incorporation by reference of the Implementation Plan for the State of Alaska was approved by the Director of the Office of Federal Register on July 1, 1982.

Part 52, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart C—Alaska

2. Section 52.70 is amended by adding paragraph (c) (18) to read as follows:

§ 52.70 Identification of plan.

* * * * *

(c) * * *

(18) On June 22, 1993 the Governor of the State of Alaska submitted revised rules to satisfy certain Federal Clean Air Act requirements for an approvable moderate PM_{10} nonattainment area SIP for Mendenhall Valley, Alaska. Also included in this SIP were PM_{10} contingency measures for the Mendenhall Valley. On January 21, 1992 a supplement to the existing Eagle River PM_{10} control plan was submitted by ADEC to EPA and certified on March 8, 1993 by the Lieutenant Governor of Alaska.

(i) Incorporation by reference.

(A) June 22, 1993 letter from the Governor of the State of Alaska to EPA, Region 10, submitting the moderate PM_{10} nonattainment area SIP for Mendenhall Valley, Alaska.

(B) The Control Plan for Mendenhall Valley of Juneau, effective July 8, 1993.

(C) August 25, 1993 letter from ADEC showing, through enclosures, the permanent filing record for the supplement to the existing Eagle River PM_{10} control plan. The Lieutenant Governor certified the supplement on March 8, 1993.

(D) The January 21, 1992 supplement to the existing Eagle River PM_{10} control plan, effective April 7, 1993. Also included is an August 27, 1991 Municipality of Anchorage memorandum listing the 1991 capital improvement project priorities and an October 11, 1991 Muncipality of Anchorage memorandum summarizing the supplement to the existing PM_{10} control plan .

[FR Doc. 94–6975 Filed 3–23–94; 8:45 am]

BILLING CODE 6560–50–F

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40 CFR Part 52

[OR–28–1–5828; FRL–4850–4]

Approval and Promulgation of Emission Statement Implementation Plan for Oregon

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is announcing full approval of Oregon's state implementation plan (SIP) submitted for the purpose of implementing an emission statement program for stationary sources within the Portland ozone nonattainment area. The implementation plan was submitted by the state to satisfy the Federal requirements for an emission statement program as part of the SIP for Oregon.

DATES: This final rule will be effective on May 23, 1994 unless notice is received by April 25, 1994 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to:Montel Livingston, SIP Manager, Air and Radiation Branch(AT–082), Environmental Protection Agency, 1200 6th Avenue, Seattle, Washington 98101.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation, Docket and Information Center, Environmental Protection Agency, 401 "M" Street, SW., Washington, DC 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: Environmental Protection Agency, Region 10, Air and Radiation Branch, (Docket # OR 28–1–5828) 1200 Sixth Avenue (AT–082), Seattle, Washington 98101, and the Oregon Department of Environmental Quality, 811 SW., Sixth Avenue, Portland, Oregon 97204–1390.

FOR FURTHER INFORMATION CONTACT: Christi Lee, Air and Radiation Branch (AT–082), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553–1814.

SUPPLEMENTARY INFORMATION:

I. Background

The air quality planning and state implementation plan (SIP) requirements for ozone nonattainment and transport areas are set out in subparts I and II of part D of title I of the Clean Air Act, as amended by the Clean Air Act Amendments of 1990 (CAA or "the Act").

EPA has also issued a draft guidance document describing the requirements for the emission statement programs discussed in this document, entitled "Guidance on the Implementation of an Emission Statement Program" (July, 1992). The Agency is also conducting a rulemaking process to modify 40 CFR part 40 to reflect the requirements of the emission statement program.

Section 182 of the Act sets out a graduated control program for ozone nonattainment areas. Section 182(a) sets out requirements applicable in Marginal nonattainment areas, which are also made applicable in subsections (b), (c), (d), and (e) to all other ozone nonattainment areas. Among the requirements in section 182(a) is a program in paragraph (3) of that subsection for stationary sources to prepare and submit to the state each year emission statements showing actual emissions of volatile organic compounds (VOC) and nitrogen oxides (NO_x). This paragraph provides that the states are to submit a revision to their state implementation plans (SIPs) by November 15, 1992 establishing this emission statement program.

The CAA requires facilities to submit the first emission statement to the state within three years after November 15,

1990, and annually thereafter. The minimum emission statement data should include: certification of data accuracy; source identification information; operating schedule; emissions information (to include annual and typical ozone season day emissions); control equipment information; and process data. EPA developed emission statement data elements to be consistent with other source and state reporting requirements. This consistency is essential to assist states with quality assurance for emission estimates and to facilitate consolidation of all EPA reporting requirements.

II. Analysis of State Submission

There are several key general and specific components of an acceptable emission statement program. Specifically, the state must submit a revision to its SIP and the emission statement program must meet the minimum requirements of the CAA. In general, the program must include, at a minimum, provisions for applicability, definitions, compliance, and specific source requirements detailed below.

A. SIP Revision Submission

The Act requires states to observe certain procedural requirements in developing the implementation plans and plan revisions for submission to EPA. Sections 110(a)(2) and 110(l) of the Act provides that each implementation plan and plan revision submitted by a state must be adopted after reasonable notice and public hearing.

EPA also must determine whether a submittal is complete and therefore warrants further EPA review and action (see section 110(k)(1) and 57 FR 13565). EPA's completeness criteria for SIP submittals are set out at 40 CFR part 51, appendix V. EPA attempts to make completeness determinations within 60 days of receiving a submission. However, a submittal is deemed complete by operation of law if a completeness determination is not made by EPA six months after receipt of the submission.

After providing adequate public notice and holding a public hearing, the Oregon Department of Environmental Quality (ODEQ) submitted an emission statement SIP revision on November 16, 1992. A revised submittal was signed and submitted by the Governor's designee (Director of ODEQ) on November 15, 1993. Prior to the Director's signature, the state provided adequate public notice and public hearings (June 28 and August 17, 1993) on the emission statement SIP revision. EPA received an official SIP submitted by the Director of ODEQ on November 15, 1993. The November 15, 1993 submittal wholly superseded the November 16, 1992 SIP revision and therefore is the subject of this proposal.

The November 15, 1993 SIP revision was reviewed by EPA to determine completeness shortly after its submittal, in accordance with the completeness criteria set out at 40 CFR part 51, appendix V (1991), as amended by 57 FR 42216 (August 26, 1991). The submittal was found to be complete on December 20, 1993.

B. Program Elements

Oregon's emission statement program contains provisions covering applicability of the regulations, definitions of key terms used in the regulations, a compliance schedule for sources covered by the regulations, and the specific reporting requirements for sources. In accordance with the Act and with a portion of the suggested guidelines, Oregon conforms by dictating that the emission statement submitted by the source should contain, at a minimum, a certification that the information is accurate to the best knowledge of the individual certifying the statement, source identification information and emissions information. The ODEQ requires the submission of data from the sources no later than February 28 of each year or the due date for the annual permit report specified in the source's Air Contaminant Discharge Permit. In addition, sources subject to these rules shall keep records at the plant site containing all applicable operating data, process rate data, and control equipment efficiency information and other information used to calculate or estimate actual emissions, and shall be available for ODEQ's review, or submitted upon request. Such records shall be kept by the owner or operator for three calendar years after submittal of the emission statement.

C. Sources Covered

The states may waive, with EPA approval, the requirement for emission statements for classes or categories of sources with less than 25 tons per year of actual plant-wide NO_x or VOC emissions in nonattainment areas if the class or category is included in the base year and periodic inventories and emissions are calculated using emission factors established by EPA (such as those found in EPA publication AP–42) or other methods acceptable to EPA. States should get clearance from the appropriate EPA Regional Office to waive the emission statement requirement for these smaller sources. Oregon's rule applies to sources of VOC and NOx in ozone nonattainment areas, with a Plant Site Emission Limit (PSEL) 25 tons or greater per year for either pollutant, and to any source whose actual emissions are equal to or greater than 25 tons per year. EPA believes this is sufficient to meet the requirements of the CAA.

D. Enforceability

All measures and other elements in the SIP must be enforceable by the state and EPA. The EPA criteria addressing the enforceability of SIP's and SIP revisions were stated in a September 23, 1987 memorandum (with attachments) from J. Craig Potter, Assistant Administrator for Air and Radiation, et al. (see 57 FR 13541). SIP provisions must also contain a program that provides for enforcement of the control measures and other elements in the SIP (see section 110(a)(2)(C)).

The state of Oregon has a program in its SIP that will ensure that the requirements of section 182(a)(3)(B) and sections 184(b)(2) and 182(f) for emission statement measures contained in the SIP are adequately enforced. The ODEQ will supply sources with guidance and an example on how to submit emission reports, informing sources to attach this information with the annual permit report. The enforcement section of ODEQ will follow through with violators by sending out notices of compliance and fines accordingly. EPA expects that the state's existing air enforcement program will be adequate.

III. Final Action

Section 110(k) of the Act sets out provisions governing EPA's review of SIP submittals (see 57 FR 13565–66). EPA is approving Oregon's emission statement SIP revision submitted to EPA on November 15, 1993 because it meets all of the applicable requirements of the CAA.

IV. Administrative Review

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 section 110 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, I certify that 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).

Because EPA considers this action noncontroversial and routine, we are approving it without prior proposal. The action will become effective on May 23, 1994. However, if we receive notice by April 25, 1994 that someone wishes to submit adverse comments, then EPA will publish: (1) A document that withdraws the action; and (2) a document that begins a new rulemaking by proposing the action and establishing a comment period.

Nothing is 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.

This action has been classified as a Table 2 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 document 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 2 years. The EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the waiver until such time as it rules on EPA's request. This request continues under Executive Order 12866 which superseded Executive Order 12291 onSeptember 30, 1993.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 23, 1994. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not bechallenged later in proceedings to enforce its requirements. (See 42 U.S.C. 7607(b)(2))

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Ozone, Volatile organic compounds.

Note: Incorporation by reference of the Implementation Plan for the state of Oregon was approved by the Director of the Office of Federal Register on July 1, 1982.

Dated: March 4, 1994.

Gerald A. Emison,

Acting Regional Administrator.

Part 52, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart MM—Oregon

2. Section 52.1970 is amended by adding paragraph (c) (102) to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(102) On November 16, 1992 and on November 15, 1993 the Director of the Department of Environmental Quality submitted Emission Statement Rules as amendments to the State of Oregon Implementation Plan. The November 15, 1993 Emission Statement Rules revision to OAR chapter 340, Division 28, State of Oregon Implementation Plan, superseded the November 16, 1992 submittal.

(i) Incorporation by reference.

(A) November 16, 1992 letter from Oregon Department of Environmental Quality to EPA Region 10 submitting the emission statement SIP revision. This revision was submitted as an amendment to the State of Oregon Implementation Plan and adopted by the Environmental Quality Commission on November 10, 1992.

(B) Emission Statement Rules submitted as an amendment to the State of Oregon Implementation Plan, effective November 12, 1992.

(C) November 15, 1993 letter from Oregon Department of Environmental Quality to EPA Region 10 submitting a revision to the Emission Statement Rules. This revision was submitted as an amendment to the State of Oregon Implementation Plan and adopted by the Environmental Quality Commission on September 10 and October 29, 1993.

(D) Emission Statement Rules submitted as an amendment to the State of Oregon Implementation Plan, revising the air quality regulations in OAR, Chapter 340, Division 28, effective September 24, 1993.

(E) December 20, 1993, Completeness Determination letter to Oregon Department of Environmental Quality from EPA Region 10, advising that the November 15, 1993 Emission Statement Rules submittal is a technically and administratively complete SIP revision.

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[FR Doc. 94–6977 Filed 3–23–94; 8:45 am]

BILLING CODE 6560–50–F

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40 CFR Part 180

[OPP–300290A; FRL–4635–5]

RIN 2070–AB78

C.I. Pigment Violet #23 (Carbazole Violet), C.I. Pigment Blue #15, C.I. Pigment Green #7, and FD & C Red No. 40; Tolerance Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes an exemption from the requirement of a tolerance for residues of C.I. Pigment Violet #23 (Carbazole Violet; CAS Registry No. 6358-30-1), C.I. Pigment Blue #15 (CAS Registry No. 147-14-8), C.I. Pigment Green #7 (CAS Registry No. 1328-53-6), and FD & C Red No. 40 (CAS Reg. No. 25956-17-6) when used as inert ingredients (dyes, coloring agents) in pesticide formulations applied to growing crops only.

EFFECTIVE DATE: This regulation becomes effective on March 24, 1994.

ADDRESSES: Written objections and hearing requests, identified by the document control number [OPP-300290A], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of

Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

FOR FURTHER INFORMATION CONTACT: Tina Levine, Registration Support Branch, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 2800 Crystal Dr., 6th Fl., North Tower, Arlington, VA 22202, (703)-308-8393.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 30, 1993 (58 FR 34973), EPA issued a proposed rule that gave notice that Becker-Underwood, Inc., 801 Dayton Ave., Ames, IA 50010, had submitted pesticide petitions (PP) 2E4129, 2E4130, and 2E4131 requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(e), amend 40 CFR 180.1001(d) by establishing an exemption from the requirement of a tolerance for residues of C.I. Pigment Violet #23 (Carbazole Violet; Cas Registry No. 6358-30-1), C.I. Pigment Blue #15 (CAS Registry No. 147-14-8), and C.I. Pigment Green #7 (CAS Registry No. 1328-53-6) when used as inert ingredients (dyes, coloring agents) in pesticide formulations applied to growing crops only. The proposal also noted that Gustafson, Inc., P.O. Box 660065, Dallas, TX 75266-0065, had requested a tolerance exemption for FD & C Red No. 40 (CAS Reg. No. 25956-17-6).

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125, and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

One comment was received in response to the proposed rule. The commenter was concerned that there would be inadequate monitoring of impurities in the pigments and dyes. Specifically, the commenter cited the possibility of toxic contaminants contained in C.I. Pigment Violet #23, C.I. Pigment Green #7, and C.I. Pigment Blue #15 as a result of the manufacturing processes used. The commenter addressed the possible contamination of C.I. Pigment Violet #23 with polychlorinated dibenzo-*p*-dioxin and/or polychlorinated dibenzofuran (as a result of the basic reactant chloranil) and contamination of C.I. Pigment Green #7 and C.I. Pigment Blue #15 with polychlorinated biphenyls. The commenter requested that a mechanism be included in the regulation to ensure that pigments made from contaminated intermediates not be sanctioned.

As a result of this comment, the Agency has included previously specified limits (Significant New Use Rule (SNUR), published in the **Federal Register** of May 12, 1993 (58 FR 27980)) in the regulations for C.I. Pigment Violet #23, C.I. Pigment Blue #15, and C.I. Pigment Green #7 restricting the contamination of C.I. Pigment Violet #23 by polychlorinated dibenzo-*p*-dioxins and polychlorinated dibenzofurans, and restricting the contamination of C.I. Pigment Blue #15 and C.I. Pigment Green #7 by polychlorinated biphenyls (PCB)s. These limits were developed to bar use of contaminated intermediates in the production of these pigments. In addition, the exemptions for C.I. Pigment Violet #23, C.I. Pigment #15, and C.I. Pigment #7 have also been limited to seed treatment, as originally requested by Becker-Underwood, Inc.

The data submitted in the proposal and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance exemption will protect the public health. Therefore, the tolerance exemption is establised as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections and/or request a hearing with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a "significant regulatory action" as an action that is likely to result in a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State local, or tribal governments or communities (also referred to as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations or recipients thereof, or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive order.

Pursuant to the terms of the Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review. Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Recording and recordkeeping requirements.

Dated: March 15, 1994.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.1001(d) is amended by adding and alphabetically inserting the inert ingredients, to read as follows:

§ 180.1001 Exemptions from the requirements of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
* * *	*	* * *
C.I. Pigment Blue #15 (CAS Reg. No. 147-14-8; containing no more than 50 ppm polychlorinated biphenyls (PCBs)).	For seed treament use only	Dye, coloring agent
C.I. Pigment Green #7 (CAS Reg. No. 1328-53-6; containing no more than 50 ppm polychlorinated biphenyls (PCBs)).	For seed treatment use only	Dye, coloring agent
C.I. Pigment Violet #23 (CAS Registry No. 6358-30-1; containing no more than 20 ppb of polychlorinated dibenzo-*p*-dioxins and/or polychlorinated dibenzofurans).	For seed treatment use only	Dye, coloring agent
* * *	*	* * *
FD & C Red No. 40 (CAS Reg. No. 25956-17-6)	For seed treatment use only. Not to exceed 2% by weight of the pesticide formulation..	Dye, coloring agent.
* * *	*	* * *

* * * * *

[FR Doc. 94–6953 Filed 3–23–94; 8:45 am]

BILLING CODE 6560–50–F

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40 CFR Part 180

[PP 2E4094/R2044; FRL–4761–8]

RIN 2070–AB78

Pesticide Tolerance for Metsulfuron Methyl

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes a tolerance for the combined residues of the herbicide metsulfuron methyl and its metabolite in or on the raw agricultural commodity sugarcane. The regulation to establish a maximum permissible level for residues of the herbicide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: This regulation becomes effective on March 24, 1994.

ADDRESSES: Written objections and requests for a hearing, identified by the document control number, [PP 2E4094/R2044], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing request to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Emergency Response and Minor Use Section (7505W), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 6th Floor, Crystal Station #1, 2800 Jefferson Davis Hwy., Arlington, VA 22202, (703)-308-8783.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 8, 1993 (58 FR 64536), EPA issued a proposed rule that gave notice that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 2E4094 to EPA on behalf of the Agricultural Experiment Station of Hawaii requesting the Administrator under section 408(e) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 346a(e)) to propose establishing a tolerance for residues of metsulfuron methyl (methyl 2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino] carbonyl]amino]sulfonyl] benzoate) and its metabolite methyl 2-[[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]amino]sulfonyl]-4-hydroxybenzoate in or on the raw agricultural commodity sugarcane at 0.05 part per million (ppm).

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted relevant to the proposal and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections and/or request a hearing with the

Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a "significant regulatory action" as an action that is likely to result in a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also referred to as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of the Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 14, 1994.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.428, paragraph (a) table is amended by adding and alphabetically inserting the raw agricultural commodity sugarcane, to read as follows:

§ 180.428 Metsulfuron methyl; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * *	*
Sugarcane	0.05
* * * *	*

* * * * *

[FR Doc. 94-6954 Filed 3-23-94; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Parts 264 and 265

[FRL-4852-9]

Recordkeeping Instructions

AGENCY: Environmental Protection Agency.

ACTION: Technical amendment.

SUMMARY: EPA is amending recordkeeping instructions in order to match those unit of measurement codes and handling codes used by hazardous waste treatment, storage and disposal facilities to report to EPA on the Part A Permit Application Form with the codes used to maintain records on-site by these facilities. This technical amendment also adds additional handling codes to allow for the proper recording of those processes relating to Boilers and Industrial Furnaces and Miscellaneous Units (subpart X) facilities. This amendment will encourage the consistent recordkeeping and reporting of information by hazardous waste treatment, storage and disposal facilities.

EFFECTIVE DATE: March 24, 1994.

ADDRESSES: All comments concerning this technical amendment should be addressed to Jeffrey Gaines, Assistance Branch, Permits and State Program Division (5303W), Office of Solid Waste, U.S. EPA, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Liza Hearns, (202) 260-3393.

SUPPLEMENTARY INFORMATION: For several years, the disposal process codes listed in Appendix I of 40 CFR parts 264 and 265 have been different from those listed on the *Part A Permit Application* form. In consultation with State, Regional and Headquarters personnel, it was determined that changing the CFR to match the forms was the appropriate step to take. Therefore, the Office of Solid Waste has prepared this technical amendment to appendix I of 40 CFR parts 264 and 265 to modify those process codes (also referred to as handling codes) listed in the CFR so that they match those codes used on the *Part A Permit Application* form.

List of Subjects in 40 CFR Parts 264 and 265

Hazardous waste, Reporting and recordkeeping requirements.

Dated: March 15, 1994.

Elliott P. Laws,

Assistant Administrator, Office of Solid Waste and Emergency Response.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

1. The authority citation for part 264 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924 and 6925.

2. Appendix I is amended by revising Table 1 to paragraph (2) and Table 2 to paragraph (3) to read as follows:

Appendix I to Part 264—Recordkeeping Instructions

* * * * *

(2) * * *

TABLE 1

Unit of measure	Code [1]
Gallons	G
Gallons per Hour	E
Gallons per Day	U
Liters	L
Liters per Hour	H
Liters per Day	V
Short Tons per Hour	D
Metric Tons per Hour	W
Short Tons per Day	N
Metric Tons per Day	S
Pounds per Hour	J
Kilograms per Hour	R
Cubic Yards	Y
Cubic Meters	C
Acres	B
Acre-feet	A
Hectares	Q
Hectare-meter	F
Btu's per Hour	I

[1] Single digit symbols are used here for data processing purposes.

(3) * * *

TABLE 2.—HANDLING CODES FOR TREATMENT, STORAGE AND DISPOSAL METHODS

Enter the handling code(s) listed below that most closely represents the technique(s) used at the facility to treat, store or dispose of each quantity of hazardous waste received.

1. Storage

S01 Container (barrel, drum, etc.)
S02 Tank
S03 Waste Pile
S04 Surface Impoundment
S05 Drip Pad
S06 Containment Building (Storage)
S99 Other Storage (specify)

2. Treatment

(a) Thermal Treatment—

T06 Liquid injection incinerator
T07 Rotary kiln incinerator
T08 Fluidized bed incinerator
T09 Multiple hearth incinerator
T10 Infrared furnace incinerator
T11 Molten salt destructor
T12 Pyrolysis
T13 Wet air oxidation
T14 Calcination
T15 Microwave discharge
T18 Other (specify)

(b) Chemical Treatment—

T19 Absorption mound
T20 Absorption field
T21 Chemical fixation
T22 Chemical oxidation
T23 Chemical precipitation
T24 Chemical reduction
T25 Chlorination
T26 Chlorinolysis
T27 Cyanide destruction
T28 Degradation
T29 Detoxification
T30 Ion exchange
T31 Neutralization
T32 Ozonation
T33 Photolysis
T34 Other (specify)

(c) Physical Treatment—

(1) Separation of components:

T35 Centrifugation
T36 Clarification
T37 Coagulation
T38 Decanting
T39 Encapsulation
T40 Filtration
T41 Flocculation
T42 Flotation
T43 Foaming
T44 Sedimentation
T45 Thickening
T46 Ultrafiltration
T47 Other (specify)

(2) Removal of Specific Components:

T48 Absorption-molecular sieve
T49 Activated carbon
T50 Blending
T51 Catalysis
T52 Crystallization
T53 Dialysis
T54 Distillation
T55 Electrodialysis
T56 Electrolysis
T57 Evaporation
T58 High gradient magnetic separation
T59 Leaching
T60 Liquid ion exchange
T61 Liquid-liquid extraction
T62 Reverse osmosis
T63 Solvent recovery
T64 Stripping
T65 Sand filter
T66 Other (specify)

(d) Biological Treatment

T67 Activated sludge
T68 Aerobic lagoon
T69 Aerobic tank
T70 Anaerobic tank
T71 Composting
T72 Septic tank
T73 Spray irrigation
T74 Thickening filter
T75 Tricking filter
T76 Waste stabilization pond
T77 Other (specify)
T78 [Reserved]
T79 [Reserved]

(e) Boilers and Industrial Furnaces

T80 Boiler
T81 Cement Kiln
T82 Lime Kiln
T83 Aggregate Kiln
T84 Phosphate Kiln
T85 Coke Oven
T86 Blast Furnace
T87 Smelting, Melting, or Refining Furnace
T88 Titanium Dioxide Chloride Process Oxidation Reactor
T89 Methane Reforming Furnace
T90 Pulping Liquor Recovery Furnace
T91 Combustion Device Used in the Recovery of Sulfur Values from Spent Sulfuric Acid
T92 Halogen Acid Furnaces
T93 Other Industrial Furnaces Listed in 40 CFR 260.10 (specify)

(f) Other Treatment

T94 Containment Building (Treatment)

3. Disposal

D79 Underground Injection
D80 Landfill
D81 Land Treatment
D82 Ocean Disposal
D83 Surface Impoundment (to be closed as a landfill)
D99 Other Disposal (specify)

4. Miscellaneous (Subpart X)

X01 Open Burning/Open Detonation
X02 Mechanical Processing
X03 Thermal Unit
X04 Geologic Repository
X99 Other Subpart X (specify)

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

1. The authority citation for part 265 continues to read as follows:

Authority: 42 USC 6905, 6912(a), 6924 and 6925.

2. Appendix I is amended by revising Table 1 to paragraph (2) and revising Table 2 to paragraph (3) to read as follows:

Appendix I to Part 265—Recordkeeping Instructions

* * * * *

(2) * * *

TABLE 1

Unit of measure	Code [1]
Gallons	G
Gallons per Hour	E
Gallons per Day	U
Liters	L
Liters Per Hour	H
Liters Per Day	V
Short Tons Per Hour	D
Metric Tons Per Hour	W
Short Tons Per Day	N
Metric Tons Per Day	S
Pounds Per Hour	J
Kilograms Per Hour	R
Cubic Yards	Y
Cubic Meters	C
Acres	B
Acre-feet	A
Hectares	Q
Hectare-meter	F
Btu's per Hour	I

[1] Single digit symbols are used here for data processing purposes.

(3) * * *

TABLE 2.—HANDLING CODES FOR TREATMENT, STORAGE AND DISPOSAL METHODS

Enter the handling code(s) listed below that most closely represents the technique(s) used at the facility to treat, store or dispose of each quantity of hazardous waste received.

1. Storage

S01 Container (barrel, drum, etc.)
S02 Tank
S03 Waste Pile
S04 Surface Impoundment
S05 Drip Pad
S06 Containment Building (Storage)
S99 Other Storage (specify)

2. Treatment

(a) Thermal Treatment—

T06 Liquid injection incinerator
T07 Rotary kiln incinerator
T08 Fluidized bed incinerator
T09 Multiple hearth incinerator
T10 Infrared furnace incinerator
T11 Molten salt destructor
T12 Pyrolysis
T13 Wet Air oxidation
T14 Calcination
T15 Microwave discharge
T18 Other (specify)

(b) Chemical Treatment—

T19 Absorption mound
T20 Absorption field
T21 Chemical fixation
T22 Chemical oxidation
T23 Chemical precipitation
T24 Chemical reduction
T25 Chlorination
T26 Chlorinolysis
T27 Cyanide destruction
T28 Degradation
T29 Detoxification
T30 Ion exchange
T31 Neutralization
T32 Ozonation
T33 Photolysis
T34 Other (specify)

(c) Physical Treatment—

(1) Separation of components

T35 Centrifugation
T36 Clarification
T37 Coagulation
T38 Decanting
T39 Encapsulation
T40 Filtration
T41 Flocculation
T42 Flotation
T43 Foaming
T44 Sedimentation
T45 Thickening
T46 Ultrafiltration
T47 Other (specify)

(2) Removal of Specific Components

T48 Absorption-molecular sieve
T49 Activated carbon
T50 Blending
T51 Catalysis
T52 Crystallization
T53 Dialysis
T54 Distillation
T55 Electrodialysis
T56 Electrolysis
T57 Evaporation
T58 High gradient magnetic separation
T59 Leaching
T60 Liquid ion exchange
T61 Liquid-liquid extraction
T62 Reverse osmosis
T63 Solvent recovery
T64 Stripping
T65 Sand filter
T66 Other (specify)

(d) Biological Treatment

T67 Activated sludge
T68 Aerobic lagoon
T69 Aerobic tank
T70 Anaerobic tank
T71 Composting
T72 Septic tank
T73 Spray irrigation
T74 Thickening filter
T75 Tricking filter
T76 Waste stabilization pond
T77 Other (specify)
T78 [Reserved]
T79 [Reserved]

(e) Boilers and Industrial Furnaces

T80 Boiler
T81 Cement Kiln
T82 Lime Kiln
T83 Aggregate Kiln
T84 Phosphate Kiln
T85 Coke Oven
T86 Blast Furnace
T87 Smelting, Melting, or Refining Furnace
T88 Titanium Dioxide Chloride Process Oxidation Reactor
T89 Methane Reforming Furnace
T90 Pulping Liquor Recovery Furnace
T91 Combustion Device Used in the Recovery of Sulfur Values From Spent Sulfuric Acid
T92 Halogen Acid Furnaces
T93 Other Industrial Furnaces Listed in 40 CFR 260.10 (specify)

(f) Other Treatment

T94 Containment Building (Treatment)

3. Disposal

D79 Underground Injection
D80 Landfill
D81 Land Treatment
D82 Ocean Disposal
D83 Surface Impoundment (to be closed as a landfill)
D99 Other Disposal (specify)

4. Miscellaneous (Subpart X)

X01 Open Burning/Open Detonation
X02 Mechanical Processing
X03 Thermal Unit
X04 Geologic Repository
X99 Other Subpart X (specify)

[FR Doc. 94–6830 Filed 3–23–94; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7034

[CO–932–4210–06; COC–28586]

Partial Revocation of Secretarial Order Dated December 8, 1909, Which Established Powersite Reserve No. 82; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Secretarial order insofar as it affects 735.45 acres of National Forest System lands withdrawn for the Bureau of Land Management's Powersite Reserve No. 82. The Forest Service has requested this action to allow for disposal of the lands. These lands are no longer needed for waterpower purposes. The lands have been open to mining under the provisions of the Mining Claims Rights Restoration Act of 1955, and these provisions are no longer required. The lands have been and will remain open to mineral leasing.

EFFECTIVE DATE: April 25, 1994.

FOR FURTHER INFORMATION CONTACT:

Alexa Watson, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215–7076, 303–239–3796.

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

1. Secretarial Order dated December 8, 1909, which established Powersite Reserve No. 82, is hereby revoked insofar as it affects the following described lands:

Sixth Principal Meridian

Arapaho National Forest

T. 4 S., R. 73 W.,
Sec. 2, lots 1, 2, 3, 4, 5, 11, and 12;
Sec. 3, lots 6 to 16, inclusive;
Sec. 4, lots 9, 10, 15, and 16.

The areas described aggregate 735.45 acres of National Forest System lands in Clear Creek County.

2. At 9:00 a.m. on April 25, 1994, the lands described in paragraph 1 will be open to such forms of disposition as may by law be made of National Forest System lands, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

The lands have been open to mining under the provisions of the Mining Claims Rights Restoration Act of 1955, 30 U.S.C. 621 (1988), and these provisions are no longer required.

Dated: March 14, 1994.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 94–6984 Filed 3–23–94; 8:45 am]
BILLING CODE 4310–JB–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 204 and 282

[Docket No. 930639–4074; I.D. 012194B]

RIN 0648–AE18

South Pacific Tuna Fisheries

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

ACTION: Final rule.

SUMMARY: NMFS adopts the interim final rule implementing revisions to the annexes to the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America (Treaty) as final with one change. As a result of public comments, NMFS hereby modifies the definition of Treaty.

EFFECTIVE DATE: March 24, 1994.

ADDRESSES: Requests for license applications, copies of the Treaty and Annexes, and further information should be addressed to Anneka W. Bane, Acting Director, Southwest Region, NMFS, 501 W. Ocean Blvd., suite 4200, Long Beach, CA 90802–4213.

FOR FURTHER INFORMATION CONTACT: Svein Fougner, (310) 980–4034.

SUPPLEMENTARY INFORMATION: The background and specifics of the Treaty have been published (54 FR 4033, January 27, 1989; 56 FR 19312, April 26, 1991; 58 FR 33565, June 18, 1993) and are not repeated here. The South Pacific Tuna Act, 16 U.S.C. Chapter 16C (Act), authorizes the Secretary of Commerce to issue regulations as may be necessary to carry out the purposes and objectives of the Treaty. The Treaty was signed in 1987 by the United States and member states of the South Pacific Forum Fisheries Agency (FFA). The 16 island nations participating under the Treaty and collectively referred to as the Pacific Island Parties are Australia, Cook Islands, Federated States of Micronesia, Fiji, Republic of Kiribati, Republic of the Marshall Islands, Republic of Nauru, New Zealand, Niue, Republic of Palau, Papua New Guinea, Solomon Islands, Kingdom of Tonga, Tuvalu, Vanuatu, and Western Samoa. The Treaty authorizes U.S. tuna vessels to fish within fishing zones of a large region of the South Pacific. NMFS is responsible for most of the day-to-day operational aspects of the United States obligations under the Treaty; the Department of State is responsible for the formal country-to-country contacts under the Treaty. On May 13, 1992, negotiations were concluded to amend and extend for 10 years: (1) The Annexes to the Treaty, and (2) schedule 2 to Annex II of the Treaty. On June 18, 1993, NMFS published an interim final rule that implemented the May 1992 amendments (58 FR 33565).

This rule adopts as final the interim final rule published on June 18, 1993, with one minor change regarding the definition of Treaty. This change was suggested based on public comment and is described below.

Comments and Responses

The only comment on the interim final rule was received from the Department of State. The commenter pointed out that the Annexes to the Treaty were not amended on May 13, 1992, as implied in the definition of Treaty as revised by NMFS's interim final rule; only the negotiations were concluded. He suggested deleting the reference to May 13, 1992, in the new definition of Treaty. NMFS agrees and has deleted the date from the definition. (Subsequently, the Annex revisions were ratified, effective June 15, 1993).

Classification

Because it involves a foreign affairs function of the United States, this action is not subject to section 553 of the Administrative Procedure Act. Thus, this rule may be made immediately effective.

List of Subjects in 50 CFR Part 282

Fisheries, Reporting and recordkeeping requirements, Treaties.

Dated: March 18, 1994.

Charles Karnella,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

Accordingly, the interim final rule amending 50 CFR parts 204 and 282 which was published at 58 FR 33565 on June 18, 1993, is adopted as a final rule with the following change:

PART 282—SOUTH PACIFIC TUNA FISHERIES

1. The authority citation for part 282 continues to read as follows:

Authority: 16 U.S.C. 973–973r; TIAS 11,100, 26 I.L.M. 1048 (1987).

2. In § 282.2, the definition for "Treaty" is revised to read as follows:

§ 282.2 Definitions.

* * * * *

Treaty means the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America, signed in Port Moresby, Papua New Guinea, April 2, 1987, and its Annexes, Schedules, and implementing agreements, as amended.

* * * * *

[FR Doc. 94–6933 Filed 3–23–94; 8:45 am]

BILLING CODE 3510–22–P

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50 CFR Part 672

[Docket No. 931199–4042; I.D. 032194A]

Groundfish of the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for species that comprise the shallow water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA), except directed fishing for pollock by vessels using pelagic trawl gear in those portions of the GOA that remain open to directed fishing for pollock. This action is necessary because the first seasonal allowance of Pacific halibut prohibited species catch (PSC) apportioned to the shallow water trawl fishery category in the GOA has been caught.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), March 21, 1994, until 12 noon, A.l.t., March 31, 1994.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, Fishery Biologist, Fisheries Management Division, NMFS, 907–586–7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by the Secretary of Commerce according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

An emergency interim rule (58 FR 6222, February 10, 1994) apportioned the Pacific halibut PSC limit for trawl gear into bycatch allowances and seasonal apportionments thereof among fishery categories. In accordance with § 672.20(f)(3)(iii) the shallow water species fishery, which is defined at § 672.20(f)(3)(ii)(A) was apportioned 500 mt of Pacific halibut PSC for the first season, the period January 20, 1994, through March 31, 1994.

The Director of the Alaska Region, NMFS, has determined, in accordance with § 672.20(f)(3)(iv), that vessels participating in the trawl shallow water species fishery in the GOA have caught the first seasonal allowance of Pacific halibut PSC apportioned to that fishery. Therefore, NMFS is prohibiting directed fishing for each species and species group that comprise the shallow water species fishery by vessels using trawl gear in the GOA, except directed fishing for pollock by vessels using pelagic trawl gear in those portions of the GOA that remain open to directed fishing for pollock. The species and species groups that comprise the shallow water species fishery are: Pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, and "other species". This closure is effective from 12 noon, A.l.t., March 21, 1994, through 12 noon, A.l.t., March 31, 1994.

Classification

This action is taken under 50 CFR 672.20.

List of Subjects in 50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

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

Dated: March 21, 1994.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management National Marine Fisheries Service.

[FR Doc. 94–6929 Filed 3–21–94; 1:33 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 59, No. 57
Thursday, March 24, 1994

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 113

[Docket No. 93–057–1]

Viruses, Serums, Toxins, and Analogous Products; Sampling of Biological Products

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations regarding the number of samples that a firm would need to submit to the Animal and Plant Health Inspection Service for testing at the National Veterinary Services Laboratories (NVSL), Ames, Iowa. The effect of the proposed amendment would be to specify the number of samples that NVSL would need for diagnostic test kits and for Master Seeds and Cells. The proposed amendment is necessary to provide criteria to licensees regarding diagnostic test kits and Master Seeds and Cells because no criteria are currently included in the regulations.

DATES: Consideration will be given only to comments received on or before May 23, 1994.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 93–057–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Richard E. Pacer, Senior Staff Veterinarian, Veterinary Biologics, BBEP, APHIS, USDA, room 838, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8245.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 113 contain Standard Requirements for evaluating veterinary biological products that are licensed by the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture, under the Virus-Serum-Toxin Act of 1913, as amended by the Food Security Act of 1985. Veterinary biological products are defined as all viruses, serums, toxins, and analogous products of natural or synthetic origin, such as diagnostics, antitoxins, vaccines, live microorganisms, killed microorganisms and antigenic or immunizing components of microorganisms intended for the use in the diagnosis, treatment, or prevention of diseases of animals. In order to be licensed, veterinary biological products must be demonstrated to be pure, safe, potent, and efficacious.

Purity and identity tests are performed by the licensee and the National Veterinary Services Laboratories (NVSL) on the Master Seed(s) and Master Cell Stock(s) used in the production of veterinary biological products. The licensee is also required to perform tests on the veterinary biological product following complete formulation for purity, safety, and potency as prescribed in a filed Outline of Production or Standard Requirements for the product in accordance with § 113.5. The manufacturer's test results may be checked by NVSL personnel on biological product samples that the manufacturer is required to submit to NVSL in accordance with § 113.3.

Section 113.3 currently provides licensees with criteria for selection and submission of veterinary biological products, such as vaccines, bacterins, antiserums, and toxoids to NVSL; however, it does not state the number of samples of diagnostic test kits and Master Seeds and Cells needed by NVSL for evaluation. The proposed amendments would specify that a minimum of 1 diagnostic test kit, 10 samples of Bacterial Master Seeds, 13 samples of Viral Master Seeds, and 36 milliliters of Master Cell Stocks would be needed for evaluation by NVSL.

Minor editorial changes would also be made in § 113.309 to reflect organizational changes within APHIS.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been determined to be not significant for purposes of Executive Order 12866 and therefore has not been reviewed by the Office of Management and Budget.

There are currently no criteria in the regulations which specify the number of samples needed by NVSL to evaluate diagnostic test kits and Master Seeds and Cells. However, almost all of the 114 currently licensed veterinary biologics companies submit samples of Master Seeds and Cells to NVSL for testing. In addition, at least 25 of these companies produce veterinary diagnostic test kits and submit samples of them to NVSL for testing. Many of these companies would be considered small entities. This proposed amendment would benefit these entities.

This proposed rule, if adopted, would reduce the licensees' time and expense in submitting samples to the NVSL by clearly stating the number of samples required to be submitted, by increasing the uniformity of sample submissions, and by allowing for more efficient handling of samples by licensees and APHIS personnel. In addition, this amendment could potentially increase revenues for manufacturers of veterinary diagnostic test kits by allowing them to return unrequested samples to inventory for sale.

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

Executive Order 12372

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

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are in conflict with this

rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR part 113

Animal biologics, Exports, Imports, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 113 would be amended as follows:

PART 113—STANDARD REQUIREMENTS

1. The authority citation for part 113 would continue to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 113.3, paragraphs (b)(7), (b)(8) and (b)(9) would be revised, paragraph (b)(10) would be removed, paragraph (c) would be revised, and new paragraphs (d) and (e) would be added to read as follows:

§ 113.3 Sampling of biological products.

* * * * *

(b) * * *

(7) *Diagnostic test kits:* Two samples of diagnostic test kits. The licensee or permittee will hold one of these selected samples at the storage temperature recommended on the label while awaiting a request by the Animal and Plant Health Inspection Service to submit the additional sample. If submissions are not requested by the Animal and Plant Health Inspection Service, the additional sample may be returned to the serial inventory after the serial is released.

(8) *Autogenous biologics:* Ten samples shall be selected from each serial of autogenous biologic that exceeds 50 containers. No samples, other than those required by paragraph (e) of this section, are required for a serial of autogenous biologic with 50 or fewer containers.

(9) *Miscellaneous:* The number of samples from products not in the categories provided for in paragraphs (b)(1) through (b)(8) of this section shall be prescribed in the filed Outline of Production for the product.

(c) *Prelicensing and Outline of Production changes:* Samples needed to support a license application or a change in the Outline of Production for a licensed product shall be submitted only upon request from the Animal and Plant Health Inspection Service. Except for miscellaneous products specified in paragraph (b)(9) of this section, the number of such samples shall be at least one and one-half times the number prescribed for such product in paragraph (b) of this section. Samples of Master Seeds and Master Cell Stocks with a minimum individual volume of 1 ml shall be submitted as follows:

(1) Ten samples of Bacterial Master Seeds.

(2) Thirteen samples of Viral Master Seeds or Nonviral Master Seeds requiring cell culture propagation. For Master Seeds isolated or passed in a cell line different from the species of intended use, an additional 2 samples are required for each additional species. For Master Seeds grown in cell culture and intended for use in more than one species, an additional 2 samples are required for each additional species.

(3) Thirty-six 1 ml samples or six 1 ml samples plus one 20 ml sample and one 10 ml sample of Master Cell Stocks. In the case of Master Cell Stocks which are persistently infected with a virus, an additional four 1 ml samples are required. If these persistently infected cell stocks are intended for use in more than one species, an additional two 1 ml samples are required for each additional species.

(4) Four samples of the Master Cell Stock + n (highest passage) cells.

(d) *Sterile diluent:* A sample of Sterile Diluent shall accompany each sample of product, other than Marek's Disease Vaccine, if such diluent is required to rehydrate or dilute the product before use. The volume of diluent shall be an appropriate amount to rehydrate or dilute the product. Samples of Sterile Diluent prepared for use with Marek's Disease Vaccine shall be submitted upon request from the Animal and Plant Health Inspection Service.

(e) Reserve samples shall be selected from each serial and subserial of biological product. Such samples shall be selected at random from final containers of completed product by an employee of the Department, of the licensee, or of the permittee, as designated by the Administrator.

Each sample shall: (1) Consist of 5 single-dose packages, 2 multiple-dose packages, or 2 diagnostic test kits, as the case may be;

(2) Be adequate in quantity for appropriate examination and testing;

(3) Be truly representative and in final containers;

(4) Be held in a special compartment set aside by the licensee or permittee for holding these samples under refrigeration at the storage temperature recommended on the labels for 6 months after the expiration date stated on the labels. The samples that are stored in this manner shall be delivered to the Animal and Plant Health Inspection Service upon request.

(Approved by the Office of Management and Budget under control number 0579–0013)

3. In § 113.309, paragraph (c)(4), the words "Veterinary Services" are removed and the words "Animal and Plant Health Inspection Service" are added in their place.

Done in Washington, DC, this 17th day of March 1994.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 94–6947 Filed 3–23–94; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter I

[Summary Notice No. PR–94–06]

Petition for Rulemaking; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received May 23, 1994.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket No. _____, 800 Independence Avenue SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Mr. Frederick M. Haynes, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–3939.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC on March 18, 1994.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Rulemaking

Docket No.: 25148.

Petitioner: Mr. James E. Landry.

Regulations Affected: 14 CFR 121.457, 135.251 and 121 appendix I.

Description of Rulechange Sought: To reduce immediately to 10% the random drug testing rate for aviation employees who perform critical safety and security functions.

Petitioner's Reason for the Request: The petitioner feels that drug abuse among aviation employees is far less than assumed by the FAA when it established the 50% testing rate, and therefore the present rate is neither required for safety nor cost effective.

Docket No.: 27605.

Petitioner: Sierra Club Legal Defense Fund, Inc.

Sections of the FAR Affected: 14 CFR 91.119(d) and 135.1(b)(2).

Description of Rulechange Sought: To add additional requirements for all tour aircraft helicopter operations in Hawaii.

Petitioner's Reason for the Request: The petitioner feels that the tour aircraft industry in the State of Hawaii is utterly out of control and is wreaking havoc with people's lives and the fragile environment of Hawaii.

[FR Doc. 94–6963 Filed 3–23–94; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 93–NM–234–AD]

Airworthiness Directives; Saab Model SF340A and SAAB 340B Series 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 Saab Model SF340A and SAAB 340B series airplanes. This proposal would require inspections to detect discrepancies of certain main landing gear (MLG) retract actuator bracket retaining bolts; replacement of discrepant parts; installation of washers, if necessary; and eventual replacement of certain MLG retract actuator bracket retaining bolts and certain nose landing gear (NLG) trunnion pin cross bolts. This proposal is prompted by reports of extension and retraction problems on the MLG, due to loose retract actuator brackets on the MLG shock struts. The actions specified by the proposed AD are intended to prevent a loose retract actuator bracket from interfering with the MLG shock strut trunnion support, which could result in the inability of the MLG to extend or retract.

DATES: Comments must be received by May 17, 1994.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 93–NM–234–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 Saab Aircraft AB, Product Support, S581.88, Linkö-ping, Sweden. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mark Quam, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2145; 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 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–234–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–234–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Luftfartsverket, which is the airworthiness authority for Sweden, recently notified the FAA that an unsafe condition may exist on certain Saab Model SF340A and SAAB 340B series airplanes. The Luftfartsverket advises that several operators have reported extension and retraction problems on the main landing gear (MLG) due to loose retract actuator brackets on the MLG shock struts. These difficulties were caused by the shearing at the head of one of the two bracket retaining bolts. Laboratory investigations have revealed that the fracture of the retaining bolt has been attributed to fatigue or hydrogen embrittlement (corrosion). There have also been some cases where the retaining bolt for the bonding strap had not been installed with a proper amount of washers. This can reduce pre-tension

of the bolt and allow the bracket to move and apply excessive load on the retaining bolts, and can lead to fatigue fracture of the retract actuator bracket retaining bolt. A loose retract actuator bracket, if not detected and corrected in a timely manner, could interfere with the MLG shock strut trunnion support, and subsequently result in the inability of the MLG to extend or retract.

Saab has issued Service Bulletin 340–32–094, dated October 29, 1993, that describes procedures for a one-time visual inspection to detect corrosion, cracking, or damage of certain MLG retract actuator bracket retaining bolts and to determine if the nut is bottoming the threads of certain other bolts; replacement of any corroded, cracked, or damaged bolt; and the installation of washers, if any nut is found bottoming the threads. The service bulletin also describes procedures for a one-time visual and magnaflux inspection during MLG overhaul to detect any scored, cracked, or out-of-tolerance condition of certain MLG retract actuator bracket retainer bolts; replacement of any discrepant bolt; and eventual replacement of certain MLG retract actuator bracket retaining bolts and certain nose landing gear (NLG) trunnion pin cross bolts. The Luftfartsverket classified this service bulletin as mandatory and issued Swedish Airworthiness Directive (SAD) No. 1–061, dated November 15, 1993, in order to assure the continued airworthiness of these airplanes in Sweden.

This airplane model is manufactured in Sweden 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 Luftfartsverket has kept the FAA informed of the situation described above. The FAA has examined the findings of the Luftfartsverket, 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 a one-time visual inspection to detect corrosion, cracking, or damage of certain MLG retract actuator bracket retaining bolts and to determine if the nut is bottoming the threads of certain other bolts; replacement of any discrepant bolt; and the installation of washers, if any nut is found bottoming the threads. The proposed AD would also require a one-time visual and magnaflux inspection during MLG overhaul to detect any scored, cracked, or out-of-tolerance condition of certain MLG retract actuator bracket retainer bolts; replacement of any discrepant bolt; and eventual replacement of certain MLG retract actuator bracket retaining bolts and certain NLG trunnion pin cross bolts. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 217 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts will be provided 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 $47,740, or $220 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:

Saab Aircraft AB: Docket 93–NM–234–AD.

Applicability: Saab Model SF340A series airplanes, serial numbers 004 through 159 inclusive; and SAAB 340B series airplanes, serial numbers 160 through 346 inclusive; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent the inability of the main landing gear (MLG) to extend or retract, accomplish the following: (a) Within 600 landings after the effective date of this AD, or within 120 days after the effective date of this AD, whichever occurs earlier, accomplish the requirements of paragraphs (a)(1) and (a)(2) in accordance with Paragraphs 2.A. and 2.B. of the Accomplishment Instructions of Saab Service Bulletin 340–32–094, dated October 29, 1993.

(1) Perform a visual inspection of each MLG retract actuator bracket retaining bolt, Item 792A or 792 (part number (P/N) AIR 124792), as applicable, to detect corrosion, cracking, or damage, in accordance with the service bulletin. If any corrosion, cracking, or damage is detected during that inspection, prior to further flight, replace the existing bolt with a new or serviceable bolt in accordance with the service bulletin.

(2) Perform a visual inspection of each MLG retract actuator bracket retaining bolt, Item 840 (P/N AIR 123940), to determine if the nut of the bolt is bottoming the threads in accordance with the service bulletin. If any nut bottoms the threads, prior to further flight, install washers in accordance with the service bulletin.

(b) At the next MLG overhaul, or within 12,000 landings after the effective date of this AD, whichever occurs earlier, accomplish the requirements of paragraphs (b)(1) and (b)(2) of this AD in accordance with Paragraphs C. through F. of the Accomplishment Instructions of Saab Service Bulletin 340–32–094, dated October 29, 1993.

(1) Perform a visual and magnaflux inspection of each MLG retract actuator bracket retainer bolt, Item 792A or 792 (P/N AIR 124792), as applicable, to detect any scored, cracked, or out-of-tolerance condition, in accordance with the service bulletin. If any bolt is found to be scored, cracked, or out-of-tolerance, prior to further

flight, replace the bolt with a serviceable magnafluxed bolt or with a new bolt, in accordance with the service bulletin.

(2) Replace each existing MLG retract actuator bracket retaining bolt, Item 840 (P/N AIR 123940), with a new bolt, P/N AIR 134736, in accordance with the service bulletin.

(c) At the next MLG overhaul, or within 12,000 landings after the effective date of this AD, whichever occurs earlier, remove the existing nose landing gear trunnion pin cross bolt, P/N NAS 1305–54D, and replace it with a new bolt, P/N NAS 1305–50D, in accordance with Paragraphs C. through F. of the Accomplishment Instructions of Saab Service Bulletin 340–32–094, dated October 29, 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, Standardization Branch, ANM–113, 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, 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 Manager, Standardization Branch, ANM–113.

(e) 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 18, 1994.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 94–6909 Filed 3–23–94; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Part 777

[Docket No. 930653–3153]

RIN 0694–AA70

Exports of Certain California Crude Oil

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Proposed rule with a request for comments.

SUMMARY: The Bureau of Export Administration (BXA) is proposing to amend the short supply provisions of the Export Administration Regulations (EAR) by revising the restrictions on exports to initially allow the export of up to 25,000 barrels per day of California heavy crude oil having a gravity of 20 degrees API or lower. The changes proposed by this rule are based on the President's October 22, 1992, memorandum to the Secretary of Commerce to modify existing restrictions on the export of certain California heavy crude oil. This notice delineates the actions the Department is taking to implement the President's decision. It also proposes specific regulatory changes implementing those actions and solicits public comments.

DATES: Comments must be received by April 25, 1994.

ADDRESSES: Written comments (six copies) should be sent to Bernard Kritzer, Senior Industry Analyst, Office of Foreign Availability, room 1087, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Bernard Kritzer, Office of Foreign Availability (OFA), Bureau of Export Administration, Telephone: (202) 482–0074.

SUPPLEMENTARY INFORMATION:

Background

Section 777.6(d)(1) of the Export Administration Regulations (EAR) restricts exports of crude petroleum, including reconstituted crude petroleum, tar sands and crude shale oil. This rule proposes to amend § 777.6(d)(1) to permit exports of certain California crude oil pursuant to a Presidential Memorandum of October 22, 1992,[1] in which the President determined that exports of California heavy crude oil having a gravity of 20 degrees API or lower were in the national interest. Before the President authorized this export of crude oil, he made findings and determinations under three statutes: Section 103 of the Energy Policy and Conservation Act (42 U.S.C. 6212(b)); section 28(u) of the Mineral Leasing Act, as amended by the Trans-Alaska Pipeline Authorization Act of 1973 (30 U.S.C. 185(u)); and provisions of the Export Administration Act, as amended, and to the extent consistent with law, continued in effect through the President's invocation of the International Emergency Economic Powers Act. The Export Administration Act was continued on March 27, 1993, by Public Law 103–10. The President made findings that exports of California heavy crude oil having a gravity of 20 degrees API or lower: (1) Were in accord with the provisions of the Export Administration Act of 1979, as amended;

(2) Were consistent with the purposes of the Energy Policy and Conservation Act; and

(3) Would not diminish the total quality or quantity of petroleum available to the United States.

Based upon the above findings, the President authorized the Secretary of Commerce to modify the existing restrictions on the export of crude oil produced in the lower 48 states to initially allow the export of an average quantity of 25,000 barrels per day (MB/D) of California heavy crude oil having a gravity of 20 degrees API or lower.

The President also directed the Secretary of Energy, in consultation with the Secretaries of Commerce, the Interior, Transportation, and other interested agencies, to conduct periodic reviews of such exports in light of then-existing market circumstances. Based upon the results of these market reviews, the President authorized the Secretary of Energy to recommend to the Secretary of Commerce that adjustments be made in the quantity of California heavy crude oil that may be authorized for export (i.e., adjustments to the initial average authorized level of 25 MB/D).

Department of Commerce Actions

The Department proposes to take the following actions to implement the President's decision: (1) Propose rules to implement the President's decision;

(2) Solicit public comments on the rules; and

(3) Publish a final rule implementing the President's findings and taking into account public comments on this proposed rule and other relevant evidence.

The Department of Commerce's Proposals

This notice proposes to amend § 777.6 of the Export Administration Regulations (EAR) to allow the licensing of exports of up to 25 MB/D per day of California heavy crude oil having a gravity of 20 degrees API or lower.

To implement this program, the Department proposes to: (1) Grant licenses for these exports on a first-come-first-served basis; (2) authorize the export of up to 25 percent (2.28 million barrels) of the annual authorized volume (9.125 million barrels) of such California crude oil per license; (3) approve only one application per company, including its affiliates, as long as there are other outstanding non-affiliate company applications in that month; (4) allow the licensee up to 90 days from the issuance of the license to export the oil; (5) require the licensee to

[1] The President's memorandum of October 22, 1992, "Exports of Domestically Produced Heavy Crude Oil" (3 CFR, 1992 Comp., p. 382).

certify to the Department in writing that the export(s) occurred during the 90-day license term; (6) carry forward any portion of the 25 MB/D quota that the Department has not licensed, except that the Department will not carry forward unlicensed portions more than 30 days into a new calendar year; (7) return to the available quota volume all licensed volumes not shipped during the 90-day term of an export license, except that the Department will not carry forward unshipped portions more than 30 days into the new calendar year; and (8) allow a 10 percent shipping tolerance on the licensed, but not shipped volume of barrels and a 25 percent shipping tolerance on the total dollar value of the license, respectively.

The Department proposes to require that a prospective exporter: (1) Submit an application on BXA Form 622–P; (2) state the total number of barrels for export during the 90-day license term not a per day rate; (3) include supporting documents proving that the applicant has: (i) Title to the quantity of barrels stated in the application, or an accepted order for the purchase of the quantity of barrels stated in the application, (ii) a verifiable contract of sale to export the crude oil contingent on the applicant obtaining an export license, (iii) documentation proving that the crude oil to be exported has a gravity of 20 degrees API or lower, (iv) documentation proving that the crude oil was derived from production within the state of California, including its state submerged lands, (v) documentation certifying that the crude oil was not produced or derived from a U.S. Naval Petroleum Reserve, and (vi) documentation certifying that the crude oil was not produced from the submerged lands of the U.S. Outer Continental Shelf; and (4) export the licensed volumes within 90 days of the issuance of the license and to report the export to the Department of Commerce. In addition, the Department will allow the applicant to combine licensed quantities into one or more shipments, provided that the validity period of none of the affected licenses has expired. As set forth in the EAR, the applicant cannot transfer a license to another person.

An applicant can file for a license at any time during the calendar year. The Department, however, will process only one license per applicant per month as long as there are other non-affiliated applications pending during that month. The Department will issue validated licenses expeditiously as long as there are sufficient quantities of the authorized heavy crude oil volumes available. If there is no available volume of heavy crude oil, the Department will return the application without action. If the volume of heavy crude oil available for export is less than the applicant requested, the Department will contact the applicant and determine if the applicant wants the available volume. If not, the Department will return the application without action. If the applicant wants the available volume, the Department will request that the applicant amend its application to reflect the lesser volume.

The Department will apply the procedures eventually adopted in response to this proposed rulemaking with additional notice and comment to any future increase in the export volume that the Secretary of Energy may from time to time recommend to the Department of Commerce.

Nature of the Export Market

In developing an approach to implementing the President's decision, the Department is taking into account the nature of the heavy crude oil export market. The Department's 1989 "Report to the Congress on U.S. Crude Oil Exports," (pp. IV–4–IV–11) concluded that opportunities to export California heavy crude generally consist of spot market rather than year-round export activity. The report found that opportunities to export California heavy crude oil occur intermittently and randomly throughout the year when the price of these oils are low and the price of Pacific Rim substitutes are high. The Department's recent experience monitoring licensed export volumes strongly supports this position. The Department recognized the need, therefore, to develop licensing procedures permitting firms to take advantage of brief windows of opportunity and to conduct spot market export transactions.

The 1989 Commerce Report also identified numerous potential participants in such a market with a wide range of economic strengths and capabilities. The study found that allowing limited exports of California heavy crude oil would enable some firms (e.g., the independent producers) to expand their crude oil marketing opportunities, to maintain their existing oil production, and to earn additional revenue to reinvest in exploring for new domestic oil reserves.

The Department also recognized that having only one applicant could reduce the effectiveness of the export program. For example, an exporter could, in a licensing program without time limits, apply for and obtain an export license for the entire 25 MB/D per day for a one year period. If, however, the firm did not export the oil because of some problem with the transaction, the license would never be used. This would limit the number of potential exporters, deny commercial opportunities to other participants, and frustrate the intent of the President's export initiative. This concern argued for limiting the term of an export license to insure that the licensee used the license and exported the oil, or that the volume of oil quickly became available to other interested applicants.

There was also a need to assure that licenses issued to exporters would be in commercially viable volumes since the total volume initially authorized for export is low—9.125 million barrels annually. It would be difficult to achieve economically viable shipments if the Department were to issue numerous licenses for small volumes (e.g., 100,000 barrels).

Departmental Considerations

Given the noted market dynamics and commercial consideration, the Department considers it necessary to develop a licensing regime that: (1) Is equitable; (2) minimizes government involvement in commercial transactions; (3) makes licenses available to a wide number of participants; (4) reviews license applications expeditiously to allow firms to take advantage of time-sensitive spot market trading opportunities; (5) prevents a firm from obtaining a license and not exporting the oil; (6) allows for economically viable export cargoes; and (7) does not impose unnecessary administrative burdens on exporters.

Although the Department proposes to implement the option of first-come-first-served, the Department will consider and may adopt any of the options in this rulemaking, or an alternative proposal that addresses the above considerations. In fact, the Department did consider several different options; they are discussed below. The Department is soliciting comments from interested parties on the most effective approach for the Department to implement the President's decision.

Option #1—First-Come-First-Served

Under this option, the Department would grant licenses for the export of California heavy crude oil on a first-come-first-served basis. This option involves the minimum government management of an export licensing regime and intervention in the market. There are numerous variations to this option which involve the number of times per year that the Department would review and authorize export licenses. The Department could grant

the licenses annually, quarterly or monthly on a first-come-first-served basis. There are also numerous variations on the volume of oil the Department could authorize per license. Under one variation the Department could license the entire export volume (9.125 million barrels) to the first firm that filed an export license application.

Although licensing the entire volume at one time would achieve the Department's objective of minimizing the government's role in export transactions, it may result in limiting this export opportunity to the first firm that filed a license application. The Department, however, wants to ensure that the potential benefits of the program are diffused among many firms and utilized. This option, therefore, calls for limiting the quantity per license (i.e., 25 percent of the total authorized volume) and for each license to have a 90 day limit. In addition, a company and its affiliates can receive only one license per month as long as there are other outstanding applications.

The Department considers this option to be the best means available to provide a number of opportunities (at least four) for a number of firms to participate in heavy crude oil exports with a minimum of government interference in the export transaction. The Department also considers that the 90 day license term would assure the utilization of the license or the rapid return of the volume of oil to the quota so others may use it.

On the negative side, a single company could request and receive for four months in a row a license covering 25 percent of the authorized volume of oil just by being the earliest applicant to file with the Department. In addition, this option would require the Department to keep running accounts on the amount available for licensing at any one time. The Department, however, should be able to handle this because the authorized export volumes are small and the exports are likely to occur intermittently rather than year round.

Option #2—Prorationing

Prorationing procedures, such as the one the Department uses for the Alaskan North Slope/Canada (ANS/Canada) crude oil export regime, offer some advantages but also involve a greater measure of government involvement than does licensing on a first-come-first-served basis.

On the positive side, this option may ensure that more firms could participate in the export program than would be the case under licensing option #1. This option also would assure everyone who applies would get some portion of the authorized export volume.

On the negative side, this option would entail active government involvement in administering an export prorationing regime on a year round basis. In addition, a prorationing scheme could be difficult to administer and could result in economically not viable volumes. The volume of California heavy crude oil exports (25 MB/D) allowed under the President's October 22, 1992 decision amounts to one-half of the volume authorized for the ANS/Canada export regime (50 MB/D). Over the past four years the demand for ANS exports to Western Canada has not forced the Department to prorate exports among competing applications. This may not be the case in the California situation where the volume is much smaller and more firms have expressed an interest in participating in this program. Although several licensees with small volumes could possibly combine volumes to make one shipment, it would not help exporters that had contracts to deliver large volumes.

Option #3—Pre-Qualification With Export Nominations

This option would result in a greater degree of government management than would be the case under any of the other options described above because it would involve a two step review process of all export licensing transactions.

Under this procedure, potential exporters would provide enough information to allow the Department to pre-qualify a firm as an exporter and subsequently grant final export authorization to the firm upon the provision of satisfactory information regarding end-users and intermediate consignees, if any.

The first step would involve the Department pre-qualifying exporters based upon the following criteria: (1) The firm is a commercial entity that is interested in exporting California heavy crude oil; (2) the applicant can demonstrate that an end-user is interested in purchasing oil from them as evidenced by a letter/telex.

The nominations process—step 2—would operate as follows:

1. On a monthly basis, a pre-qualified exporter would nominate the quantity it would like to export during the month.

2. A pre-qualified exporter would have to submit his nomination no later than 10 calendar days before the first day of the month.

3. At the outset of each month, the Department would notify pre-qualified exporters of how much oil was available for export pursuant to the quota for the month. (It could provide notice by having firms telephone a special number and/or talk with a licensing officer.)

4. When nominating export volumes, the licensee would be required to provide the Department with documentation establishing: (a) Title to the oil or a contract to purchase the oil subject to approval of the export transaction; (b) a contract or contingent contract to export the oil subject to approval of the export transaction. The Department would also have to approve the intermediate and ultimate foreign consignees for the oil, and;

5. The licensee would have 30 days to complete the export. If the export did not occur during the 30 day license term, the Department would return the volume to the quota. If the licensee shipped part of the volume, the Department would return unshipped volumes to the quota.

Other key provisions include:

1. The Department would allow the export of up to a total of 2,281,000 barrels during any 30 day period.

2. The Department would limit individual company exports to 1,000,000 barrels of oil during any 30 day period.

3. The Department would process only one nomination per firm per 30 day period as long as there are outstanding nominations from non-affiliated firms.

The Department would implement the following provision in the event the volume of crude oil nominated for export exceeds the amount allowed during a 30 day period: 1. It would allocate to each applicant an equal share of the authorized volume. For example, if five licensees nominated a total over the authorized volume of exports, the Department would allocate each party 20 percent of the volume available for export (i.e., 456,000 barrels out the total of 2,281,000 barrels available), and

2. Licensees would be allowed to combine volumes to achieve economic-sized cargoes.

On the positive side, this option would be responsive to the spot-market nature of the market. The pre-qualifying process may ensure that many firms had the opportunity to participate in the export program.

On the negative side, the Department considers the two-step review process unnecessarily bureaucratic. This approach would require the Department to actively manage licenses and keep running accounts on the amounts available for licensing at any one time. In addition, exporters would have to contact the Department on an ongoing

basis to determine what volume was available for export during a given month. Exporters would have to constantly report on whether they conducted exports and whether they exceeded their authorized export level. The Department would also have to establish a procedure to screen and pre-qualify new entrants on a continuous basis to ensure that they would receive an opportunity to participate in the export program.

The Department invites written comments from interested parties that may assist it in implementing the President's decision. Specifically, we solicit information concerning the following:

(1) What are the pros and cons of each of the licensing options presented, and which, if any, do you prefer?

(2) Are there other licensing approaches that would better allow U.S. exporters to take advantage of this opportunity? If you have a specific licensing scheme in mind, please explain it, discuss the pros and cons of the selected option, and explain how the Department should implement your approach.

(2) Should the Department review export license applications monthly, or more or less frequently (e.g., quarterly, semiannually, annually, continuously)? Are exports of up to 2.28 million barrels per license sufficient to make licenses available to more than one company while retaining the commercial viability of the exports? If not, what is the optimal cargo size (barrels) for economically viable export shipments?

(3) Should an exporter have more or less than a 90-day license to export California crude oil in a spot market trading environment? What would be the optimal time to allow an exporter to pursue business activities while not denying opportunities to other exporters?

(4) Should the Department carry over export volumes not shipped in one calendar year to the next year? What is the optimal time that the Department should carry over volumes not shipped during one calendar year?

(5) Are there any specific heavy crudes, with particular assay properties, that the Department should exclude from licensing? Comments in this area should indicate the specific source and type of crude, its full assay, the unique nature of the assay, the availability of substitutes and the special user.

Comment Procedures

The Department is issuing this rule in proposed form and will consider public comments in the development of the final regulations. The Department encourages interested persons who wish to comment to do so at the earliest possible time to permit the fullest consideration of their views.

The following procedures will apply to any comments submitted pursuant to this procedure: (1) Interested parties are invited to submit written comments (6 copies), opinions, data, information, or advice with respect to this notice to the address above by the dates specified above;

(2) The Department will consider all comments received before the close of the comment period in developing final regulations. While comments received after the end of the comment period will be considered if possible, this cannot be assured;

(3) All public comments on these regulations will be a matter of public record and will be available for public inspection and copying. (Communications from agencies of the United States Government or foreign governments will not be made available for public inspection.);

(4) In the interest of accuracy and completeness, the Department requires comments in written form. Oral comments must be followed by written memoranda which will also be a matter of public record and will be available for public review and copying;

(5) The Department will not accept public comments accompanied by a request that a part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. The Department will return such comments and materials to the person submitting the comments and will not consider them in the development of final regulations; and

(6) The comments received in response to this notice will be maintained in the Bureau of Export Administration Freedom of Information Records Inspection Facility, room 4525, Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, DC 20230. Interested parties may inspect and copy records in this facility, including written public comments and memoranda summarizing the substance of oral communications, in accordance with regulations published in part 4 of title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Margaret Cornejo, Bureau of Export Administration Freedom of Information Officer, at the above address or by calling (202) 482-5653.

Rulemaking Requirements

1. This proposed rule contains collections of information subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) The public reporting burden for this collection of information is estimated to average 12 hours per response, including the time required for reviewing instructions, searching and maintaining the necessary data, and completing and reviewing the collection of information. Send comments regarding this burden to: Bernard Kritzer, Senior Industry Analyst, Office of Foreign Availability, room 1087, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue, NW., Washington, D.C., 20230; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Project No. 0694–AA70.

2. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553) or by any other law, under section 3(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

3. This proposed rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

4. This rule was not subject to review by the Office of Management and Budget under Executive Order 12866.

List of Subjects in 15 CFR Part 777

Administrative practice and procedure, Exports, Forest and forest products, Petroleum, Reporting and recordkeeping requirements.

Accordingly, part 777 of the Export Administration Regulations (15 CFR parts 730–799) is proposed to be amended as follows:

1. The authority citation for 15 CFR part 777 continues to read as follows:

Authority: Pub. 90–351, 82 Stat. 197 (18 U.S.C. 2510 *et seq.*), as amended; sec. 101, Pub. L. 93–153, 87 Stat. 576 (30 U.S.C. 185), as amended; sec. 103, Pub. L. 94–163, 89 Stat. 877 (42 U.S.C. 6212), as amended; secs. 201 and 201(11)(e), Pub. L. 94–258, 90 Stat. 309 (10 U.S.C. 7420 and 7430(e)), as amended; Pub. L. 95–223, 91 Stat 1626 (50 U.S.C. 1701 *et seq.*); Pub. L. 95–242, 92 Stat. 120 (22 U.S.C. 3201 *et seq.* and 42 U.S.C. 2139a); sec. 208, Pub. L. 95–372, 92 Stat. 668 (43 U.S.C. 1354); Pub. L. 96–72, 93 Stat. 503 (50 U.S.C. App. 2401 *et seq.*), as amended; E.O. 11912 of April 13, 1976 (41 FR 15825, April 15, 1976); E.O. 12002 of July 7, 1977 (42 FR 35623, July 7, 1977), as amended; E.O. 12058 of May 11, 1978 (43 FR 20947, May 16, 1978); E.O. 12214 of May 2, 1980 (45 FR 29783, May 6, 1980); E.O.12730 of September 30, 1990 (55 FR 40373, October 2, 1990), as

continued by Notice of September 25, 1992 (57 FR 44649, September 28, 1992); and E.O. 12735 of November 16, 1990 (55 FR 48587, November 20, 1990), as continued by Notice of November 14, 1991 (56 FR 58171, November 15, 1991).

PART 777—[AMENDED]

3. Section 777.6 is amended by adding a new paragraph (d)(1)(xii) and a new paragraph (k) to read as follows:

§ 777.6 Petroleum and petroleum products.

* * * * *

(d) * * *

(1) * * *

(xii) *Exports of certain California crude oil.* California heavy crude oil can be exported under the following conditions: (A) The commodity has a gravity of 20 degrees API or lower;

(B) The commodity is produced in the state of California, including its submerged state lands;

(C) The applicant certifies by affidavit that: (*1*) The commodity is not produced or derived from a U.S. Naval Petroleum Reserve;

(*2*) The commodity is not produced from the submerged lands of the U.S. Outer Continental Shelf; and

(*3*) All aspects of the transaction comply with the provisions of paragraph (k) of this section.

* * * * *

(k) *Exports of California heavy crude oil pursuant to § 777.6(d)(1)(xii).* The export of California heavy crude oil will be allowed for an average of no more than 25,000 barrels per day (MB/D) (or such greater or lesser volume as the Secretary of Commerce authorizes based on the determination and recommendation of the Secretary of Energy) California heavy crude oil having a gravity of 20 degrees API or lower as follows:

(1) Applicants must submit applications on Form BXA–622P to the following address: Office of Export Licensing, ATTN: Short Supply, Petroleum, Bureau of Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, DC 20044.

(2) The quantity stated on each application must be the total number of barrels—not a per day rate. This quantity must not exceed 2.28 million barrels or 25 percent of the annual authorized export quota.

(3) Each application shall be accompanied by documents that show: (i) The applicant has or will acquire a title to the quantity of barrels stated in the application by providing either an accepted contract or bill of sale for the quantity of barrels stated in the application; or a contract to purchase the quantity of barrels stated in the application, which may be contingent upon issuance of an export license to the applicant;

(ii) Contract(s) to export the quantity of barrels stated in the application, which may be contingent upon issuance of the export license to the applicant.

(iii) The crude oil: (A) Has a gravity of 20 degrees API or lower;

(B) Was produced within the state of California, including its submerged state lands;

(C) Was not produced or derived from a U.S. Naval Petroleum Reserve; and

(D) Was not produced from submerged lands of the U.S. Outer Continental Shelf.

(4) OEL will adhere to the following procedures for licensing exports of California crude oil:

(i) OEL will issue validated licenses for approved applications in the order in which OEL received the application (date-time stamped), with the total quantity authorized not to exceed 25 percent (2.28 million barrels) of the annual (9.125 million barrels) authorized volume per license. If any unused quota exists, OEL will continue to issue licenses for the unused portion of the quota.

(ii) OEL will approve only one application per month for each company and its affiliates, as long as there are other non-affiliated applications pending during that month.

(iii) OEL will carry forward any portion of the 25 MB/D quota that OEL has not licensed, except that OEL will not carry over any unallocated portions more than 30 days into a new calendar year.

(iv) OEL will return to the available authorized export quota any portion of the 25 MB/D quota that OEL had licensed but a licensee had not shipped within the 90 day authorized license term, except that OEL will not carry over unshipped volumes more than 30 days into a new calendar year.

(5) License holders:

(i) Have 90 calendar days from the date OEL issued the license to export the quantity authorized on the license. The exporter is required to provide OEL with a certified statement confirming the date and quantity of exports.

(ii) May combine authorized quantities into one or more shipments, provided that the validity period of none of the affected licenses has expired.

(iii) Are prohibited from transferring the license to another party. See, 15 CFR part 787.

(6) OEL will allow, pursuant to § 786.7(c) of this subchapter, a 10 percent shipping tolerance on the unshipped balance based upon the volume of barrels it has authorized. In addition to the 10 percent tolerance on the unshipped volume of barrels, OEL will allow a 25 percent shipping tolerance on the total dollar value of the license.

(7) OEL:

(i) Will not carry over to the next calendar year pending applications from the previous year.

(ii) Will apply the procedures described in this section without notifying the public concerning any increase in export volume authorized by the Secretary of Energy from time to time.

Dated: March 17, 1994.

Sue E. Eckert,

Assistant Secretary for Export Administration.

[FR Doc. 94–6885 Filed 3–23–94; 8:45 am]

BILLING CODE 3510–DT–P

DEPARTMENT OF STATE

Bureau of Economic and Business Affairs

22 CFR Part 89

[Public Notice 1969]

Foreign Prohibitions on Longshore Work by U.S. Nationals

AGENCY: Department of State.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: In accordance with the Immigration and Nationality Act of 1952, as amended, the Department of State is compiling information to update the list, by particular activity, of countries that prohibit by law, regulation or in practice crewmembers aboard U.S. vessels from performing longshore work.

DATES: Interested parties are invited to submit comments in triplicate by April 25, 1994.

ADDRESSES: For mailing public comments: Office of Maritime and Land Transport (EB/TRA/MA), room 5828, Department of State, Washington, DC. 20520–5816.

FOR FURTHER INFORMATION CONTACT: Stephen M. Miller, Office of Maritime and Land Transport, Department of State, (202) 647–6961.

SUPPLEMENTARY INFORMATION: Section 258(d)(2) of the Immigration and Nationality Act of 1952, as added by the Immigration Act of 1990, Public Law 101–649, 8 U.S.C. § 1288 (hereinafter: the Act) directs the Secretary of State

(hereinafter: the Secretary) to compile and annually maintain a list, of longshore work by particular activity, of countries where performance of such activity by crewmembers aboard United States vessels is prohibited by law, regulation or in practice by the country. The Attorney General will use the list to determine whether to permit an alien crewmember to perform an activity constituting longshore work in the United States or its coastal waters, in accordance with the conditions set in the Act.

The Department issued a list in Final Rule (56 FR 66970) on December 17, 1991, with correction at 57 FR 1384 on January 14, 1992. On December 13, 1993, an updated list was issued at 58 FR 65118. The Department formulated the lists on the basis of reports from United States diplomatic posts aboard about relevant laws, regulations and practices of their host countries and submissions from interested parties in response to the notice-and-comment process.

To update the list, the Department proposes to ask U.S. diplomatic and consular posts abroad to contact host government officials and other appropriate sources for information on (a) any host government laws or regulations restricting or having the effect of restricting any type of longshore activities by crews of U.S. vessels, including general immigration laws and regulations, (b) host country practices restricting the crews of U.S. vessels from performing any type of longshore activity normally performed in the country in the past year, and (c) changes in host country laws, regulations or practices which have reduced or increased restrictions on longshore activities by crews of U.S. vessels. Through this notice, the Department is seeking comments from interested parties.

Taking into account the language of section 258 and its legislative history, the Department adopted in prior rulemakings an interpretation that confined its reach to situations in which crewmenbers of U.S. vessels were precluded from performing longshore work in a foreign port by virtue of specific laws, regulations or governmental imposition or approval of collective bargaining agreements.

As part of the proposed rulemaking, the Department is considering whether the above interpretation of section 258 should be maintained. Interested parties are therefore invited to submit comments on this question, including its policy implications, as well.

Copies of public comments submitted in response to this Notice and reports from the U.S. diplomatic posts abroad will be available for public inspection in Room 1239, Department of State, 2201 C St., NW., Washington, DC. For access, interested persons should call Olga Luck at (202) 647–8484.

Dated: March 18, 1994.

James R. Tarrant,

Deputy Assistant Secretary for Transportation Affairs, Bureau of Economic and Business Affairs, Department of State.

[FR Doc. 94–6879 Filed 3–23–94; 8:45 am]

BILLING CODE 4710–07–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD1–90–202]

Anchorage Ground; Boston Harbor, Boston, MA

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Coast Guard is withdrawing a proposed rule to amend existing anchorage ground regulations for Boston Harbor. This withdrawal is a result of a comprehensive review of the use of the local anchorages in Boston Harbor, recent rules issued, written opinions received, and oral comments expressed at a public meeting held on December 15, 1993.

DATES: This proposed rulemaking is withdrawn on March 24, 1994.

FOR FURTHER INFORMATION CONTACT: LCDR E.O. Coates at 617–223–3000, or by mail to Commanding Officer, USCG Marine Safety Office, 455 Commercial Street, Boston, MA 02109–1045. Office hours are 7:30 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: This notice withdraws the notice of proposed rulemaking to amend existing anchorage ground regulations in 33 CFR 110.134 for Boston Harbor, published in the **Federal Register** April 3, 1992 (57 FR 11455, CGD1–90–202). The original goals of the proposed rule were: (1) To assure maximum availability of the limited deepwater anchorage area within Boston Harbor for use by deepdraft vessels; (2) to enhance safety and to reduce environmental risks associated with the carriage and transfer of oil products aboard the ships and barges that anchor in Boston Harbor. Several developments since the publication of the proposed rule have occurred which make it unnecessary.

Recent dredging in the Weymouth Fore River has alleviated some of the congestion at the President Roads Anchorage. The barges which have filled Anchorage No. 1 for the dredging portion of Boston's Third Harbor Tunnel construction, will be out of Anchorage No. 1 by the summer of 1994 and will free up space for other barge traffic currently utilizing the President Roads Anchorage. In addition, the Army Corps of Engineers plans to expand the President Roads Anchorage which will provide greater access for vessels. The Coast Guard, Army Corps of Engineers, Boston Pilots, Massport, and local shipping agents and companies, held a meeting on December 15, 1993. They agreed that better communication between entities using the President Roads Anchorage should solve any potential overcrowding problem at the anchorage. The Boston Pilots Association has agreed to act as an information clearinghouse for users of the President Roads Anchorage.

Recent regulations mandated by the Federal Water Pollution Control Act, as amended by the Oil Pollution Act of 1990 (OPA 90) have forced operators to improve response capabilities and minimize the impact of oil spills. Vessel response plan (58 FR 7376), lightering (58 FR 48434), and on-board equipment requirements (58 FR 67996) have been published in the **Federal Register** since the publication of this proposed rule. They have helped to reduce environmental risks associated with the carriage and transfer of oil products aboard the ships and barges that anchor in Boston Harbor.

Finally, the main premise for anchorage regulations is that navigation safety is improved and commerce is facilitated. Excluding barges from this anchorage has the potential to restrict commerce (i.e., the tug and tow industry).

Nine written comments were received by this office. Six of the nine comments strongly opposed the proposed rule due to their view that it unduly restricted barges from anchoring in the President Roads Anchorage. Two comments received requested the Coast Guard become the clearinghouse for information on anchorage activities. One comment received requested the Coast Guard provide language in the rule to allow for lightering/bunkering operations in Board Sound due to the overcrowding at the President Roads Anchorage. Two comments received requested increased regulation of watchstanding standards aboard vessels at anchorage. Other comments received requested minor clarification of the rule, but were not substantive in nature. All verbal comments expressed at the meeting held on December 15, 1993,

reflect the text of this notice and the desire to withdraw the proposed rule.

The Captain of the Port carefully considered all written and verbal comments and concluded that safety concerns expressed in the notice of proposed rulemaking had been adequately addressed by the present and future operating conditions at the President Roads Anchorage and other Boston Harbor anchorages. In addition, the information clearinghouse sponsored by the Boston Pilots should minimize any overcrowding at the President Roads Anchorage.

For the reasons stated above, the notice of proposed rulemaking, CGD1–90–202, is withdrawn.

Dated: March 7, 1994.

G.W. Abrams,

Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.

[FR Doc. 94–6514 Filed 3–23–94; 8:45 am]

BILLING CODE 4910–14–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1234

RIN 3095–AA58

Electronic Mail Systems

AGENCY: National Archives and Records Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: The National Archives and Records Administration (NARA) is developing standards for management of Federal records created or received on electronic mail (E-mail) systems. These standards will be published as an appendix to regulations on electronic records in 36 CFR part 1234 and will supplement the NARA instructional guide, Managing Electronic Records. The standards would affect all Federal agencies.

DATES: Comments must be submitted by June 22, 1994.

ADDRESSES: Submit comments to Director, Records Appraisal and Disposition Division, National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740–6001. Comments may be faxed to (301) 713–6852 or (301) 713–6850. Comments also may be sent to the following Internet address: ooa@cu.nih.gov

FOR FURTHER INFORMATION CONTACT: James J. Hastings, Director, Records Appraisal and Disposition Division, (301) 713–7096.

SUPPLEMENTARY INFORMATION:

Background

NARA has been working with components of the Executive Office of the President to develop specific records management policies and procedures for their E-mail records, pursuant to court rulings in *Armstrong* v. *Executive Office of the President*, 1 F.3d 1274 (D.C. Cir. 1993). Because nearly all Federal agencies now use E-mail, NARA recognizes that there also is the need for Government-wide standards on managing E-mail records. Consequently, NARA has drafted the following standards for all Federal government agencies on the proper means of identifying, maintaining, and disposing of Federal records created or received on an E-mail system. These standards reflect the legal definition of records in the Federal Records Act (44 U.S.C. 3301) and supplement NARA records management guidance previously issued under the law (44 U.S.C. 2904 and 2905; 36 CFR Chapter XII Subchapter B).

When finalized, these general standards will be used by Federal agencies to develop specific recordkeeping policies, procedures, and requirements to fulfill their obligations under the statute and regulations. Agencies that already have specific E-mail recordkeeping policies, procedures, and requirements in place should review them to ensure that they are consistent with these general NARA standards. In addition, agencies are encouraged to submit their directives implementing these standards to NARA for review and comment.

NARA has already issued regulations on electronic recordkeeping (36 CFR part 1234), and an instructional guide, Managing Electronic Records. In addition, General Records Schedules 20, Electronic Records, and 23, "Records Common to Most Offices," provide disposition authority for some types of records created or received in electronic form. These proposed new E-mail standards will expand this general guidance on managing electronic records.

In developing these standards NARA has recognized that agency E-mail systems have different characteristics and agencies have differing recordkeeping requirements. Some agencies may find that currently it is only feasible to maintain E-mail records on paper. Other agencies may find that currently it is possible and desirable to maintain E-mail records electronically. While NARA recognizes the practical considerations that may preclude electronic maintenance of E-mail records at this time, agencies are encouraged to consider the benefits for future use of electronically maintaining those records that are likely to be permanently valuable. These benefits include the ease of searching and manipulating electronic records, the availability of electronic records to many users simultaneously, and efficient storage. Agencies that are not now technologically able to maintain E-mail records electronically should consider electronic maintenance when updating or designing systems. This is particularly important for E-mail records that are likely to be appraised as permanent by NARA, such as records of cabinet members or other high level officials. The recent decision of the Office of Administration of the Executive Office of the President to begin maintaining its E-mail records in an electronic recordkeeping system is an example of an agency updating a system that contains permanently valuable records. NARA encourages other agencies to consider the value of electronic maintenance of E-mail records, and it will assist agencies in evaluating the desirability of an electronic format.

Agencies must also determine how to manage under the Federal Records Act the transmission and receipt information in the E-mail system. The agency should decide how to maintain the transmission and receipt information either as part of the E-mail communication or as a separate record linked to the communication. Because printouts may not contain necessary transmission and receipt information, the Court of Appeals in *Armstrong* held that to comply with the Federal Records Act, certain transmission and receipt information must be preserved along with all E-mail messages that are Federal records.

NARA will work closely with the agencies in the implementation of the final standards and will review, upon request, agency directives concerning E-mail records. In addition, NARA records management evaluations of agencies will include review and analysis of the management of E-mail records.

Comments

In soliciting comments from Federal agencies and the public, NARA particularly requests that agencies address the practical effects of compliance with these standards. Specifically, NARA is interested in how agencies manage documents with transmission and receipt information and handle the other types of documents, such as calendars, that are frequently part of electronic communications systems. In addition,

NARA would like to learn from agencies if they intend to maintain E-mail records electronically now or in the future, and how they would monitor the E-mail system for compliance with recordkeeping obligations. Agencies are also encouraged to comment on any other aspect of this guidance, or to request further information or clarification. NARA encourages those submitting comments to include examples of solutions to electronic recordkeeping problems that may be of assistance to other agencies in developing recordkeeping requirements and programs for these systems.

List of Subjects in 36 CFR Part 1234

Archives and records; Computer technology.

For the reasons set forth in the preamble, NARA proposes to amend part 1234 of chapter XII of the Code of Federal Regulations as follows:

PART 1234—ELECTRONIC RECORDS MANAGEMENT

1. The authority citation for part 1234 continues to read as follows:

Authority: 44 U.S.C. 2904, 3101, 3102, and 3105.

2. Appendix A is added to part 1234 as follows:

Appendix A to Part 1234—Managing Federal Records on Electronic Mail Systems

1. Introduction

These standards cover documentary materials created or received by electronic mail (E-mail) systems in Federal agencies. Because of the widespread use of E-mail for conducting agency business, many E-mail documents meet the definition of a "record" under the Federal Records Act (44 U.S.C. chapters 29, 31, and 33).

The definition of "record" in the Federal Records Act encompasses documentary materials in all media. The Act requires the National Archives and Records Administration (NARA) to issue records management standards for all Federal agencies (44 U.S.C. 2904 and 2905). NARA has issued records management regulations on electronic records (36 CFR part 1234), guidance on electronic recordkeeping entitled *Managing Electronic Records* (1992), and *General Records Schedules* 20, Electronic Records, and 23, Records Common to Most Offices. The standards being proposed here expand the existing issuances and apply established records management and archival principles and techniques to records created or received on E-mail systems. They provide instructions to program officials, information specialists, records managers, and other E-mail users on the proper means of identifying, maintaining, and disposing of E-mail records.

2. Definitions

The following definitions of terms used in these standards are included for clarity and convenience. We have provided citations to those that are based on definitions in the Federal Records Act or existing NARA guidance or regulations.

★ *Electronic Mail System.* A computer application used to create, receive, and transmit messages and other documents or create calendars that can be used by multiple staff members. Excluded from this definition are file transfer utilities (software that transmits files between users but does not retain any transmission data), data systems used to collect and process data that have been organized into data files or data bases on either personal computers or mainframe computers, and word processing documents not transmitted on an E-mail system.

★ *Electronic Record.* Numeric, graphic, text, and any other information recorded on any medium that can be read by using a computer *and* satisfies the definition of a Federal record in 44 U.S.C. 3301. This includes, but is not limited to, both on-line storage and off-line media such as tapes, disks, and optical disks. (36 CFR 1234.1)

★ *Electronic Mail Message.* A document created or received on an E-mail system including brief notes, more formal or substantive narrative documents, and any attachments, such as word processing documents, which may be transmitted with the message.

★ *General Records Schedules.* Schedules authorizing the disposal, after the lapse of specified periods of time, of records common to several or all agencies if such records will not, at the end of the periods specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government. (44 U.S.C. 3303a(d))

★ *Nonrecord Material.* Materials that do not meet the statutory definition of records (44 U.S.C. 3301), i.e., they were not created or received under Federal law or in connection with Government business, or they are not preserved or considered appropriate for preservation because they lack evidence of agency activities or information of value. In addition, the statute specifically excludes from coverage extra copies of documents kept only for convenience of reference, stocks of publications and processed documents, and library or museum materials intended solely for reference or exhibit. (36 CFR 1220.14, 1222.34(d)) Nonrecord materials also include personal papers and materials.

★ *Permanent Record.* Any Federal record that NARA has determined to have sufficient value to warrant its continued preservation by the National Archives and Records Administration. (36 CFR 1220.14)

★ *Preserved Record.* Documentary materials that have been deliberately filed, stored, or otherwise systematically maintained as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of the data in them. This applies to documentary materials in a file or other storage system, including electronic files and systems, and those temporarily removed from the files or other storage system.

★ *Records.* All books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them. (44 U.S.C. 3301)

★ *Recordkeeping System.* A system for collecting, organizing, and storing records in order to facilitate their preservation, retrieval, use, and disposition and to fulfill recordkeeping requirements.

★ *Records Management.* The planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with respect to records creation, records maintenance and use, and records disposition in order to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations. (36 CFR 1220.14)

★ *Records Schedule.* A document describing, providing instructions for, and approving the disposition of specified Federal records. It consists of one of the following:

(a) An SF 115, Request for Records Disposition Authority, which NARA has approved to authorize the disposition of Federal records;

(b) A *General Records Schedule* (GRS) issued by NARA; or

(c) A printed agency manual or directive containing the records descriptions and disposition instructions approved by NARA on one or more SF 115s or issued by NARA in the GRS.

(36 CFR 1220.14)

★ *Security Backup.* Copy of a record in any medium created to provide a means of ensuring retention and access in the event the original record is destroyed, inaccessible, or corrupted.

★ *System Backup.* Copy on off-line storage media of software and data stored on direct access storage devices in a computer system used to recreate a system and its data in case of unintentional loss of data or software.

★ *Temporary Record.* Any Federal record that the Archivist of the United States has determined to have insufficient value to warrant its preservation by the National Archives and Records Administration. (36 CFR 1220.14)

★ *Transmission and Receipt Data.*

(a) *Transmission Data.* Information in E-mail systems regarding the identities of sender and addressee(s), and the date and time messages were sent.

(b) *Receipt Data.* Information in E-mail systems regarding date and time of receipt of a message, and/or acknowledgment of receipt or access by addressee(s).

3. Records Management Responsibilities

Under the Federal Records Act, agencies' records management responsibilities include

creating and maintaining adequate and proper Federal records, regardless of the medium in which the records are created or received, and scheduling the disposition of records no longer needed for conduct of Government business (44 U.S.C. Chapters 31 and 33). Agencies are legally obligated to ensure creation and maintenance, for an appropriate period, of "records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency * * *." (44 U.S.C. 3101). Because E-mail is often used to conduct Government business, it is critical that agencies take steps to ensure that records created or received on E-mail systems are managed according to the law. Accordingly, agencies must develop and implement an agency-wide program for the management of all Federal records created or received on electronic communications systems (36 CFR 1234.10(a)). All features of E-mail systems (including messages, calendars, directories, distribution lists, attachments such as word processing documents, messages sent or received over external communications systems) must be evaluated to identify documentary materials that satisfy the definition of Federal records. An agency's records management program should address all Federal records in the E-mail system. The agency should also incorporate procedures that ensure recordkeeping and disposition requirements are met before approving a new E-mail system or enhancements to an existing system (36 CFR 1234.10(d)).

4. What Are Federal Records?

The definition of "records" in the Federal Records Act specifies the criteria under which documentary materials are to be considered Federal records. The phrase "regardless of physical form or characteristics" means that the records may be paper, film, disk, or any other physical type or form; and that the method used to record information may be manual, mechanical, photographic, electronic, or any combination of these or other technologies.

Whatever the medium, the statute establishes two conditions that must be met for a document to be a record: (1) The document is made or received by agency personnel under Federal law or in connection with the transaction of public business, and (2) it is preserved or appropriate for preservation. Documentary materials, in any physical form, are Federal records when they meet both tests. The word "preserved" means the deliberate act of filing, storing, or otherwise systematically maintaining material as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of the data in it. "Appropriate for preservation" means documentary materials made or received by an agency which in its judgment should be filed, stored, or otherwise systematically maintained by the agency because of the evidence of agency activities or information they contain, even though the materials may not be covered by its current filing or maintenance procedures (36 CFR 1222.12). Agencies must apply carefully reasoned judgment in deciding when E-mail documents are "appropriate for preservation" and in exercising this judgment, must consider their obligation to create and maintain records that adequately document their policies, programs, and activities under 44 U.S.C. 3101 (see previous section entitled Records Management Responsibilities).

5. Record Status of E-Mail Messages

It is critical that all E-mail users understand the concept of Federal records and that agencies provide sufficient information for users to distinguish Federal records from nonrecord materials. E-mail messages are Federal records when they meet the criteria specified in the statutory definition, i.e., they are made or received under Federal law or in the conduct of agency business, and they are preserved or are appropriate for preservation as evidence of the agency's organization, functions, policies, decisions, procedures, operations, or other activities, or contain information of value. Since E-mail systems transmit a variety of messages, not all E-mail documents will meet the statutory definition of records.

Some categories of E-mail messages or documents that would satisfy the definition of record are those:

1. Containing information developed in preparing position papers, reports, and studies;

2. Reflecting official actions taken in the course of conducting agency business;

3. Conveying information on agency programs, policies, decisions, and essential transactions;

4. Conveying statements of policy or the rationale for official decisions or actions;

5. Documenting oral exchanges, such as meetings or telephone conversations, during which policy was discussed or formulated or other agency activities were planned, discussed, or transacted.

E-mail messages are not considered nonrecord materials merely because the information they contain may also be available elsewhere on paper or in electronic files. Separate E-mail messages that contain the same information on Government activities may differ in important respects and, thus, are not automatically nonrecord materials. In addition, multiple copies of messages may all be records if they are used for different purposes in the conduct of official business or filed in different files. In other words, if more than one office takes action or otherwise uses copies of a message, copies would be records in each of those offices.

To assist in the process of determining record status, NARA recommends that agencies consider designing into their current or future E-mail systems a feature that helps users to identify records. For example, agencies may want their systems to allow users to tag messages as record or nonrecord or to automatically default to the determination that system-produced documents are records, requiring users to take additional steps to mark a document as nonrecord. Another option would be to develop a system that analyzes the contents of a message according to specified rules in order to prompt the user with a suggested categorization.

For further information on making these distinctions between records and nonrecord materials, see Personal Papers of Executive Branch Officials: A Management Guide, published by NARA in 1992.

6. Transmission and Receipt Data

Besides the text of messages, E-mail systems may provide transmission and receipt data. In some systems, transmission data is part of the message. In other systems some transmission data is in a separate message. Generally, receipt data is separate from the messages.

E-mail messages require some transmission data to be intelligible and to understand their context. It is essential that necessary transmission data is preserved with all E-mail records. Many E-mail systems automatically capture with an E-mail message the identity of the sender and the addressee(s) and the date the message was sent. Just as with a paper record, this transmission data is necessary for an E-mail record to be complete and understandable. Agencies should determine if any other E-mail transmission data is needed for purposes of adequacy of documentation. Both the message and the related transmission data are Federal records and must be maintained in recordkeeping systems for the same retention period. (See section entitled Maintenance of Federal Records Created by an E-mail System, below.)

E-mail systems may provide users with the ability to request acknowledgments or receipts showing that an E-mail message reached the mailbox or inbox of each addressee. E-mail systems may also provide, upon request, information about or acknowledgments of E-mail messages that were received or viewed by the addressee. Agency instructions to E-mail system users should specify when to request such receipts or acknowledgments. Users should request receipt data when it is needed for adequate and proper documentation of agency activities, especially when it is necessary to confirm when an addressee has received or viewed a message. Agencies should maintain such receipts and acknowledgments associated with Federal records for the same period as the electronic message to which they refer.

7. Draft Documents

Agency staff may use the E-mail system to circulate draft documents created on either the E-mail system or a separate word processing or other system. Preliminary drafts must be maintained for purposes of adequate and proper documentation if (1) they contain unique information, such as annotations or comments, that helps explain the formulation or execution of agency policies, decisions, actions, or responsibilities, and (2) they were circulated or made available to employees other than the creator for the purpose of approval, comment, action, recommendation, follow-up, or to keep staff informed about agency business.

Because drafts in electronic form may be Federal records, the record status of

electronically created drafts that are transmitted as part of, or as attachments to, E-mail messages must be evaluated as changes are made. Successive drafts containing substantive revisions may be Federal records; drafts containing only minor changes are less likely to qualify as records. If the draft qualifies as a record, the agency should save a copy before the draft is deleted or altered.

8. Directories and Distribution Lists

Some electronic communication systems identify users by codes or nicknames. Some identify the recipients of a communication only by the name of a distribution list. Directories or distribution lists linking such shorthand names or codes with the names of users must be retained to ensure identification of the sender and addressee(s) of messages that are records.

9. Calendars

An E-mail system may provide calendars and task lists for users. Agencies that have such features on their E-mail system should advise users that calendars, indexes of events, and task lists are Federal records if they meet the criteria specified by law. Calendars, whether individual or shared, despite the level of the individual to whom they relate, may be Federal records or they may be personal materials. The NARA publication Personal Papers of Executive Branch Officials: a Management Guide provides guidance on the record status of calendars. That publication notes that the Freedom of Information Act case law regarding "agency records" is the most pertinent guidance for deciding whether calendars are Federal records.

Most calendars and related documents that are Federal records are disposable under General Records Schedule 23, Item 5. Federal record calendars that relate to the activities of high-level officials, however, must be specifically scheduled for disposition to allow NARA to appraise their value for future use. GRS 23 provides guidance on identifying high-level officials. Users may delete calendars that are nonrecord materials at their discretion.

10. External Communications Systems

Some Government agencies use electronic communications systems external to the Government, such as the Internet or other commercial network services. These communications systems have established protocols that are not subject to agency modification. However, the use of external communications systems which are neither owned nor controlled by the agency does not alter in any way the agency's obligation under the Federal Records Act. Agencies must ensure that Federal records sent or received on these systems are preserved and that reasonable steps are taken to capture available transmission and receipt data needed by the agency. As is the case with any Federal record, those that are communicated to or received from persons outside the agency or Government should include the identity of the outside senders or addressees.

11. Maintenance of Federal Records Created by an E-Mail System

Agencies must ensure that all E-mail records are maintained in appropriate recordkeeping systems. Such recordkeeping systems must meet the following requirements: (1) Permit easy and timely retrieval; (2) facilitate the distinction between record and nonrecord materials (if such distinctions were not made previously); (3) retain the records in a usable format until their authorized disposition date; and (4) permit transfer of permanent records to the National Archives and Records Administration (see 36 CFR 1228.188, 36 CFR 1234.28(a)).

Agencies should consider the advantages of maintaining their records electronically. An electronic system may be more easily searched and manipulated than records in paper files. An electronic file may also be available for simultaneous use by multiple staff members and may provide a more efficient method to store records. In addition, future use of permanently valuable E-mail records for agencies and for historical research could be enhanced by storing them electronically.

System backup tapes normally are not suitable for recordkeeping purposes because they are merely mirrors of storage disks with data and documents scattered throughout as they are on the disks themselves. They are meant to provide only a means of recreating a system and its data in case of emergency. Agencies should have a separate system that is appropriate for recordkeeping. In all cases when records are maintained electronically, agencies should provide for regular backups to guard against system failures or loss through inadvertent erasures (36 CFR 1234.30).

A. Maintenance on the E-Mail System

E-mail systems are generally designed for convenient and efficient agency communications and not as a system for storing agency records for their entire life cycle. To maintain instantaneous communications capability without increasing hardware capacity, these systems often limit the number of messages that can accumulate on the system and may automatically delete messages after a short period. If an E-mail system is not designed for or adaptable to use as a recordkeeping system, E-mail records must be copied or moved to an appropriate recordkeeping system for maintenance and disposition.

B. Maintenance in an Electronic Recordkeeping System Other Than the E-Mail System

Some agencies store their E-mail records on an electronic system separate from the E-mail system. Agencies that maintain their records in this way must move or copy all E-mail records to the electronic recordkeeping system. The recordkeeping system must allow segregation of permanent and temporary records and have sufficient capacity to store records for their authorized retention periods (36 CFR 1234.10).

Agencies may retain records from E-mail systems in an off-line electronic storage format (such as optical disk or magnetic tape) that meets the requirements described above (36 CFR 1234.28(a)). Factors to be considered in selecting a storage medium or converting from one medium to another are identified in 36 CFR 1234.28(b)). Agencies may use optical disk systems for the storage and retrieval of permanent records while the records remain in the agency's legal custody, but NARA currently does not accession permanent records stored on optical disks. Permanent records stored on optical disk must be converted to a medium acceptable to NARA at the time of transfer to NARA's legal custody, as specified in 36 CFR 1228.188.

C. Maintenance in Paper Recordkeeping Systems

Agencies that do not have the technological capability to maintain E-mail records in an electronic recordkeeping system must print their E-mail records. In such instances, agencies must also print related transmission and receipt data and maintain it together with the printed communications according to the same procedures as other paper records.

Other agencies may have the technological capability to maintain E-mail records electronically but, nevertheless, determine that current agency use is best served by also printing them on to paper. While it is the agency's responsibility to determine whether its current needs are best served by one or both formats, an electronic format may be in the best interest of future use. Accordingly, agencies must schedule and NARA must appraise both formats before E-mail records are deleted from the electronic recordkeeping system. This ensures the opportunity for NARA to determine the best format for the preservation of records of potential historical or other research value. (See the section below for instructions on the disposition of records.)

Any agencies that maintain E-mail records only on paper even though they have the technology to maintain them electronically are strongly encouraged to consider the benefits of an electronic format. NARA will assist such agencies in evaluating the advantages of maintaining E-mail records electronically.

Those agencies that have no plans for implementing an electronic recordkeeping system are also encouraged to consider this format when their current systems are redesigned or replaced.

12. Disposition of E-Mail Records

E-mail records may not be deleted or otherwise disposed of without prior disposition authority from NARA (44 U.S.C. 3303a). This applies to all versions of E-mail records, including the original record that is on the E-mail system and all copies that have been forwarded to a recordkeeping system. NARA authorizes records disposition through two mechanisms; issuance of the General Records Schedules developed by NARA for temporary records common to most or all Federal agencies, and approval of schedules developed by agencies for records unique to the agency. The authorization process employed by NARA involves appraisal, which is the determination of the historical or other value of the records including the most appropriate format for future use when the same information is

captured in records on different physical formats.

Electronic records must be scheduled even if the same information is available in another medium, including paper printouts of electronically stored records. Information in electronic records may have greater research utility than similar information stored on another medium because it is easier to access and manipulate. Also, it may be more efficient to capture transmission and receipt data in electronic systems. Thus, the disposition of electronic records may differ from the disposition of paper records with the same information. The disposition of all records, regardless of medium (paper, magnetic, microform, etc.) must be in accordance with an approved schedule.

A. Records on the E-Mail System

If an agency has an E-mail system that is designed for or is adaptable for use as an agency recordkeeping system as well as a communications system, users must be instructed on the required steps to be taken to ensure that the record on the user's screen or in his or her mailbox is forwarded to the recordkeeping feature of the system. If, on the other hand, an agency has an E-mail system that cannot also serve as a recordkeeping system, users should be instructed to forward all records from the E-mail system to an appropriate recordkeeping system to ensure that the records are preserved and the E-mail system continues to operate efficiently. When the necessary steps have been taken to preserve the record by using the recordkeeping feature or by forwarding it to an appropriate recordkeeping system, the identical version that remains on the user's screen or in the user's mailbox has no continuing value to the agency or for future research. Therefore, NARA considers the version of the record on the "live" E-mail system appropriate for deletion after it has been preserved on a recordkeeping system along with all appropriate transmission data. NARA will revise General Records Schedule 23 to authorize deletion of the copy of the record on the "live" E-mail system after the necessary preservation steps have been taken. This general authorization will apply only to the E-mail record on the "live" E-mail system. There is no formal authorization at this time for agencies to delete E-mail records from the E-mail system if they are stored only on the system itself or if they have been transferred to an electronic recordkeeping system. The revised General Records Schedule will extend the authorization to these categories of records.

B. Records in Recordkeeping Systems

Because E-mail records must be maintained for varying retention periods and, when appraised as permanent, transferred to NARA, it is not appropriate for NARA to issue a General Records Schedule that pertains to all E-mail records in recordkeeping systems. Consequently, those E-mail records that have been incorporated into a recordkeeping system that includes records from other sources or systems must be managed in accordance with the records schedule of the recordkeeping system in which they are filed. Alternatively, those E-mail records that are maintained as a separate system must be separately scheduled. Agencies must develop and submit to NARA schedules that identify the categories of E-mail records in their systems if they are maintained separately so that NARA can appraise the records and provide appropriate disposition authority.

As indicated previously, it is established NARA policy that agencies that maintain records in paper and electronic formats must receive the approval of NARA before disposing of either format. This will ensure that future use considerations enter into determinations of the most appropriate format for the preservation of permanent records.

13. Security of E-Mail Records

Agencies must take adequate measures to protect records in E-mail systems (36 CFR 1234.26). Security measures must protect E-mail records from unauthorized alterations or deletions. Agencies should regularly back up messages stored on-line to off-line media to guard against system failures or inadvertent erasures.

14. Training Employees

Agencies must ensure that all employees are familiar with the legal requirements for creation, maintenance, and disposition of records on E-mail systems. The agency's directives must provide sufficient guidance so that agency personnel are familiar with the agency's specific recordkeeping requirements and can distinguish between records and nonrecord materials on E-mail systems (36 CFR 1222.30). Because Federal records may be created using an E-mail system, each agency using an E-mail system should provide records management training and guidance for all employees which includes criteria for determining which E-mail messages are records. As indicated above, it may be useful for agencies to have designed into their E-mail systems a feature that helps users to identify Federal records.

15. Monitoring Implementation of Recordkeeping Guidance for the E-Mail System

Agencies are responsible for monitoring the implementation of records management guidance to ensure that E-mail users are accurately identifying records and properly maintaining them. Each agency must ensure that the implementation of directives concerning records on its E-mail system is carried out by reviewing the systems periodically for conformance to established agency procedures. These reviews should consist of auditing or reviewing representative samples of all electronic communications, conducting periodic staff interviews, and internal records management evaluations. The purpose of these reviews is to ensure that E-mail users properly determine record status and that record messages are being properly maintained. These reviews would determine whether permanent and temporary records are segregable and schedules are being implemented properly. Such reviews should be used to correct errors when they are found, and to evaluate, clarify, and update agency recordkeeping directives, disposition schedules, and training for agency staff (36 CFR 1234.10(l)). Reports concerning the results of the reviews should be made available to NARA upon request and when it conducts evaluations of the agency's records management program.

16. Conclusion

E-mail systems provide unprecedented communications convenience. However, agencies must take the necessary measures to ensure that there is no diminution of their records resulting from the use of E-mail systems. E-mail systems have become important tools for the transmission of substantive information, and, therefore, they are used to create Federal records. Agencies must take special care that employees understand their responsibilities when using E-mail to ensure the adequate creation and proper maintenance and disposition of Federal records.

As specified in 44 U.S.C. 3102, NARA and the agencies shall cooperate in the implementation of NARA standards. Agencies should amend their recordkeeping policies and procedures where necessary to meet these standards. NARA will assist agencies in implementing these standards by reviewing agency directives concerning E-mail and by participating in agency considerations of maintaining permanent E-mail records electronically. NARA and the agencies will work together to ensure that recordkeeping policies and programs for E-mail records serve the needs of the agencies and the needs of future researchers.

Dated: March 18, 1994.

Trudy Huskamp Peterson,

Acting Archivist of the United States.

[FR Doc. 94–6939 Filed 3–23–94; 8:45 am]

BILLING CODE 7515–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL 44–1–5481; FRL–4854–4]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) is proposing to disapprove a February 7, 1992, request by Service Plastics, Inc., to incorporate certain operating restrictions for its Elk Grove Village, Illinois, facility into the Chicago Federal Implementation Plan for ozone (Chicago FIP). If approved by USEPA, this restriction (which attempts to limit emissions of volatile organic compounds (VOC) to less than 100 tons per year) would exempt Service Plastics, Inc. from the otherwise applicable emission limits in the Chicago FIP, as promulgated by USEPA on June 29, 1990.

DATES: Comments on this requested revision to the Chicago FIP and on USEPA's proposed rulemaking action must be received by April 25, 1994 at the address below. A public hearing, if requested, will be held in Chicago, Illinois. Requests for a hearing should be submitted to J. Elmer Bortzer by April 25, 1994 at the address below.

ADDRESSES: Written comments on this proposed action should be addressed to: J. Elmer Bortzer, Chief, Regulation Development Section (5AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Blvd., Chicago, Illinois, 60604.

Comments should be strictly limited to the subject matter of this proposal, the scope of which is discussed below. For information on the hearing, interested persons may call Ms. Hattie Geisler at (312) 886–3199. Any hearing will be strictly limited to the subject matter of this action, the scope of which is discussed below.

DOCKET: Pursuant to section 307(d)(1) of the Clean Air Act (Act), 42 U.S.C. 7607(d)(1), this section is subject to the procedural requirements of section 307(d). Therefore, USEPA has established a public docket for this action, A–92–51, which is available for public inspection and copying between 8 a.m. and 4 p.m., Monday through Friday, at the following addresses. We recommend that you contact Randolph O. Cano at (312) 886–6036 before visiting the Chicago location and Jacqueline Brown before visiting the Washington, DC, location. A reasonable fee may be charged for copying.

U.S. Environmental Protection Agency, Region 5, Regulation Development Branch, 18th Floor Southwest, 77 West Jackson Blvd., Chicago, Illinois, 60604.

U.S. Environmental Protection Agency, Docket No. A–92–51, Air Docket (LE–131), Room M1500, Waterside Mall, 401 M Street, SW., Washington, DC 20460, (202) 245–3639.

FOR FURTHER INFORMATION CONTACT: Steven Rosenthal, Regulation Development Branch, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Blvd., Chicago, Illinois 60604, (312) 886–6052.

SUPPLEMENTARY INFORMATION: Under 40 CFR 52.741 (u) and (x) in the Chicago FIP, sources located in Cook, DuPage, Kane, Lake, McHenry and Will Counties with total Maximum Theoretical Emissions[1] (MTE) of more than 100 tons per calendar year of VOC[2] and which are not covered by a Control Techniques Guideline document, must comply with certain requirements. The rule provides an exemption, however, for sources which are limited to 100 tons or less of VOC emissions per calendar year, before the application of capture systems and control devices, through production or capacity limitations contained in a federally enforceable construction permit or a State Implementation Plan (SIP) or FIP revision.

On February 7, 1992, Service Plastics, Inc. requested a FIP revision that would impose the identical limitations on its plant operations as those specified in a February 13, 1992, Illinois Environmental Protection Agency (IEPA) operating permit. If granted, this FIP revision would restrict its use of lacquers, thinners, and other VOC containing materials with the intent of keeping its VOC emissions below 100 tons per year. IEPA's operating permit contains the following limitations on the VOC content and the amount of VOC containing materials that can be used at its ELK Grove Village facility:

Emissions and operation of the 27 paint spray booths shall not exceed the following limits:

Source	VOC content (lb/gal)	VOC "as applied" (lb/gal)	Throughput (gal/yr)	VOC emissions (TPY)
Lacquer	5.55	6.2	16,000	49.6
Thinner	6.77	6.2	16,000	49.6
Other*			1,000 lb	0.5
Total				99.7

*Other VOC containing materials, including mask wash and cleaning solvent IEPA's Operating Permit requires that the following records be kept:

- Name of each coating used with VOC content (lb/gal);
- Usage of each coating (gal/mo);
- VOC content of each coating as "as applied" (lb/gal).

An April 1, 1992, discussion with a Service Plastics, Inc. representative revealed that the 6.2 pounds VOC per gallon of coating limitation is merely an average, based upon the extent to which a specific lacquer is thinned with solvent.

Service Plastics, Inc.'s requested FIP revision is not approvable for the following reasons.

1. The 6.2 pounds VOC per gallon is not a meaningful limit. It is merely an average VOC content of lacquers that are used.

2. The "other" category is not specifically defined and, as a result, it is not possible to verify how much "other" material is used.

3. The recordkeeping requirements are inadequate for the operating restrictions that are being requested. Neither the monthly usage of "as applied" coating nor the monthly use of "other" material is specifically required.

These deficiencies were discussed with a representative of Service Plastics, Inc. on April 1, 1992.

Proposed Rulemaking Action and Solicitation of Public Comment

For the reasons stated above, USEPA is proposing to disapprove Service Plastics, Inc.'s request for a FIP revision in the form of operating restrictions on the amount of lacquer, thinners, and other VOC-containing materials used. Public comment is solicited on Service Plastics, Inc.'s requested revision and on USEPA proposed rulemaking action. Additionally, if requested, USEPA will provide an opportunity for a public hearing on this proposal. All comments received by the close of the public comment period will be considered in the development of the USEPA final rule.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, USEPA must

[1] Maximum theoretical emissions (MTE) is defined in 40 CFR 52.741(a)(3) as the quantity of volatile organic material emissions that theoretically could be emitted by a stationary source before add-on controls based on the design capacity or maximum production capacity of the source and 8760 hours per year. The design capacity or maximum production capacity includes use of coating(s) or ink(s) with the highest volatile organic material content actually used in practice by the source.

[2] The term "volatile organic material" (VOM) is used in the Chicago FIP, in which it has the identical definition as VOC.

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, USEPA 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.

This action involves only one source, Service Plastics, Inc. Therefore, USEPA certifies that this RACT promulgation does not have a significant impact on a substantial number of small entities. Furthermore, as explained in this notice, the request does not meet the requirements of the Act and USEPA cannot approve the request.

Under Executive Order 12866 today's action is not significant. It has been submitted to the Office of Management and Budget (OMB) for review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Ozone.

Authority: 42 U.S.C. 7401–7671q.

Dated: March 17, 1994.

Carol M. Browner,

Administrator.

[FR Doc. 94–6950 Filed 3–23–94; 8:45 am]

BILLING CODE 6560–50–P–M

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40 CFR Parts 85 and 600

[FRL–4854–7]

Air Pollution Control: Amendments To Regulations Governing the Importation of Nonconforming Vehicles

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: EPA is proposing to amend 40 CFR part 85, subpart P to permit the importation of certain motor vehicles and motor vehicle engines from Canada without obtaining a certificate of conformity from EPA. Such vehicles will be allowed entry into the United States provided a commercial importer proves they are identical, in all material respects, to a vehicle certified for sale in the United States. EPA is proposing this change because it believes that many vehicles produced by manufacturers for sale in Canada are identical to their United States certified counterparts.

In addition to the changes in subpart P which affect commercial importers of vehicles produced for the Canadian market, this proposal also addresses other issues relating to the importation of nonconforming vehicles. EPA is proposing to: Formalize a longstanding EPA policy regarding the importation of individually owned vehicles that are proven to be identical, in all material respects, to a vehicle certified for sale in the United States, establish new emission standards applicable to imported nonconforming vehicles, clarify the regulatory language at 40 CFR part 85, subparts P and R, which concern the exclusion or exemption of motor vehicles and motor vehicle engines from meeting Federal emission requirements, and provide several minor clarifications to the existing regulations.

EPA is proposing that implementation of these regulations take place 30 days after publication of the final rule.

This preamble is abbreviated from a larger supplementary document which expands upon the issues discussed here and which may be found in the Docket No. A–89–20 described below.

DATES: If requested, EPA will conduct a public hearing on this Notice of Proposed Rulemaking on April 25, 1994. The hearing will convene at 10:00 a.m. and will adjourn at such time as necessary to complete the testimony. Written comments on this notice will be accepted for 30 days following the hearing, until May 23, 1994. Any party desiring to present oral testimony for the record at the public hearing, instead of, or in addition to, written comments, must notify EPA by 5:00 p.m. EST on April 8, 1994. If no party informs EPA that it wishes to testify, no hearing will be held and EPA will address only written submissions.

ADDRESSES: The hearing, if requested, will take place at the EPA Education Center, Waterside Mall, 401 M Street, SW., Washington, DC 20460. Any person wishing to attend should call the EPA contact person listed below to determine if the hearing will be held.

Materials relevant to this rulemaking are contained in the EPA Air Docket LE–131, Attention: Docket No. A–89–20, located at the Air Docket Section, U.S. Environmental Protection Agency, Room M–1500, 401 M Street, SW., Washington, DC 20460 telephone (202) 260–7548. The docket may be reviewed on weekdays between the hours of 8:30 a.m. to 12 noon and from 1:30 to 3:30 p.m. As provided in 40 CFR part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: This notice of proposed rulemaking provides a brief description of the changes that EPA is proposing. For a more complete explanation, including proposed regulatory language, refer to the EPA Air Docket at A–89–20. Any questions or comments should be directed to: Leonard D. Lazarus, Investigation/Imports Section, Manufacturers Operations Division (6405J), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Telephone (202) 233–9250.

SUPPLEMENTARY INFORMATION:

I. Statutory Authority

Today's proposal discusses several regulatory programs administered by EPA which provide for the importation of vehicles into the United States. Section 203 of the Clean Air Act (Act), 42 U.S.C. 7522, provides the statutory authority for regulations relating to the importation of new motor vehicles [1] and motor vehicle engines which are not covered by a certificate of conformity. Sections 203(a)(1) and 203(b)(2) provide the statutory authority for the regulations in today's proposal. Generally, section 203(a)(1) prohibits the importation of vehicles not covered by a certificate of conformity by any person except as provided by regulation of the Administrator. The exception for regulations of the Administrator in section 203(a)(1) refers to the grant of authority in section 203(b)(2), which states that a vehicle not covered by a certificate of conformity and offered for importation shall be refused admission into the United States unless the Administrator, by regulation, provides for deferring final determination regarding admission of the vehicle offered for importation upon such terms and conditions as may appear appropriate to insure that any imported vehicle will be brought into conformity with applicable standards, requirements and limitations.

To implement section 203(b)(2), EPA has established procedures regarding the importation of vehicles not covered by a certificate of conformity. EPA first promulgated regulations on November 15, 1972 (37 FR 24314) which allowed individuals to import vehicles and perform modifications subsequent to importation. This regulatory structure was replaced on July 1, 1988 with a new regulatory program promulgated on September 25, 1987. This program established the independent commercial importer (ICI) as the entity responsible for the importation of nonconforming vehicles. The primary purpose of this NPRM is to propose additional provisions regarding the importation of vehicles intended for sale in Canada but identical to U.S. certified configurations. See section II for a discussion of the importation of

[1] The word "vehicle" hereinafter refers to a motor vehicle and motor vehicle engine.

Canadian vehicles. This proposal also includes amendments to the procedures governing the importation of nonconforming vehicles generally.

In addition to the regulations administering the importation of vehicles pursuant to section 203(b)(2), EPA is proposing amendments to regulations which implement section 203(b)(1) of the Act. Section 203(b)(1) states, "[t]he Administrator may exempt any new motor vehicle or new motor vehicle engine * * * upon such terms and conditions as he may find necessary for the purpose of research, investigations, studies, demonstrations, or training or for reasons of national security." To implement this section of the Act, regulations were initially promulgated on September 10, 1974 (39 FR 32609), codified at 40 CFR part 85, subpart R, to provide for a program allowing manufacturers to apply for and receive exemptions for vehicles that were used for the purposes specified in section 203(b)(1) of the Act. These regulations were amended on March 3, 1980 (45 FR 13733) to extend the availability of exemptions under section 203(b)(1) to individuals and other non-manufacturers. On July 14, 1982 (47 FR 30482) these regulations were amended to reduce the information required in a manufacturer's exemption application. The regulations were also amended on August 27, 1985 (50 FR 34797) to require that a claim of confidentiality accompany information submitted to EPA that is covered by such a claim.

The proposed amendments to the regulations, codified at 40 CFR 85.1703, implement section 203(b)(1) of the Act to address the definition of a motor vehicle; to clarify the definition of a precertification vehicle in contrast to a vehicle subject to a testing exemption; and, to revise the regulations regarding obtaining a display exemption pursuant to 40 CFR 85.1511(b)(4) and 85.1707. These proposed changes are discussed in section V, Proposed Amendments to subpart R.

II. Background for Canadian Importations

The framework of EPA's current Imports regulations establishes, with some limited exceptions, that only independent commercial importers (ICIs) holding a valid certificate of conformity may import nonconforming vehicles into the United States. An ICI bears the responsibility not only for performing all necessary modifications and testing, but also for ensuring that the vehicle it imports complies with United States emission requirements for the vehicle's useful life. In effect, this imposes on the ICI the same emission requirements the Act imposed on original equipment manufacturers (OEMs).

On November 24, 1987, potential importers of Canadian vehicles for resale in the U.S. petitioned EPA [2] to reconsider the regulations as they apply to the commercial importation of vehicle models originally designed and built for sale in Canada which are identical to vehicles certified by EPA for sale in the United States. The petitioners maintained that, although these vehicles may not be labeled by the OEM as meeting United States emission requirements, the vehicles do not have to be mechanically modified to comply with such requirements and do not present air quality concerns similar to those presented by other imported nonconforming vehicles.

The evidence available to EPA suggests that an overwhelming majority of the vehicle models manufactured for sale in Canada are not configurations unique to the Canadian market, but are mechanically identical to their corresponding United States version regarding emissions compliance, except for EPA's labeling and warranty requirements. Given this situation, EPA believes that it is not necessary to require individuals and commercial importers to obtain separate certificates of conformity from EPA for those vehicles that are mechanically identical to their corresponding United States version regarding emissions compliance.

On June 29, 1988, EPA granted the petition for reconsideration (the document granting the petition may be found in the docket at A–89–20), and agreed to commence this rulemaking to address the unique issues surrounding Canadian vehicles.

Today's action proposes formal revisions to EPA's regulations for importing vehicles from Canada. It also clarifies or changes certain other provisions contained in the existing regulations.

A. EPA's Proposal

EPA's proposal would allow only commercial importers with designated Canadian importer status approved by EPA to import vehicles from Canada both for which the title has previously been transferred to an ultimate purchaser and for which the title has not yet been transferred to an ultimate purchaser, for the purpose of resale. The designated Canadian importers would be permitted to import only those vehicles which were previously proven to be identical, in all material respects, to their United States certified counterparts. In addition to making the showing of identical in all material respects, a designated Canadian importer must agree to: (1) Label each vehicle for fuel economy and emissions compliance purposes; (2) fulfill emission warranty and recall obligations, and notify owners of recalls and available warranty coverage; (3) maintain adequate records; (4) pay any applicable Gas Guzzler Taxes, and Corporate Average Fuel Economy penalties (49 CFR 531, 533); (5) submit applications for final admission to EPA; (6) hold vehicles for a period of five working days (or less if approved by EPA on a case-by-case basis) for EPA inspection before transfer to an ultimate purchaser or dealer; and (7) submit to inspections conducted by EPA enforcement officers.

B. Importations by Individuals

Today's proposal also addresses the importation of vehicles by individual owners. Often an individual moving to the United States from Canada wishes to import his/her vehicle for personal use. In many of these cases, the vehicle is identical, except for labeling, to its United States certified counterpart. The few vehicles which are not identical to their United States certified counterparts, typically require only minor modifications to make them identical. For these reasons, EPA believes that the special circumstances associated with an individual moving to the United States from Canada also warrant consideration in this rulemaking. EPA believes that similar circumstances may also apply to some individuals importing vehicles from other countries. Consequently, this proposal addresses vehicle importations by individuals moving to the United States from other countries, as well.

EPA's current policy permits entry to certain vehicles on a case-by-case basis. EPA proposes to formalize this policy to grant exemptions to individual owners (individuals and businesses) to import their personal vehicles (*i.e.*, vehicles not imported for the purpose of resale), provided they have proven that their vehicles were: (1) Originally manufactured to be identical, in all material respects, to a vehicle described in an OEM's application for certification, or (2) modified to be identical in all material respects to a vehicle described in an OEMs application for certification. EPA is not proposing to change individual vehicle owners' responsibility for payment of any Gas Guzzler taxes applicable to vehicles they import.

[2] A copy of the petition may be found in the docket at A–89–20.

EPA's proposal also offers individual importers the option of having an ICI import their vehicle or engine for the purpose of modifying it to be identical in all material respects to a vehicle or motor vehicle engine certified by the OEM for sale in the United States. Vehicles imported under this option must be modified by the ICI according to OEM instructions, but do not have to be tested. EPA is confident that detailed instructions provided by an OEM specifying parts to be installed and adjustments to be performed will be sufficient to make a vehicle or engine identical in all material respects to a certified vehicle or engine, because these modifications will result in the vehicle or engine having the same parts and parameters as are described in the OEM's application for certification, which describes the vehicles or engines produced by the OEM within a given certified engine family. Individual vehicle owners who might otherwise have to incur the greater expense of ICI testing for a vehicle they wish to import may benefit from this option, if modification instructions can be obtained from the OEM.

C. Emission Standards

Today, EPA is proposing to delete the requirement that nonconforming light-duty vehicles and light-duty trucks imported pursuant to 40 CFR 85.1505 or 85.1509 meet current year emission standards.[3] Instead of meeting current year emission standards, these vehicles will be allowed to meet emission standards (with applicable deterioration factors applied) that were in effect at the time of original vehicle production, with a few exceptions. These vehicles must, however, meet such emission standards using the currently applicable testing procedures, and must meet all applicable current model year fuel economy requirements. EPA is not proposing to change ICIs' status as small volume manufacturers and they must comply with corporate average fuel economy (CAFE) requirements as imposed by the Department of Transportation (DOT). This revision would give owners of older motor vehicles a way to import their vehicles. Many of these vehicles are now effectively excluded from importation due to the high cost of modification to meet current model year standards, which may be greater than the value of the vehicle involved.

EPA would continue, as under current regulations, to define the useful life of imported nonconforming vehicles as a period of time or mileage of use in the United States, beginning with the date and mileage at the time of a vehicle's release to the owner or purchaser. Consequently, this proposal would not affect the warranty and recall requirements pursuant to 40 CFR 85.1508 and 85.1510 or any other requirement under that subpart.

D. Other Issues

(1) Precertification Exemption

Today's proposal revises the precertification exemption available to ICIs pursuant to 40 CFR 85.1511(b)(3) for the importation of nonconforming prototype vehicles for use in certification. Presently, the ICI must obtain written approval from the Administrator prior to importing such nonconforming motor vehicles, must use the vehicle to obtain a certificate of conformity, and must obtain a certificate of conformity within 180 days of importation. In this rulemaking, EPA retains these provisions, and proposes additional requirements regarding the number of precertification exemptions given to an ICI at any given time and EPA's criteria for granting precertification exemptions pursuant to 40 CFR 85.1511(b)(3) while other precertification exemptions are pending. In addition, a provision is made for extension of the 180 day time limit under certain circumstances. A precertification exemption allows an ICI to bring a vehicle or engine into the U.S. for the purpose of obtaining a certificate of conformity.

EPA is concerned with granting, or with the need for granting, precertification exemptions when the ICI has failed to complete the certification process and obtain certificates of conformity for other prototype vehicles previously entered under this exemption. EPA is also concerned about the technical capability of some ICIs, that the ICIs successfully modify the pending precertification vehicles, and that the ICIs continue to comply with all requirements of the Imports regulations. Therefore, EPA is proposing limits to precertification exemptions.

EPA is proposing an automatic limit of no more than three precertification exemptions to an ICI at any one time except upon a case-by-case determination that the ICI has demonstrated an ability to meet the EPA technical and time requirements for the additional prototype vehicle as well as for all other vehicles it has already imported. Absent such approval, the ICI will not be granted another precertification exemption until a certificate for the existing prototype vehicle(s) is obtained or the vehicle(s) unable to be brought into conformity with Federal emission requirements has been exported. Secondly, regardless of the number of outstanding precertification exemptions, EPA also would not grant another precertification exemption if the ICI is in noncompliance with the Imports regulations for any other vehicle already imported until the noncompliance situation is resolved. When determining whether to grant approval of additional exemptions, EPA will consider such factors as an ICI's previously demonstrated success in obtaining certificates of conformity in a timely manner, accurate and efficient compliance with all certification procedures, extent of progress on other outstanding precertification exemptions, and whether the ICI is and will likely be in compliance with all requirements of the Imports regulations for other vehicles it has already imported. EPA is also proposing the following clarifications to the precertification process to eliminate confusion associated with the final admission of prototype vehicles. The prototype vehicle is the first vehicle imported and tested under the certificate of conformity for the purposes of testing every third (or fifth) vehicle under 40 CFR 85.1505.

Under current regulations, an ICI must obtain a certificate of conformity within 180 days of the date of entry of the prototype vehicle. If not, then either the total amount of the bond is forfeited or the vehicle is exported. EPA recognizes there are limited instances when it is not possible to obtain a certificate of conformity within 180 days. Therefore, EPA is proposing that an extension of the 180 day requirement may be granted by the Administrator. The length of the extension will be determined by EPA on a case-by-case basis considering the needs of each ICI. The ICI must request such an extension prior to the expiration of the 180 days. EPA expects to grant such requests only under unique circumstances. For example, EPA would expect to grant an extension to an ICI who has completed all modifications for the vehicle and certification testing is pending, but circumstances beyond the ICI's control have led to failure to obtain the certificate of conformity within the required 180 days. EPA specifically will

[3] This proposal does not change the emission standards for new motor vehicles imported by the original equipment manufacturers. This proposal changes only the emission standards for motor vehicles that were originally produced in earlier years than the model year of importation.

not grant an extension for situations such as (but not limited to) when an ICI allows a significant amount of time to elapse in which significant progress was not made on the vehicle, or when an ICI fails to submit in a timely manner the application for certification (or applicable parts, thereof) to EPA.

The ICI must comply with all requirements of Subpart P once the certification process is complete, including the submittal of final admission forms as stated in 40 CFR 85.1505, the recordkeeping requirements and labeling requirements of 40 CFR 85.1706 and any other requirements of 40 CFR 85.1501 *et seq.*

(2) Racing Exclusion

According to 40 CFR 85.1511(e), a racing vehicle may be imported by any person provided the vehicle meets one or more of the exclusion criteria set forth in 40 CFR 85.1703. Presently, EPA policy will allow such a vehicle to be imported only with a prior written EPA determination that the vehicle meets these exclusion criteria. The purpose of this policy is to ensure that vehicles which may be legally operated or are capable of being legally operated on the streets and highways will not be imported as racing vehicles. EPA proposes to incorporate this practice into the regulations.

(3) Warranty/Insurance

When the current Imports program was initially implemented in 1988, EPA discovered that ICIs were not capable of obtaining the independent insurance coverage as required in 40 CFR 85.1510(b)(2). As a result, EPA proposes to amend the existing regulations to allow an ICI to obtain prepaid independent insurance coverage less than that required by the regulations, with the ICI retaining full responsibility for the remaining warranty coverage. The prepaid insurance policy, underwritten by an independent insurance company, shall at a minimum provide coverage for emission related components installed or modified by the ICI and to the maximum extent possible, the emission related components installed by the OEM.

This change does not alter the requirement that the ICI provide an emissions warranty as required by section 207 (a) and (b) of the Act.

(4) Minor Clarifications

EPA is also proposing the following minor clarifications and changes: (1) Adding a definition of fifteen working day hold period (and five working day hold period) (40 CFR 85.1502), (2) clarifying that the fifteen (or five) working day hold period begins the first working day after the application for final admission is received by the Manufacturers Operations Division (40 CFR 85.1505 and 85.1509), (3) providing for the transfer of control of a nonconforming motor vehicle between ICIs after conditional admission (40 CFR 85.1504), (4) adding a requirement that vehicles be stored within 50 miles of the test facility during the fifteen working day hold period (importers wishing to use storage facilities not meeting this criterion must obtain EPA's prior written approval) (40 CFR 85.1505 and 85.1509), (5) providing for the acceptance of alternative dates in lieu of the date of original manufacture, if it is unobtainable (40 CFR 85.1507), (6) clarifying the repair and alteration exemption (40 CFR 85.1511), (7) clarifying the exclusion for methanol-fueled vehicles produced prior to the 1990 model year (40 CFR 85.1511), (8) clarifying the catalyst control programs and other requirements for United States version vehicles driven overseas (40 CFR 85.1512), (9) clarifying that the ICI must retain control of each vehicle until final admission is granted by EPA (40 CFR 85.1513), (10) adding a requirement that to be eligible to modify and test six-year old or older vehicles under 40 CFR 85.1509, an ICI must have a currently valid certificate of conformity for the same vehicle type (*i.e.*, light-duty gasoline-fueled vehicle/truck, heavy-duty diesel engine, or motorcycle) (40 CFR 85.1509), (11) clarify that unless all requirements of 40 CFR 85.1505 or 85.1509 have been met, final admission status will not be granted (40 CFR 85.1505 and 85.1509), (12) delete the requirement that a vehicle greater than 20 original production (OP) years old which is ineligible for exclusion, must be imported by an ICI (40 CFR 85.1511), (13) clarify that vehicles returning to the United States may be imported under bond for restoration of any missing, damaged, or disabled emission-related parts (40 CFR 85.1512), (14) modify existing regulatory language to accurately reflect recent changes in the Act regarding useful life and civil penalties (40 CFR 85.1507, 85.1508, 85.1510, and 85.1513), (15) clarify that a conditionally admitted vehicle or engine must comply with EPA requirements at the time that the application for final admission is submitted to EPA (40 CFR § 85.1513), (16) clarify that the recordkeeping requirements for maintaining a list of vehicle modifications includes all part numbers and calibration changes (40 CFR 85.1507), and (17) clarify that a vehicle that is emission tested in order to obtain final admission must satisfy all of the applicable testing requirements of part 86 (40 CFR 85.1502, 85.1505, 85.1507, 85.1509, 85.1513, 85.1516).

III. Proposed Amendments To Subpart R

A. Application of Section 216(2)

Section 216(2) of the Act defines the term "motor vehicle" as "* * * any self-propelled vehicle designed for transporting persons or property on a street or highway." Generally, EPA proposes to amend section 40 CFR 85.1703 to provide additional guidance on when a vehicle is not a "motor vehicle" under section 216 of the Act.

To provide further guidance to the regulated industry, EPA proposes to: (1) Amend this exclusion provision to reflect EPA's policy that the use of a governor to limit a vehicle's speed to 25 mph is unacceptable unless the speed control device cannot easily be removed, disabled, or circumvented; (2) amend 40 CFR 85.1703(a)(2) by deleting the reference to safety features required by Federal law; (3) revise 40 CFR 85.1703(a)(3) to state that the Federal Interstate Highway limitations will be used to determine if a vehicle is of "inordinate size"; (4) include a new provision reflecting the Agency's policy that racing and other vehicles which are not capable of safe and practical street or highway use will not be considered motor vehicles under section 216 of the Act; and (5) include a new provision to specify when a motorcycle (as defined at 40 CFR 86.402–78) will be deemed to not be a motor vehicle.

It is important to note that converting a non-motor vehicle into a motor vehicle, and operating it on a public street or highway may be considered to be manufacturing and introduction into commerce of an uncertified motor vehicle. This is a violation of section 203(a)(1) of the Act and may subject the manufacturer to civil penalties under section 205 of the Act.

B. Precertification Exemption

EPA proposes to amend 40 CFR 85.1702(a) (3) and (4), to clarify the distinction between a "Precertification motor vehicle or motor vehicle engine" and a motor vehicle or motor vehicle engine subject to a testing exemption (40 CFR 85.1705).

EPA further proposes to revise 40 CFR 85.1702(a) (3) and (4) by substituting the terms "Manufacturer-owned vehicle" and "Manufacturer-owned vehicle engine" for the terms "Precertification vehicle" and "Precertification vehicle engine" respectively. Finally, EPA

proposes to rename 40 CFR 85.1706 "Manufacturer-owned exemption". For purposes of this provision, this substitution does not expand the meaning of the subject terms, but only distinguishes them from the exemptions provided to ICIs under Subpart P in order to eliminate possible confusion created by the current use of the terms.

C. Display Exemption

EPA is also proposing a revision to the display exemption found at 40 CFR 85.1511(b)(4) and 85.1707. Presently, EPA will grant a temporary display exemption for uncertified motor vehicles under certain conditions. Although the exemption will be retained, EPA is proposing several clarifications. These clarifications include incorporating EPA's policy of granting the display exemption for business or public display purposes only; and establishing a time limit for the display exemption. In addition, the language in the display exemption in 40 CFR 85.1511(b)(4) and 40 CFR 85.1707 will be reconciled so that both provisions will prohibit use on public streets and highways except for purposes incident and necessary to the display purpose.

IV. Administrative Requirements

A. Administrative Designation and Regulatory Analysis Executive Order 12866

Under Executive Order 12866, [58 FR 51,735 (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, or 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.

It has been determined that this rule is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review.

B. Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* An Information Collection Request document has been prepared by EPA (OMB control number 2060–0095, ICR No. 10.06) and a copy may be obtained from Sandy Farmer, Information Policy Branch,; EPA; 401 M St., SW. (Mail Code 2136); Washington, DC 20460 or by calling (202) 260–2740.

This collection of information has an estimated reporting burden averaging 0.5 hours per response and an estimated annual recordkeeping burden averaging 0.3 hours per respondent. These estimates include 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; EPA; 401 M St., SW. (Mail Code 2136); Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA." The final Rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

C. Impact on Small Entities

The Regulatory Flexibility Act of 1980 requires federal agencies to identify potentially adverse impacts of federal regulations upon small entities. In instances where significant impacts are possible on a substantial number of these entities, agencies are required to perform a Regulatory Flexibility Analysis.

There will not be a significant impact on a substantial number of small business entities because the proposed rule benefits the small businesses that import nonconforming vehicles into the United States, allowing them additional options for importing these vehicles and minimizing their costs.

Therefore, as required under section 605 of the Regulatory Flexibility Act, 5 U.S.C. 601 *et. seq.*, the Administrator certifies that this regulation does not have a significant impact on a substantial number of small entities.

D. Statutory Authority

Subpart P—Secs. 203, 206, 207, 208, 301 and 307, Clean Air Act, as amended (42 U.S.C. 7522, 7525, 7541, 7542, 7601 and 7607).

Subpart R—Secs. 203(b)(1), 216(2), 301 and 307, Clean Air Act, as amended (42 U.S.C. 7522(b)(1), 7550(2), 7601 and 7607).

List of Subjects

40 CFR Part 85

Imports labeling, Motor vehicle pollution, Reporting and recordkeeping requirements, Research, Warranties.

40 CFR Part 600

Electric power, Energy conservation, Gasoline, Labeling, Administrative practice and procedure, Fuel economy.

Dated: March 17, 1994.

Carol M. Browner,

Administrator.

[FR Doc. 94–6949 Filed 3–23–94; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

42 CFR Part 100

National Vaccine Injury Compensation Program: Revision to Vaccine Injury Table

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of Extension of Public Comment Period.

SUMMARY: This document affords interested members of the public an additional 30 days to comment on proposed regulations to amend the Vaccine Injury Table governing the National Vaccine Injury Compensation Program (VICP) due to recent publication of a study that may be relevant to the vaccine injury table.

DATES: Comments must be submitted on or before April 25, 1994.

ADDRESSES: Written comments should be addressed to Fitzhugh Mullan, M.D., Director, Bureau of Health Professions (BHPr), Health Resources and Services Administration (HRSA), room 8–05, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. All comments received will be available for public inspection and copying at the Office of Program Development, BHPr, room 8A–55, Parklawn Building, at the above address weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Geoffrey Evans, M.D., Deputy Director,

Division of Vaccine Injury Compensation, BHPr, (301) 443–6593. David Benor, Senior Attorney, Office of the General Counsel, (301) 443–2006.

SUPPLEMENTARY INFORMATION: The Agency is publishing this Notice to afford members of the public an additional 30 days to provide comments on proposed regulations to amend the Vaccine Injury Table governing the National Vaccine Injury Compensation Program (hereinafter "VICP" or "Program"). The VICP was established by the National Childhood Vaccine Injury Act of 1986, Pub. L. 99–660 [42 U.S.C. 300aa–10 et seq.] (Act), and provides a system of no-fault compensation for certain individuals who have been injured by specific childhood vaccines. Petitions for compensation under this Program are filed with the United States Court of Federal Claims, with a copy served on the Secretary, who is denominated the "Respondent." The Vaccine Injury Table (Table) included in the Act establishes presumptions about causation of certain illnesses and conditions, which are used by the U.S. Court of Federal Claims to adjudicate petitions.

Under section 312 of the Act, Congress mandated that the Secretary review the scientific literature and other information on specific adverse consequences of pertussis and rubella vaccines. In accordance with the requirements of that law, the Secretary entered into a contract with the Institute of Medicine (IOM) to perform this review. The IOM published on August 27, 1991 a report of its review entitled, "Adverse Effects of Pertussis and Rubella Vaccines" (hereinafter "IOM Report.")

Section 312 also required the Secretary to propose regulations to amend the Table as a result of such findings. Accordingly, on August 14, 1992, the Assistant Secretary for Health, with the approval of the Secretary of Health and Human Services (the Secretary) published in the **Federal Register** (57 FR 36878) a Notice of Proposed Rulemaking (NPRM) to amend the Table. The NPRM was issued pursuant to section 2114 of the Act, which authorizes the Secretary to promulgate regulations to modify the Table. As required by section 2114(c) of the Act, the Department provided for a 6-month comment period which closed on February 11, 1993. In addition, on December 3, 1992, the Department held a public hearing for the purpose of receiving oral testimony on the proposed rule.

The Agency analyzed the comments received in preparation for publication of the final rule. During this process, however, the Agency became aware of the imminent publication of a 10-year follow-up study to the National Childhood Encephalopathy Study (Madge N., Diamond J., Miller D., Ross E., McManus C., Wadsworth J., Yule W. The National Childhood Encephalopathy Study: A 10-year follow-up. A report of the medical, social, behavioural and educational outcomes after serious, acute, neurologic illness in early childhood. Developmental Medicine and Child Neurology 1993; Supplement No. 68;35(7):1–118; Miller D.L., Madge N., Diamond J., Wadsworth J., Ross E. Pertussis immunization and serious acute neurological illness in children. British medical Journal 1993; 307:1171–1176, hereinafter "Miller study."). Because the National Childhood Encephalopathy Study (NCES) was reviewed initially by the IOM, and because the Miller study looked specifically at the relationship between vaccine administration and resulting neurological damage, the Department determined that it should not proceed with publication of the final rule until there had been a sufficient opportunity to consider the conclusions of the new Miller study. Accordingly, the Department asked the IOM to convene a Committee for purposes of evaluating the Miller study in light of the conclusions of its initial report. On March 2, 1994, the Institute of Medicine issued a report entitled "DPT Vaccine and Chronic Nervous System Dysfunction: A New Analysis."

The Agency has determined that the public should have an additional 30 days to comment on the conclusions of this report prior to publication of the final rule. Only those comments addressing the conclusions of this latest IOM report will be considered. Commenters should address whether the proposed rule should be modified in light of the conclusions of this latest IOM report. The Department will consider carefully all comments received, and will address these comments in the preamble to the final rule.

The Department is not able to reproduce herein the entire study for review by the public. Set forth below, however, is the Executive Summary of the report containing the IOM's conclusions. Copies of the full report can be obtained by contacting the National Academy of Sciences, 2101 Constitution Avenue, NW., Washington, DC 20077–5576.

Executive Summary

An Institute of Medicine (IOM) committee recently concluded that the evidence is consistent with a causal relation between vaccination with DPT and acute encephalopathy (IOM, 1991), and the excess risk was estimated to range from 0 to 10.5 per million DPT immunizations. However, the same IOM committee also concluded that the evidence was insufficient to indicate a causal relation between DPT and permanent neurologic damage (IOM, 1991). In fact, the relation between DPT and chronic nervous system dysfunction had not been studied in a rigorous scientific manner until recently. Because the evidence has been so limited, the appearance of a single new report, a 10-year follow-up to the National Childhood Encephalopathy Study (NCES, Miller et al., 1993), prompted the U.S. Public Health Service to ask IOM to convene the Committee to Study New Research on Vaccines with the charge of studying the new data and, if warranted, reevaluating the causal relation between DPT and chronic nervous system dysfunction.

The NCES reported that the occurrence of hospitalization for serious neurologic disorders among 2- to 35-month-old children is very strongly related to the occurrence of death or nervous system dysfunction (neurologic, behavioral, educational, motor, sensory, or self-care impairment) up to 10 years (Madge et al., 1993; Miller et al. 1993). Children who experienced the rare but serious acute neurologic disorder within 7 days after receiving DPT were no more or less likely to experience documented chronic nervous system dysfunction or to have died within 10 years of the acute disorder than children who had not received DPT within 7 days prior to the onset of the disorder. There were no special characteristics associated with the acute or chronic nervous system illnesses linked to DPT exposure.

The NCES did not investigate the possibility of a direct relation between DPT and chronic nervous system dysfunction, that is, in the absence of a serious acute neurologic illness that occurs within 7 days after receiving DPT. The NCES provides data only on the limited case of a possible relation between DPT and chronic nervous system dysfunction in those children in whom a serious acute neurologic illness followed DPT vaccination within 7 days.

The committee posits three possible scenarios whereby the acute neurologic illnesses that follow DPT might be related to chronic nervous system dysfunction.

1. DPT administration might cause serious acute neurologic illness and subsequent chronic dysfunction in children who might not have otherwise experienced either an acute neurologic illness or chronic dysfunction in the absence of DPT.

2. DPT might trigger (and thereby be an immediate or proximate cause) an acute neurologic illness and subsequent chronic dysfunction in children with underlying brain or metabolic abnormalities. Such children might experience acute neurologic illness and subsequent chronic dysfunction in association with some trigger other than DPT.

3. DPT might cause an acute neurologic illness in children with underlying brain or metabolic abnormalities that would themselves eventually have led to chronic dysfunction even in the absence of an acute neurologic illness.

The Committee believes its conclusions take into account the fact that the data do not support any one of these scenarios over the others. Because the NCES did not (and probably could not) rule out the possibility that only children with underlying brain or metabolic abnormalities react to stimuli such as DPT with acute neurologic illness, and no other studies establish or rule out such a possibility, the committee concludes that the evidence is insufficient to indicate whether or not DPT increases the overall risk in children of chronic nervous system dysfunction.

The NCES data are consistent with the possibility that some children without underlying brain or metabolic abnormalities might experience serious, acute neurologic illness within 7 days after receiving DPT and that acute neurologic illness will have chronic nervous system sequelae. The NCES data also are consistent with the possibility that some children with underlying brain or metabolic abnormalities (which foster a "triggering" by DPT of an acute neurologic illness) might go on to develop chronic nervous system dysfunction due to a DPT-triggered acute illness. Therefore, the committee concludes that the balance of evidence is consistent with a causal relation between DPT and the forms of chronic nervous system dysfunction described in the NCES in those children who experience a serious, acute neurologic illness within 7 days after receiving DPT vaccine. This serious, acute neurologic response to DPT is a rare event. The excess risk has been estimated to range from 0 to 10.5 per million immunizations (IOM, 1991). The evidence does not "establish" or "prove" a causal relation. The evidence remains insufficient to indicate the presence or absence of a causal relation between DPT and chronic nervous system dysfunction under any other circumstances. That is, because the NCES is the only systematic study of long-term dysfunctions after DPT, the committee can only comment on the causal relation between DPT and those long-term dysfunctions under the conditions studied by the NCES. In particular, it should be noted that the long term dysfunctions associated with DPT followed a serious acute neurologic illness that occurred in children within 7 days after receiving DPT.

Dated: March 18, 1994.

Ciro V. Sumaya,

Administrator.

[FR Doc. 94–6858 Filed 3–23–94; 8:45 am]

BILLING CODE 4160–15–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 94–21; RM–8427]

Radio Broadcasting Services; Garapan, Saipan, Northern Mariana Islands

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Inter-Island Communications, Inc., proposing the allotment of Channel 266C at Garapan, Saipan, Northern Mariana Islands, as the community's fifth local FM transmission service. Channel 266C can be allotted to Garapan in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction at petitioner's requested site. The coordinates for Channel 266C at Garapan are North Latitude 15–12–26, and East Longitude 145–42–57.

DATES: Comments must be filed on or before May 12, 1994 and reply comments on or before May 27, 1994.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Peter Gutmann, Esq., Pepper & Corazzini, 1776 K Street NW., suite 200, Washington, DC 20006 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 94–21, adopted March 9, 1994, and released March 21, 1994. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Victoria M. McCauley,

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

[FR Doc. 94–6913 Filed 3–23–94; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[MM Docket No. 94–23; RM–8439]

Radio Broadcasting Services; Mabton, WA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by First Love Ministries, Inc., proposing the allotment of Channel 254A at Mabton, Washington, as the community's first local aural transmission service. Channel 254A can be allotted to Mabton in compliance with the minimum Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 254A at Mabton are North Latitude 46–12–42 and West

Longitude 120–00–18. Since Mabton is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been requested.

DATES: Comments must be filed on or before May 12, 1994 and reply comments on or before May 27, 1994.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Douglas N. Earp, Director, First Love Ministries, Inc., Post Office Box 10, Mabton, Washington 98935 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 94–23, adopted March 9, 1994, and released March 21, 1994. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased form the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration of court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Victoria M. McCauley,

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

[FR Doc. 94–6914 Filed 3–23–94; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 94–25, RM–8441]

Radio Broadcasting Services; Cavalier, ND

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Cavalier Radio seeking the allotment of Channel 286C2 to Cavalier, ND, as the community's first local aural transmission service. Channel 286C2 can be allotted to Cavalier in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates North Latitude 48–47–36 and West Longitude 97–37–12. Canadian concurrence is required since Cavalier is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

DATES: Comments must be filed on or before May 12, 1994, and reply comments on or before May 27, 1994.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: T.L. Laidlaw, Cavalier Radio, Box 71, Walhalla, ND 58282 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 94–25, adopted March 9, 1994, and released March 21, 1994. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Federal Communications Commission.

Victoria M. McCauley,

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

[FR Doc. 94–6915 Filed 3–23–94; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 94–22, RM–8438]

Radio Broadcasting Services; Jackson, LA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Roosevelt Gremillion seeking the allotment of Channel 283A to Jackson, Louisiana, as the community's first local aural transmission service. Channel 283A can be allotted to Jackson in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 238A are North Latitude 30–50–18 and West Longitude 91–13–00.

DATES: Comments must be filed on or before May 12, 1994, and reply comments on or before May 27, 1994.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Roosevelt Gremillion, President, Pointe Coupee Broadcasting Company, Inc., 8677 St. Joseph Street, New Roads, Louisiana 70760 (Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 94–22, adopted March 9, 1994, and released March 21, 1994. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (room 239), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Victoria M. McCauley,

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

[FR Doc. 94–6918 Filed 3–23–94; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 94–24, RM–8440]

Radio Broadcasting Services; Bozeman, MT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by William R. Reier, Jr., proposing the allotment of Channel 278C1 to Bozeman, Montana, as that community's fifth FM broadcast service. The coordinates for Channel 278C1 are 45–40–47 and 111–02–16.

DATES: Comments must be filed on or before May 12, 1994, and reply comments on or before May 27, 1994.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Dennis F. Begley, Reddy, Begley & Martin, 1001 22nd Street NW., suite 350, Washington, DC 20037.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 94–24, adopted March 9, 1994, and released March 21, 1994. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (room 239), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street NW., suite 140, Washington, DC 20037, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Victoria M. McCauley,

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

[FR Doc. 94–6917 Filed 3–23–94; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 94–26]

Radio Broadcasting Services; Pago Pago, American Samoa

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission, on its own motion, requests comments on the proposed deletion of Channel 266C1 from Pago Pago, American Samoa. Western Samoa has recently assigned an FM station to operate on Channel 266 which conflicts with the American Samoa allotment. Should an interest be expressed in applying for a Class C1 channel at Pago Pago, the Commission proposes to allot Channel 226C1 as a replacement channel. Channel 226C1 can be allotted in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates South Latitude 14–16–41 and West Longitude 170–42–09.

DATES: Comments must be filed on or before May 12, 1994, and reply comments on or before May 27, 1994.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 94–26, adopted March 9, 1994, and released March 21, 1994. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a notice of proposed rulemaking is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Victoria M. McCauley,

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

[FR Doc. 94–6916 Filed 3–23–94; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 90

[PR Docket No. 93–61; DA 94–252]

Regulations for Automatic Vehicle Monitoring Systems

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; order extending reply comment period.

SUMMARY: The Private Radio Bureau issued a public notice soliciting additional comment and reply comment on written ex parte presentations received by the Federal Communications Commission from PacTel Teletrac, Southwestern Bell Mobile Systems, Inc. and Mobilevision in late January and early February 1994. Comments were due on or before February 25, 1994 and reply comments were due on or before March 7, 1994. The Chief, Private Radio Bureau, adopted an Order, extending the period

in which to comment on these ex parte presentations through March 15, 1994, and extending the reply comment period through March 22, 1994. The Deputy Chief Land Mobile and Microwave Division, has not adopted an Order further extending the reply comment period through March 29, 1994. This action provides those seeking to file reply comments with additional time for close review of the comments by technical personnel and provides an opportunity to determine if some consensus might be reached concerning wide area operation in this band.

DATES: Reply comments must be filed on or before March 29, 1994.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: John J. Borkowski, Rules Branch, Land Mobile and Microwave Division, Private Radio Bureau, (202) 632-7125.

SUPPLEMENTARY INFORMATION:

Amendment of Part 90 of the Commission's Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems; Order

[PR Docket No. 93-61]

Adopted: March 17, 1994;
Released: March 18, 1994.

By the Deputy Chief, Land Mobile and Microwave Division:

1. In late January and early February 1994 the Commission received written ex parte presentations from PacTel Teletrac (PacTel), Southwestern Bell Mobile Systems, Inc. (SBMS) and Mobilevision concerning the licensing of Automatic Vehicle Monitoring (AVM) systems, currently under consideration in this docket.

2. On February 9, 1994, the Bureau issued a Public Notice soliciting additional comments and reply comments on these filings.[1] The Public Notice established a due date of February 25, 1994 for comments and March 7, 1994 for reply comments. On February 25, 1994, the Bureau released an Order extending the due dates to March 15, 1994, for comments and March 22, 1994, for reply comments.[2]

3. On March 15, 1994, Pinpoint Communications, Inc. (Pinpoint) requested additional time to file reply comments. Pinpoint bases this request on the need for close review of the comments by its technical personnel and on the opportunity that additional time may provide "to determine if some consensus might be reached concerning wide area operation in this band."[3]

4. For good cause shown, and pursuant to sections 4(j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(j) and 303(r), *it is ordered that* the period of time for reply comments on ex parte filings addressed in our Public Notice, DA 94-129, released on February 9, 1994, *is hereby further extended*. Reply comments must be filed on or before March 29, 1994.

5. To file formally in this proceeding, you must file an original and four copies of all comments and reply comments. If you want each Commissioner to receive a personal copy of your comments, you must file an original and nine copies. Comments and reply comments must be sent to the Office of the Secretary, Federal Communications Commission, Washington, DC 20554.

6. Ex parte filings, as well as all comments and reply comments in this proceeding, are available for public inspection as part of the record in PR Docket No. 93-61 during normal business hours in the FCC Reference Center, room 239, 1919 M Street NW., Washington, DC. All or part of the text of these filings may be purchased from the Commission's copy contractor, International Trranscription Service, 1919 M Street NW., room 246, Washington, DC 20554, telephone (202) 857-3800.

Federal Communications Commission.

Edward R. Jacobs,

Deputy Chief, Land Mobile and Microwave Division.

[FR Doc. 94-6919 Filed 3-23-94; 8:45 am]

BILLING CODE 6712-01-M

[1] Public Notice, DA 94-129, PR Docket No. 93-61, 59 Fed. Reg. 7239 (February 15, 1994).

[2] Order, DA 94-178, PR Docket No. 93-61, 59 Fed. Reg. 10107 (March 3, 1994).

[3] Motion for Extension of Time of Reply Comments filed by Pinpoint, March 15, 1994, at 2.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 24

RIN 1018-AC36

Endangered and Threatened Wildlife and Plants; Designated Ports for Listed Plants

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service (the Service) proposes to amend the regulations that establish designated ports for the importation, exportation, and reexportation of plants by adding the U.S. Department of Agriculture (USDA) ports at Gulfport, MS, Portland, OR, and Vancouver, WA, as designated ports for the importation of logs and lumber from trees that are listed as endangered or threatened, under the Endangered Species Act of 1973, as amended (the Act), or listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The USDA has adequate facilities and personnel at these ports to qualify the ports as designated ports for the importation, exportation, and reexportation of plants under the terms of the Act and CITES. The addition of these three ports to the list of designated ports would facilitate trade and the enforcement of the Act and CITES.

DATES: Comments must be submitted on or before May 23, 1994. Requests for a public hearing must be received by May 9, 1994.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 1849 C Street NW. (MS 420 C ARLSQ), Washington, DC 20240. Comments and materials may be hand-delivered to 4401 North Fairfax Drive, room 420 C, Arlington, Virginia 22203 between the hours of 8 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Marshall P. Jones, Chief, Office of Management Authority, U.S. Fish and Wildlife Service, 1849 C Street NW., (MS 420 C ARLSQ), Washington, DC 20240, telephone (703) 358-2095.

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act of 1973, as amended (the Act), requires, among other things, that plants be imported, exported, or reexported only at designated ports or, under certain limited circumstances, at nondesignated ports. Section 9(f) of the Act (16 U.S.C. 1538(f)) provides for the designation of ports. Under section 9(f)(1), the Secretary of the Interior (the Secretary) has the authority to establish designated ports based on a finding that such an action would facilitate enforcement of the Act and reduce the costs of that enforcement. The United States Department of Agriculture (USDA) and the Secretary are responsible for enforcing provisions of the Act and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) relating to the importation, exportation, and reexportation of plants listed as endangered or threatened under the Act or listed under CITES.

The regulations contained in 50 CFR part 24, "Importation and Exportation of

Plants," are for the purpose of establishing ports for the importation, exportation, and reexportation of plants. Plants that are listed as endangered or threatened in 50 CFR 17.12 or in the appendices to CITES in 50 CFR 23.23 are required to be accompanied by documentation and may be imported, exported, or reexported only at one of the USDA ports listed in § 24.12(a) of the regulations. Certain other USDA ports are designated for the importation, exportation, or reexportation of specific listed plants. Section 24.12(e) of the regulations contains a list of USDA ports that are, for the purposes of the Act and CITES, designated ports for the importation, exportation, and reexportation of plants that are not listed as endangered or threatened or under CITES. (The USDA regulations in 7 CFR 319.37 contain additional prohibitions and restrictions governing the importation of plants through those ports.)

For the purposes of its enforcement of the Act and CITES, the Service requires that a port have personnel with expertise in identifying endangered or threatened plants, and CITES listed plants, to ensure that such plants are properly identified by their accompanying documentation. A port must also possess adequate facilities for holding live plants and plant material, since plants are subject to seizure if imported, exported, or reexported in violation of the Act or CITES. The Service further requires that, whenever possible, ports be located to coincide with established patterns of plant trade in order to help reduce shipping costs.

The Service has been asked to add the USDA ports at Gulfport, MS, Portland, OR, and Vancouver, WA, to the list of designated ports for the importation of logs and lumber from trees listed as endangered or threatened under the Act or listed under CITES. Logs and lumber from listed trees may currently be imported through one of the designated ports for the importation of logs and lumber from trees listed as endangered or threatened or under CITES, or through one of the USDA ports designated for the importation, exportation, or reexportation of plants listed as endangered or threatened or under CITES. Currently, importers wishing to import logs and lumber from listed trees into a U.S. port on the Gulf of Mexico may use only Mobile, AL, New Orleans, LA, and Houston and Brownsville, TX. Importers wishing to import logs and lumber from listed trees into a port in the northwestern United States have only the port of Seattle, WA.

After consultations with the USDA, the Service has determined that the USDA ports at Gulfport, MS, Portland, OR, and Vancouver, WA, possess adequate facilities and personnel to carry out enforcement activities related to the Act and CITES. Additionally, these locations appear to coincide with established patterns of trade. Therefore, the Service proposes to add these ports to the list of designated ports for the importation of logs and lumber from listed trees.

Requests for Public Hearing

Section 9(f)(1) of the Act provides that any person may request an opportunity to comment at a public hearing before the Secretary confers designated port status on any port. Accordingly, the Service will accept public hearing requests within 45 days of the publication of this proposed rule. These requests should be sent to the Office of Management Authority address listed in the **ADDRESSES** section of this document.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule was not subject to Office of Management and Budget (OMB) review under Executive Order 12866.

The Service believes that adding the USDA ports at Gulfport, MS, Portland, OR, and Vancouver, WA, to the list of designated ports for the importation of logs and lumber from trees listed as endangered or threatened under the Act or listed under CITES would have a positive economic impact. These ports are significant ports of entry for logs and lumber, but they currently may not be used to import logs and lumber from listed trees. Currently, importers wishing to import logs and lumber from listed trees into a U.S. port on the Gulf of Mexico may use only Mobile, AL, New Orleans, LA, and Houston and Brownsville, TX. Importers wishing to import logs and lumber from listed trees into a port in the northwestern United States have only the port of Seattle, WA. Adding Gulfport, MS, Portland, OR, and Vancouver, WA, to the list of designated ports for the importation of logs and lumber from trees listed as endangered or threatened or under CITES would result in a savings in time and transportation costs for importers of logs and lumber.

Under these circumstances, the Service has determined that this action would not have a significant economic impact on a substantial number of small entities, as described in the Regulatory Flexibility Act (5 U.S.C. 601).

Executive Order 12372

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

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. The Office of the Solicitor has determined that the requirements of Executive Order 12778 have been satisfied.

National Environmental Policy Act

The Service has determined that this proposed rule to add designated ports under authority of the Endangered Species Act of 1973 for the importation and exportation of plants is not a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of List of the Subjects in 50 CFR Part 24

Endangered and threatened species, exports, harbors, imports and plants.

Accordingly, we propose to amend 50 CFR part 24 as follows:

PART 24—IMPORTATION AND EXPORTATION OF PLANTS

1. The authority citation for part 24 continues to read as follows:

Authority: Secs. 9(f)(1), 11(f), Pub. L. 93-205, 87 Stat. 893, 897 (16 U.S.C. 1538(f)(1), 1540(f)).

§ 24.12 [Amended]

2. In § 24.12, paragraph (e) would be amended by adding the words "Gulfport, Mississippi;" after "Baltimore, Maryland;", by adding the words "Portland, Oregon;" after "Wilmington and Morehead City, North Carolina;", and by removing the words "and Norfolk, Virginia," and adding the words "Norfolk, Virginia; and Vancouver, Washington," in their place.

Dated: February 26, 1994.

George T. Frampton, Jr.,

Assistant Secretary, Fish and Wildlife and Parks

[FR Doc. 94-6930 Filed 3-23-94; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

[Docket No. 940232-4032; I.D. 031594E]

Northeast Multispecies Fishery

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

ACTION: Notification of Flexible Area Action System.

SUMMARY: NMFS issues this notification to inform the public and the fishing industry that the New England Fishery Management Council (Council) is considering Flexible Area Action System #8 (FAAS) implementing regulations for the Northeast Multispecies Fishery Management Plan (FMP). The purpose of the action would be to address the discard problems associated with a substantial concentration of spawning and sub-legal sized haddock. This action is initiated in part based on the data and information generated in support of FAAS #7, which was not implemented by NMFS due, in part, to insufficient supporting data. The area affected is located offshore of Cape Cod, MA and is in and around the area known as Closed Area I.

DATES: Comments on this proposed action must be received by April 7, 1994. The Council's Multispecies Committee (Committee) will hold a public hearing on April 7, 1994, at 1:30 p.m., at the King's Grant Inn, Danvers, MA.

ADDRESSES: Copies of the NMFS Northeast Regional Director's fact-finding report and the Council's impact analysis will be available on April 1, 1994, upon request from Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway (Route 1), Saugus, MA 01960; telephone 617/231-0422.

Send comments on the proposed action, the fact-finding report, and the Council's impact analysis to Richard B. Roe, Regional Director, NMFS, One Blackburn Drive, Gloucester, MA 01930.

The Committee will hold a public hearing on April 7, 1994, at 1:30 p.m. at the King's Grant Inn, Danvers, MA, in conjunction with a meeting of the Committee, to solicit comments on the proposed action.

FOR FURTHER INFORMATION CONTACT: E. Martin Jaffe, NMFS, Fishery Policy Analyst, telephone 508-281-9272.

SUPPLEMENTARY INFORMATION: This action is taken under 50 CFR 651.26 of the regulation implementing the Northeast Multispecies Fishery Management Plan. Section 651.26 specifies a FAAS whereby protection can be provided to concentrations of juvenile, sub-legal or spawning fish. As part of this process, the Director, Northeast Region, NMFS (Regional Director), will initiate a fact-finding investigation of the alleged problem. The Council will also provide an impact analysis of alternative measures that might be implemented under this action.

The problem that may require measures to be taken under the FAAS is the possible discarding of large quantities of haddock, including spawning females. This situation may present an impediment to haddock spawning success, result in significant waste of haddock, and would be detrimental to the Council's haddock stock-rebuilding efforts. Fishermen are required to discard haddock due to either the implementation of emergency rules to protect haddock, which include a 500-pound (226.8 kg) haddock possession limit, or the setting of a 19-inch (14.26 cm) minimum legal size for haddock.

The Council was alerted to this possible discard problem in early February, 1994 and initiated FAAS #7. The Regional Director conducted a fact-finding mission. The Committee formulated a recommendation to close an area on the basis of the fact-finding report, an additional sea-sampling report, and information presented at a public hearing. The Regional Director did not implement the Committee's recommendation to close the area because the information available was inconclusive, particularly with respect to the large area under consideration.

The Council learned from a sea-sampling report in conjunction with FAAS #7 that 95 percent by weight of the haddock caught on that trip was discarded. On that trip, a sampling of discarded fish indicated that 80 percent of the discarded haddock was sub-legal size. The Council has requested the Regional Director to gather additional information under FASS #8 to determine whether a problem exists that requires management action.

Potential Area Affected

(1) The potential area of the proposed action that could be affected includes the area in and around the area known as Closed Area 1, defined at 50 CFR 651.21(a)(2) and encompassed by lines connecting the following points: (a) 40°53′ N. Latitude, 68°53′ W. Longitude; (b) 41°35′ N. Latitude, 68°30′ W. Longitude; (c) 41°50′ N. Latitude, 68°45′ W. Longitude; (d) 41°50′ N. Latitude, 69°00′ W. Longitude; (e) 41°30′ N. Latitude, 69°00′ W. Longitude; (f) 41°30′ N. Latitude, 69°23′ W. Longitude, and (a) 40°53′ N. Latitude, 68°53′ W. Longitude. Also included is the area defined by the Committee's recommendation in connection with FAAS #7 bounded by lines connecting the following coordinates: (a) 41°30′ N. Latitude, 69°23′ W. Longitude; (b) 40°45′ N. Latitude, 68°45′ W. Longitude; (c) 40°45′ N. Latitude, 68°30′ W. Longitude; (d) 41°30′ N. Latitude, 68°30′ W. Longitude; (a) 41°30′ N. Latitude, 69°23′ W. Longitude;

(2) The species that could be affected by any action would be haddock and Atlantic cod, primarily, and any other species for which fisheries are forced to move to other areas for the period of a closure.

(3) The types of gear that could be affected by this action are all types of gear capable of catching groundfish, including, but not limited to, otter trawls, sink gillnets, hook gear, scallop dredge gear, traps, and any other gear types directed at haddock or that catch haddock in the area defined as a result of the fact-finding.

(4) The fisheries that would be impacted are the commercial and recreational groundfish and scallop fisheries that operate in the area of the proposed action and use the gear types listed above.

(5) The principal ports that would be affected are Portland, ME; Gloucester, MA; Boston, MA; New Bedford/Fairhaven, MA; and Galilee, RI. Some smaller ports near these larger ports could also be impacted.

(6) The expected duration of the action is between 3 weeks and 6 months. If implemented as early as April 12, 1994, the action could last until October 9, 1994.

(7) The Committee expects to recommend that those areas that are determined to have significant concentrations of spawning haddock be closed to fishing with the types of gear described in (3) above.

Other actions which might be considered are implementation of any measures currently listed in the FMP and its implementing regulations, such as a minimum mesh size, etc.

(8) The Council will begin analyzing the potential impacts from possible action upon publication of this notice.

(9) The Council's impact analysis will be available on April 1, 1994.

This meeting is accessible to people with physical disabilities. Requests for sign language interpretation or other

auxiliary aids should be directed to Douglas G. Marshall (see ADDRESSES). Executive Director, New England Fishery Management Council, telephone 617–231–0422.

List of Subjects in 50 CFR Part 651

Fisheries, Fishing, Reporting and Recordkeeping requirements.

Dated: March 18, 1994.

Richard H. Schaefer,

Director of Office of Fisheries, Conservation and Management, National Marine Fisheries Service.

[FR Doc. 94–6883 Filed 3–18–94; 4:43 pm]

BILLING CODE 3510–22–M

Notices

Federal Register
Vol. 59, No. 57
Thursday, March 24, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Public Information Collection Requirements Submitted to OMB for Review

The U.S. Agency for International Development (U.S.A.I.D.) submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of the entry no later than ten days after publication. Comments may also be addressed to, and copies of the submissions obtained from the Records Management Officer, Renee Poehls, (202) 736–4743, M/FA/AS/ISS/RM, room B930 NS, Washington, DC 20523–0097.

Date Submitted: March 15, 1994.

Submitted Agency: U.S. Agency for International Development.

OMB Number: 0412–0514.

Type of Submission: Renewal.

Title: U.S.A.I.D. Regulations—Rules and Procedures Applicable to Commodity Transactions.

Purpose: U.S.A.I.D. finances transactions under Commodity Import Programs and needs to assure that the transaction complies with applicable statutory and regulatory requirements. In order to assure compliance and request refund when appropriate, information is required from host country importers, suppliers receiving U.S.A.I.D. funds, and banks making payments for U.S.A.I.D.

Annual Reporting Burden: Respondents: 510, annual responses: 1275; average hours per response: .50; annual burden hours: 637.50.

Reviewer: Jeffery Hill (202) 395–7340, Office of Management and Budget, room 3201, New Executive Office Building, Washington, DC 20503.

Dated: March 16, 1994.

Elizabeth Baltimore,

Chief, Information Support Services Division.

[FR Doc. 94–6979 Filed 3–23–94; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 94–009N]

Hazard Analysis and Critical Control Point (HACCP) Round Table Meeting

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: On January 11, 1994, Secretary Espy announced in the **Federal Register** his intention to hold a Hazard Analysis and Critical Control Point (HACCP) Round Table session. The process for the Round Table was outlined whereby constituents and other interests could notify FSIS of their desire to participate in the meeting. This notice provides: (1) The names of the participants in the Round Table, (2) the names of the Round Table Steering Committee members, and (3) the site of the Round Table.

DATES AND PLACE: The Round Table will be held on March 30 and 31, 1994, at the Hyatt Regency Hotel, 400 New Jersey Avenue NW., Washington, DC. The meeting will commence at 8:30 a.m. each day.

FOR FURTHER INFORMATION CONTACT: Mr. Mark G. Manis, Director, Import Inspection Division, International Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Room 0114, South Building, 14th and Independence Avenue SW., Washington, DC, (202) 720–2952.

SUPPLEMENTARY INFORMATION: FSIS views the Round Table as an opportunity to allow free and frank discussion of the concerns of constituents prior to the issuance of a proposed HACCP regulation. The meeting is viewed as an opportunity to assist FSIS through a thorough and substantive discussion of the issues regarding HACCP. FSIS welcomes the views of the participants as well as those of the observers of the meeting.

The following individuals will serve as Round Table participants:

Meat and Poultry Industry and Their Representatives

1. Kenneth May, National Broiler Council
2. Tim Brown, Kroger Company
3. Gary Kushner, Hogan and Hartson
4. Bruce Tompkin, Armour Swift-Eckrich
5. Bernard Hansen, Flint Hills Foods, Inc.

Consumers and Their Representatives

6. Carol Tucker Foreman, Safe Food Coalition
7. Caroline Smith DeWaal, Public Voice for Food and Health Policy
8. Gerald F. Kuester, Safe Tables
9. Karin L. Bolte, National Consumers League
10. Thomas Devine, Government Accountability Project

Scientists and Professional Scientific Organizations

11. Dane Bernard, National Food Processors Association
12. John Troller, American Society for Microbiology
13. Richard H. Forsythe, University of Arkansas
14. James Marsden, American Meat Institute
15. Michael Doyle, University of Georgia

Producers and Farmers

16. Beth Lautner, National Pork Producers Council
17. Robert A. Smith, Oklahoma State University
18. Rod Bowling, National Cattlemen's Association
19. Michael Robach, Wayne Poultry

FSIS Employees and Their Representatives

20. Edward Menning, National Association of Federal Veterinarians
21. Arthus Hughes, National Joint Council
22. Dennis Reisen, Association of Technical and Supervisory Professionals

Federal, State, and Local Governments

23. Martha R. Roberts, Florida Department of Agriculture and Consumer Services
24. Mike Windham, National Association of State Departments of Agriculture
25. Michael Mamminga, National Association of State Meat and Food Inspection Directors

Public Health Officials

26. Pamela V. Fernandez, American Public Health Association
27. George Dimmick, Indiana State Department of Health

Other Participants

28. George Bancroft, Bancroft Farms
29. Edna Carpenter, Western Resource Council
30. LeRoy Russ, Carl Karcher Enterprise
31. Fred R. Shank, Food and Drug Administration, HHS
32. Lonnie J. King, Animal and Plant Health Inspection Service, USDA
33. Mark G. Manis, Food Safety and Inspection Service, USDA

The following Round Table participants are also members of the Steering Committee:

1. Dane Bernard
2. Carol Foreman
3. Arthur Hughes
4. Beth Lautner
5. Mark Manis
6. Kenneth May
7. Edward Menning
8. Dennis Reisen
9. Martha Roberts

The Steering Committee met in Washington, DC, on March 8 and 9, 1994. The committee prepared the following statement.

HACCP Round Table Purpose

The purpose of the Round Table is to provide a forum for issues involved in the development and implementation of a mandatory HACCP program that will improve the safety of meat and poultry products. The goals of the Round Table are to: 1) identify issues of concern; 2) explore possible areas of agreement and disagreement; and 3) identify measures that will facilitate implementing a preventive system of control by providing input to FSIS prior to rulemaking.

Furthermore, the Steering Committee identified six key issues for the Round Table: 1) HACCP Plan Approval; 2) Measures of Effectiveness; 3) Compliance/Enforcement; 4) Relationship and Effect of HACCP on Inspection Procedures; 5) HACCP Training; and 6) Phase-In of Mandatory HACCP. The Steering Committee participated in the drafting of issue papers for these six issues. The six issue papers will be available in advance of the meeting and can be obtained from Mr. Manis. The consideration of other issues either orally or in writing will be entertained at the Round Table. If written material is presented, then one copy must be furnished for the record.

The Round Table will be open to the public, and a transcript will be prepared of the meeting. A final report, which will include any comments submitted at the Round Table, will be prepared and made available to the public.

Done at Washington, DC, on: March 17, 1994.

Patricia Jensen,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 94–6862 Filed 3–23–94; 8:45 am]

BILLING CODE 3410–DM–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–582–802]

Sweaters Wholly or in Chief Weight of Man-Made Fiber From Hong Kong; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On December 3, 1993, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on sweaters wholly or in chief weight of man-made fiber from Hong Kong. The review covers 29 manufacturers/exporters and the period April 27, 1990 through August 31, 1991.

We gave interested parties an opportunity to comment on our preliminary results. We have analyzed the comments received, and have changed the method in which the sample rate is calculated.

EFFECTIVE DATE: March 24, 1994.

FOR FURTHER INFORMATION CONTACT: Elisabeth Urfer or Maureen Flannery, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4733.

SUPPLEMENTARY INFORMATION:

Background

On September 24, 1990, the Department of Commerce (the Department) published in the **Federal Register** (55 FR 39036) the antidumping duty order on sweaters wholly or in chief weight of man-made fiber (MMF sweaters) from Hong Kong. On September 30, 1991, the petitioner, the National Knitwear & Sportswear Association (NKSA), requested that we conduct an administrative review, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Tariff Act) and 19 CFR 353.22(a). We published the notice of initiation of the antidumping duty administrative review on October 18, 1991 (56 FR 52254), covering the period April 27, 1990 through August 31, 1991. On December 3, 1993 the Department published the preliminary results in the **Federal Register** (58 FR 63913). The initiation notice named 31 companies. Of these 31 companies, we terminated the review of two companies, which had requested review of their own shipments, but later withdrew those requests. (See "Termination of Review in Part" section of the preliminary results notice.) Of the remaining 29 companies the following four companies were selected to be analyzed, using sampling techniques: Apace Knitting Factory (Apace), Bond Manufacturing Co., Ltd. (Bond), Hayward Knitters (Hayward), and LaMagma, Ltd. (LaMagma). The other companies covered by this review preliminarily received a rate which was the simple average of the margins of these four companies.

Four exporters, Peninsula Knitters Ltd. (Peninsula), Fang Brothers Knitting Limited (Fang), Sun Hing Knitting Factory Limited (Sun Hing) and Comitex Knitters Limited (Comitex), and the Hong Kong Woollen & Synthetic Knitting Manufacturers' Association, (Peninsula et al.) submitted a joint case brief. Susan Bristol, Inc. (Bristol) an importer, submitted a case brief. No party submitted a rebuttal brief. The Department has now completed this administrative review in accordance with section 751 of the Tariff Act.

Scope of the Review

Imports covered by this review are shipments of MMF sweaters from Hong Kong. MMF sweaters are defined as garments for outerwear that are knitted or crocheted, in a variety of forms including jacket, vest, cardigan with button or zipper front, or pullover, usually having ribbing around the neck, bottom, and cuffs on the sleeves (if any), encompassing garments of various lengths, wholly or in chief weight of man-made fiber. The term "in chief weight of man-made fiber" includes sweaters where the man-made fiber material predominates by weight over each other single textile material. This excludes sweaters 23 percent or more by weight of wool. It includes men's, women's, boys', or girls' sweaters, as defined above, but does not include sweaters for infants 24 months of age or younger. It includes all sweaters as defined above, regardless of the number of stitches per centimeter, provided that,

with regard to sweaters having more than nine stitches per two linear centimeters horizontally, it includes only those with a knit-on rib at the bottom.

Garments which extend below mid-thigh or cardigans that contain a sherpa lining or heavy-weight fiberfill lining, including quilted linings, used to provide extra warmth to the wearer, are not considered sweaters and are excluded from the scope of the order. Also specifically excluded from the scope are sweaters assembled in Guam that are produced from knit-to-shape component parts knit in and imported from Hong Kong and entering under Harmonized Tariff Schedule (HTS) item number 9902.61.

The subject merchandise is currently classifiable under HTS item numbers 6110.30.30.10, 6110.30.30.15, 6110.30.30.20, 6110.30.30.25, 6103.23.00.70, 6103.29.10.40, 6103.29.20.62, 6104.23.00.40, 6104.29.10.60, 6104.29.20.60, 6110.30.10.10, 6110.30.10.20, 6110.30.20.10, and 6110.30.20.20. This merchandise may also enter under HTS item numbers 6110.30.30.50 and, 6110.30.30.55. The HTS item numbers are provided for convenience and Customs purposes only. The written description remains dispositive.

Sampling Methodology

We applied our sampling methodology in the following manner. First, each of the 18 companies included in the sample pool was assigned points according to its percentage share of total export sales, by volume, to the United States. One point was given for each ½ percent of U.S. sales. (Each company received a minimum of one point.) Each company was represented in the sample pool in proportion to the number of points it received. For example, a company that comprised 25 percent of exports to the United States would receive 50 points and go "into the hat" 50 times. A company that comprised one percent of total exports would receive two points and go "into the hat" twice. In this way, the company with a greater volume of exports had a greater chance of being selected than a company with a smaller volume of exports. There was a total of 203 points in the pool. We then selected random numbers between one and 203 corresponding to the points until four separate companies were selected. (In all, we selected seven points, four of which corresponded to the same company.)

For the preliminary results, the companies in the sample pool that were not selected to be analyzed received a rate which was the simple average of the margins of the four selected companies. For the final results we have determined that it is more appropriate to weight the sample by the points drawn from the pool. Since each point represents a percentage of the total sales volume, each time we randomly selected a point we were, in effect, selecting a segment of the sales volume as representative of the entire pool. Each volume segment had an equal chance for selection, and each segment is equally representative of the pool. Therefore, each segment should be given equal weight in calculating the sample pool rate. Four points assigned to Hayward were drawn; therefore, Hayward's rate of 5.86 percent has entered the sample rate calculation four times. Points assigned to Apace, Bond and LaMagma were drawn only once; therefore, their rates of 115.15 percent, 5.86 percent, and zero percent have each entered the sample rate once. The sample rate for these final results is 20.64 percent.

Analysis of the Comments Received

Comment 1

Peninsula et al. contend that the Department does not have legal authority to utilize sampling to select respondents in administrative reviews. Peninsula et al. argue that the provision in the Trade Agreements Act of 1979 dealing with sampling was not intended to permit the Department to use sampling in selection of respondents, but in the calculation of foreign market value (FMV). They argue that, while the Trade and Tariff Act of 1984 expanded the Department's authority with regard to sampling, it did not give the Department the authority to sample respondents.

Peninsula et al. argue that the statute and legislative history indicate that Congress intended to extend the authority for sampling to the calculation of U.S. price and other variables within the databases of a particular respondent, rather than to a group of respondents. They claim that when the Department restricts its review to a sample of the respondents named by the domestic industry, those respondents not selected for active participation are *ipso facto* excluded from the administrative process, and their fate is entirely in the control of their competitors. Peninsula et al. further contend that because the consequences of sampling are so dire, it should not be assumed, in the absence of an explicit statutory provision, that Congress intended that the Department investigate anything less than the entire universe of named parties in an administrative review.

Peninsula et al. further contend that there is no judicial precedent to support the Department's sampling authority. They argue that in the one case where the Court of International Trade (CIT) considered the Department's exercise of sampling for respondent selection in an administrative review, *Floral Trade Council* v. *United States*, 775 F. Supp. 1492, 15 CIT 497 (1991), the Court assumed that the Department had the authority to use representative samples, and that the argument was therefore untested.

Department's Position: We disagree. Section 777A of the Tariff Act provides the Department with broad authority to apply sampling techniques in administrative reviews (19 U.S.C. 1677f-1). The legislative history of the Trade and Tariff Act of 1984 indicates that this provision grants the Department the discretion to apply sampling to any aspect of an antidumping review:

> Section 109 [of H.R. 4784] authorizes sampling and averaging techniques utilized by the administering authority in determining foreign market value under the present antidumping law also to be used in determining United States price in dumping investigations and *in all aspects of the annual review of outstanding countervailing and antidumping duty orders*. (emphasis added) (H.R. Rep. No. 98–725, 98th Cong., 2nd. Sess., Reprinted in 1984 U.S. AAN., 5127, 5135.)

The only criteria for using the sampling provision of section 777A are that a significant volume of sales be involved or a significant number of adjustments to prices be required, and that such samples shall be representative of the transactions under review. (See 19 U.S.C. 1677f-1.) Those criteria were met in this case. (See comment 4.)

We have employed sampling techniques to select respondents to be analyzed in past administrative reviews. See, *e.g.*, Certain Fresh Cut Flowers From Colombia; Preliminary Results of Antidumping Duty Administrative Review, Partial Termination of Administrative Review and Intent To Revoke Order (In Part) (58 FR 65329, December 14, 1993) Fresh and Chilled Atlantic Salmon from Norway; Preliminary Results of Antidumping Duty Administrative Review, (58 FR 17380, April 2, 1993), and Certain Fresh Cut Flowers from Colombia: Final Results of Antidumping Duty Administrative Review (55 FR 20491, 20495–96, May 17, 1990).

The CIT has reviewed and upheld the Department's sampling methodology in the context of an antidumping duty review. (See *Floral Trade Council* v. *United States*, 775 F. Supp. 1492 (1991)

(Floral Trade II).) In that case, the Court acknowledged Commerce's authority, which was unchallenged, to use sampling techniques (which in this case involved sampling among manufacturers/exporters). The decisions in Floral Trade II and numerous other cases support the proposition that the only limitations on Commerce's authority to use sampling techniques are the criteria in Section 777A, noted above. (See also *Asociacion Colombiana de Exportadores* v. *United States*, 704 F. Supp. 1114 (CIT 1989); *Floral Trade Council* v. *United States*, 704 F. Supp. 233 (CIT 1988) (Floral Trade I).)

Comment 2

Peninsula et al. argue that, assuming the Department does have the authority to sample, the Department should not have done so in this review, as the statute mandates that the Department must use a generally accepted statistical method to conduct sampling. Peninsula et al. assert that, as reflected in the December 16, 1991 letter and December 13, 1991 sampling memorandum that the Department issued, the decision to sample was based simply on the total number of respondents requested by petitioners for the three concurrent MMF Sweater reviews (Hong Kong, Taiwan, and Korea), without regard to whether the total number of respondents in each individual country was amenable to sampling under generally recognized principles of statistical theory.

Peninsula et al. contend that there is no evidence on the record which demonstrates that the Department made any effort to decide how large a sample was necessary to reduce the sampling error to an acceptable level. They argue that statistical theory does not permit sampling to be undertaken in all instances where there is a multitude of objects to be studied, and point out that required sample size should be directly proportional to the population variance. They argue that there is no analysis on the record which demonstrates that the Department considered how many firms, from the sample pool of 18, needed to be investigated in order to bring the sampling error to an acceptable level, and that Peninsula and Fang noted this in their December 23, 1991 letter to the Department.

Department's Position: As in similar cases in the past, the Department's decision to sample was based on the large number of respondents in the three concurrent MMF sweater reviews, and the resource constraints that existed at the time these reviews were initiated. We have employed sampling in the past based on a large sales volume and the resulting burden that analyzing all sales would place upon us. In Certain Fresh Cut Flowers From Colombia; Preliminary Results of Antidumping Duty Administrative Review, Partial Termination of Administrative Review and Intent To Revoke Order (In Part) (58 FR 65329, December 14, 1993), we noted the large number of firms and transactions under review, and in Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from the Federal Republic of Germany; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews (56 FR 11200, March 15, 1991) we noted the large number of transactions and the resulting administrative burden involved in calculating individual margins for all of these transactions. Furthermore, the CIT has upheld the use of sampling based on the cumulative burden resulting from simultaneous cases. (See, e.g., Floral Trade I.) In the present case, we initiated reviews on 128 firms from Korea, Taiwan, and Hong Kong, and, due to the significant sales volume, we sampled firms. (We later eliminated from the sample pools companies which did not respond to our sampling questionnaire, had no shipments, or could not be located.)

We also disagree with Peninsula et al. regarding the information we had concerning the firms in the sample, at the time we made the decision to sample. We received from the Hong Kong government a list of quota holders and their allocated export quantities on November 11, 1994, more than a month before our decision to sample. Based on that information, we were able to assess the approximate volume of the Hong Kong MMF sweater manufacturers/exporters before making our decision to sample in the three cases. The Hong Kong sample constituted 22 percent of the firms in the sample pool, and captured approximately 60 percent of the sales volume. We therefore concluded that the sample was adequate.

Comment 3

Peninsula et al. argue that sampling was inappropriate because the sample pool was too small. They cite the December 23, 1991 letter from NKSA to the Department, in which NKSA pointed out that the Department had not sampled respondent companies in other administrative reviews that had involved a greater number of companies. They also cite a 1991 submission from Peninsula and Fang, in which Peninsula and Fang argued that the 17 companies which had, at that time, responded to the preliminary questionnaire, accounted for only 204,742 dozen sweaters worth $19 million, and that, in reviews of other antidumping duty orders, the Department had reviewed transactions of single respondents with much greater values and volumes.

Peninsula et al. argue that even the results of the review demonstrate that the pool was too small, noting that the presence of a single BIA respondent drove the sample rate from 5.86 to 31.72 percent. They point out that in Fresh Cut Flowers from Colombia: Preliminary Results of Antidumping Administrative Review, 58 FR 65329 (December 14, 1993), a BIA margin of 72.35 percent was applied to two firms and was included in the sample pool margin, but that the effect of the inclusion of these firms was a margin of 5.71 percent. They also argue that the Department did not seem to verify that the four companies which claimed no shipments did not export to the United States during the period of review.

Department's Position: We disagree with Peninsula et al. that the size of the sample was too small to be appropriate. As mentioned above, our sample captured approximately twenty-two percent of firms and sixty percent of all sales. While we have at times been able to review companies with greater value and volume, given that we simultaneously initiated reviews on 128 firms from three countries, and that there were scarce resources available to us at the time, the decision to sample was justified. In Hong Kong alone, the sample pool was 18 firms, a greater number than in most antidumping reviews. Furthermore, given the differences in selling practices generally found among companies, and the necessity of conducting a separate analysis of each company selected, it is less of an administrative burden to analyze a large number of sales from a few companies, than a smaller number of sales spread among a greater number of companies.

Regarding the companies which claimed no shipments, we did verify their claims with the U.S. Customs Department. (See e-mail from the U.S. Department of Commerce to U.S. Customs, dated July 2, 1992.)

Comment 4

Peninsula et al. argue that the Department's methodology was erroneous because the sample was not representative. They point out that Peninsula and Fang, in a December 23, 1991 letter to the Department, argued that the pool of respondents was not homogeneous, and displayed clear

biases related to company size. Peninsula et al. state that the Department presumed that it was dealing with a homogenous universe of potential respondents. They present a chart which shows quantity, value, and average per unit value for each of the firms in the pool, which, they argue, shows that there is an inverse correlation between volume of sales and unit price. They claim that the selected firms were predominantly large-size, low-unit-value firms, and the results for these big firms are being applied to the smaller, higher-unit-value firms. Peninsula et al. cite the Department's January 6, 1992 memorandum, in which we noted that the Korean respondents were theoretically correct in their argument that the sampling methodology was biased towards small firms, although the potential bias was minimal.

Department's Position: Because of the way our sample was structured, firms with the largest volumes were more likely to be chosen. We assigned one point for every 0.5 percent of total sales volume within the sample, then randomly drew numbers, corresponding to the assigned points. Firms with less than 0.5 percent of total sales volume were assigned one point. As larger firms had more points assigned to them, they were more likely to be chosen. However, the theoretical statistical bias was actually in favor of the selection of the smallest firms, because there were five firms with less than 0.5 percent of sales volume, all of whom received one point. None of these low volume firms were selected for the sample, so this theoretical bias had no practical effect.

We chose our sampling methodology because it was both representative and efficient. When we issued our proposed sampling methodology and invited interested parties to comment thereon, we asked that the parties focus on methodology rather than the decision to sample. In their submissions, NKSA, as well as Fang and Peninsula, objected to sampling, but did not suggest an alternative to the sampling methodology we proposed. Where, as here, the sampling methodology is legally adequate and the results have not been shown to be unrepresentative, the CIT has upheld the sampling of representative firms. In *Asociacion Colombiana de Exportadores de Flores* v. *U.S.*, the CIT upheld the Department's sampling of respondent firms in a less than fair value investigation, noting that "the sampling methodology was legally adequate and the results of the sampling have not been shown to be unrepresentative." (704 F. Supp. 1114, 1122 (1989).)

We also disagree that sales price should be used as the basis of stratification, as Peninsula et al. now suggest. Whether a company's price to the United States is high or low is not in itself indicative of the existence or level of dumping. Rather, dumping is measured by a comparison of U.S. prices to the home market or third country prices, or to constructed value. A company that sells at higher prices than a second company could have a higher margin of dumping, depending on the FMVs of the two companies. Therefore, it would be inappropriate to group respondents on the basis of price, or a surrogate for price, as Peninsula et al. suggest.

Comment 5

Peninsula et al. argue that given the technical deficiencies in the sampling protocol, the Department should have allowed respondents who were not selected to participate voluntarily, without such firms' results going into the sample-rate calculation. They argue that Peninsula and Fang, in their December 23, 1991 letter, suggested that respondents not selected as questionnaire recipients be able to participate voluntarily without the rates for such firms being incorporated in the sample rate.

Department's Position: We disagree. Every MMF sweater manufacturer/exporter in Hong Kong had ample opportunity to request that it be reviewed during the anniversary month of the antidumping duty order, should it have wanted its own rate. Peninsula and Fang, as well as other companies in the sample pool, chose not to request a review of their sales.

Comment 6

Peninsula et al. argue that the best information available (BIA) outlying rate of 115.15 percent should have been excluded from the sample rate calculation. Rather, the fourteen firms in the sample pool should be subject to a sample rate of 3.91 percent. Bristol similarly argues that the companies in the sample pool were unfairly punished by the inclusion of Apace, the firm which received the 115.15 percent rate. Bristol contends that the fourteen companies in the sample pool indicated a willingness to cooperate with the Department by submitting sampling questionnaire responses. Bristol further argues that had Apace not responded to the sampling questionnaire, it would have been assigned the 115.15 percent BIA rate, but would not have been included in the sample pool, thereby punishing itself, but not the others in the pool.

Department's Position: We disagree with Peninsula et al. and Bristol regarding the appropriateness and fairness of including Apace in the sample pool. Removal of Apace from the sample pool would have jeopardized the integrity of the sample, as the sample margin would be skewed towards firms with low margins. We note that the sample rate of the four firms includes not one, but three firms with BIA rates. It is as reasonable for us to assume that Apace's rate of 115.15 percent represents one-seventh of the volume of sampled firms as it is to assume that LaMagma's zero percent rate represents one-seventh of that volume.

Bristol is correct in its assertion that had Apace not responded to the sampling questionnaire, it would have received an uncooperative BIA rate of 115.15 percent, and would have not been included in the sample pool. However, once the sample universe is defined, and the sample selected, we cannot then discard the results of the sample for any particular selected company. There is no reason to believe that Apace's failure to respond to the antidumping questionnaire was not representative of other companies that answered the sampling questionnaire.

Final Results of Review

As a result of our review, we determine that the following margins exist:

Manufacturer/exporter	Period of review	Margin (percent)
Apace Knitting Factory	04/27/90–08/31/91	115.15
Bond Manufacturing Company, Ltd	04/27/90–08/31/91	5.86
Hayward Knitters	04/27/90–08/31/91	5.86
LaMagma	04/27/90–08/31/91	0.00
Sample pool:		
Chung Cheung Knitting Factory	04/27/90–08/31/91	[1]20.64
Comitex Knitters, Ltd	04/27/90–08/31/91	[1]20.64

Manufacturer/exporter	Period of review	Margin (percent)
Everest Knitwear, Ltd	04/27/90–08/31/91	[1] 20.64
Fang Brothers Knitting, Ltd	04/27/90–08/31/91	[1] 20.64
Fortuna Knits	04/27/90–08/31/91	[1] 20.64
Gee Cheung Knitting	04/27/90–08/31/91	[1] 20.64
Just Fashions International	04/27/90–08/31/91	[1] 20.64
Ken Shing Knitting Factory	04/27/90–08/31/91	[1] 20.64
Peninsula Knitters, Ltd	04/27/90–08/31/91	[1] 20.64
Sun Hing Knitting Factory, Ltd	04/27/90–08/31/91	[1] 20.64
Union Knitting Factory Co., Ltd	04/27/90–08/31/91	[1] 20.64
Wai Tai Knitwear	04/27/90–08/31/91	[1] 20.64
Wing Yick Knitting Factory	04/27/90–08/31/91	[1] 20.64
Wiseknit Factory	04/27/90–08/31/91	[1] 20.64
No shipments:		
Afasia Knitting Factory, Ltd	04/27/90–08/31/91	[2] 5.86
Esquel Enterprises, Ltd	04/27/90–08/31/91	[2] 5.86
King Ah Knitting Factory	04/27/90–08/31/91	[2] 5.86
Shui Ling Industries Co., Ltd	04/27/90–08/31/91	[2] 5.86
Did not respond to Sampling Questionnaire:		
Kent Phone	04/27/90–08/31/91	[3] 115.15
Ko Tang Knitting Factory	04/27/90–08/31/91	[3] 115.15
Simee Knitting Factory, Ltd	04/27/90–08/31/91	[3] 115.15
Tai Wah Garment & Knitting	04/27/90–08/31/91	[3] 115.15
Excluded from the sample:.		
Great Wind	04/27/90–08/31/91	[4] 5.86
Liaoning Knitwear	04/27/90–08/31/91	[4] 5.86
Maurice Knitters	04/27/90–08/31/91	[4] 5.86
All Others	04/27/90–08/31/91	5.86

[1] Not selected from the sample pool; rate is the average of the margins for the four selected companies, weighted by the number of times each company was selected from the sample pool.

[2] No shipments during the period; rate is (1) the firm's calculated margin from the LTFV investigation or, (2) if not covered in the investigation, the "all others" rate, 5.86 percent.

[3] Did not respond to the sampling questionnaire; the uncooperative BIA rate is 115.15 percent, the highest rate from the LTFV investigation.

[4] No address found; rate is the all others rate from the LTFV investigation, 5.86 percent.

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between U.S. price and FMV may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of review for all shipments of MMF sweaters from Hong Kong entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rates for the reviewed companies will be those established in the final results of this administrative review; (2) for previously investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the LTFV investigation; (3) if the exporter is not a firm covered in this review or the LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established in the LTFV investigation for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final notice of LTFV investigation of this case (see 55 FR 30733), in accordance with the Court of International Trade's decisions in *Floral Trade Council* v. *United States*, Slip Op. 93–79, and *Federal-Mogul Corporation and the Torrington Company* v. *United States*, Slip Op. 93–83. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and subsequent assessment of double antidumping duties.

Notification to Interested Parties

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: March 12, 1994.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 94–6974 Filed 3–23–94; 8:45 am]

BILLING CODE 3510–DS–P

[A–588–818]

Personal Word Processors From Japan; Initiation of Changed Circumstances Antidumping Duty Administrative Review, Consideration of Revocation of Order, Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review, and Intent To Revoke Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of initiation of changed circumstances antidumping duty administrative review, consideration of revocation of order, preliminary results of changed circumstances antidumping duty administrative review, and intent to revoke order.

EFFECTIVE DATE: March 24, 1994.

FOR FURTHER INFORMATION CONTACT: Thomas O. Barlow or Wendy J. Frankel, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–5256 and 482–0367, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 28, 1991, the Department of Commerce (the Department) published in the **Federal Register** (56 FR 42593) an antidumping duty order on personal word processors (PWPs) from Japan (the order). On August 20, 1992 (57 FR 37770), the Department published an amended order. On February 15, 1994, Smith Corona Corporation (Smith Corona), the petitioner in the underlying less-than-fair-value (LTFV) investigation, submitted a request for a changed circumstances administrative review and revocation of the order based on the represented fact that the order no longer is of interest to the domestic interested parties. For the same reasons, in its February 15, 1994 request, Smith Corona withdrew its petition requesting an investigation to determine whether the order was being circumvented pursuant to section 781(a) of the Tariff Act of 1930, as amended (the Act). Smith Corona made the withdrawal of that petition and the revocation contingent upon termination of the suspended antidumping investigation on portable electric typewriters from Singapore (A–559–806).

Scope of Review

The scope of the order covers PWPs from Japan as defined in the Department's antidumping duty order on personal word processors from Japan (56 FR 42593, August 28, 1991), as amended (57 FR 37770, August 20, 1992). PWPs are currently classifiable under item number 8469.10.00 of the Harmonized Tariff Schedule (HTS) of the United States. HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive as to the scope of the product coverage.

Initiation of Changed Circumstances Antidumping Duty Administrative Review, Consideration of Revocation of Order, Preliminary Results of Changed Circumstances Administrative Review, and Intent To Revoke Order

Pursuant to section 751(c) of the Act, the Department may revoke an antidumping duty order if the Department determines, based on a review under section 751(b)(1) of the Act, that changed circumstances exist sufficient to warrant revocation. Section 751(b)(1) of the Act requires a changed circumstances review to be conducted upon receipt of a request containing sufficient information concerning changed circumstances.

Section 353.25(d)(2) of the Department's regulations permits the Department to conduct an administrative review under § 353.22(f) based upon an affirmative statement of no interest from the petitioner in the proceeding. Section 353.25(d)(1)(i) further provides that if the Department determines that the order under review is no longer of interest to domestic interested parties, the Department may revoke the antidumping duty order. In addition, in the event the Department concludes that expedited action is warranted, § 353.22(f)(4) of the regulations permits the Department to combine the notices of initiation and preliminary results.

Therefore, in accordance with sections 751(b)(1) and (c) of the Act and 19 CFR 353.25(d) and 353.22(f), based on an affirmative statement of no interest in the proceeding by Smith Corona, the Department is initiating this changed circumstances administrative review. Further, based upon the facts of this case and the representations made by Smith Corona that other U.S. producers of this merchandise (Canon Business Machines and Brother Industries (USA), Inc.) consent to revocation of the order, we have determined that expedited action is warranted, and we have preliminarily determined that the order no longer is of interest to domestic interested parties. Because the Department concludes that expedited action is warranted, the Department is combining these notices of initiation and preliminary results. The Department determines that there is a reasonable basis to believe that the requirement for revocation based on the changed circumstance that the order no longer is of interest to domestic interested parties has been met. Therefore, we are hereby notifying the public of our intent to revoke the antidumping duty order on personal word processors from Japan.

We hereby notify the public that if this revocation becomes final we will also publish notice of the termination of the ongoing anticircumvention inquiry of the order on PWPs from Japan.

If these preliminary results are made final, they will apply to all shipments of the merchandise entered, or withdrawn from warehouse, for consumption on or after August 1, 1993 (the day after the last administrative review period for which automatic liquidation instructions were sent to the U.S. Customs Service). In that event, we intend to instruct the U.S. Customs Service to liquidate all entries of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after August 1, 1993, without regard to antidumping duties. We will instruct the U.S. Customs Service to refund with interest any estimated antidumping duties collected with respect to those entries.

The current requirement for a cash deposit of estimated antidumping duties will continue until publication of the final results of this changed circumstances review.

Public Comment

Any interested party may request a hearing within 10 days from the date of publication of this notice. Any hearing, if requested, will be held no later than 28 days after the date of publication of this notice, or the first workday thereafter. Case briefs and/or written comments from interested parties may be submitted not later than 14 days after the date of publication of this notice. Rebuttal briefs and rebuttals to written comments, limited to the issues raised in those comments, may be filed not later than 21 days after the date of publication of this notice. All written comments shall be submitted in accordance with 19 CFR 353.31 and shall be served on all interested parties on the Department's service list. Persons interested in attending the hearing should contact the Department for the date and time of the hearing. The Department will publish the final results of this changed circumstances review, including the results of its analysis of issues raised in any written comments.

This initiation, preliminary results of review, intent to revoke, and this notice are in accordance with §§ 751(b)(1) and (c) of the Act and §§ 353.22(f) and 353.25(d)(1993) of the Department's regulations.

Dated: March 16, 1994.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 94-6972 Filed 3-23-94; 8:45 am]

BILLING CODE 3510-DS-P

[A-588-087]

Portable Electric Typewriters from Japan; Initiation of Changed Circumstances Antidumping Duty Administrative Review, Consideration of Revocation of Order, Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review, and Intent To Revoke Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of initiation of changed circumstances antidumping duty administrative review; consideration of revocation of order; preliminary results of changed circumstances antidumping duty administrative review; and intent to revoke order.

EFFECTIVE DATE: March 24, 1994.

FOR FURTHER INFORMATION CONTACT: Thomas Prosser or Wendy J. Frankel, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230; Telephone (202) 482-1130 and 482-0367, respectively.

SUPPLEMENTARY INFORMATION:

Background:

On May 9, 1980, the Department of Commerce (the Department) published in the **Federal Register** (53 FR 40926) an antidumping duty order on Portable Electric Typewriters (PETs) from Japan (the order). On February 15, 1994, Smith Corona Corporation (Smith Corona), the petitioner in the underlying less-than-fair-value (LTFV) investigation, submitted a request for a changed circumstances administrative review and revocation of the order based on the represented fact that the order no longer is of interest to the domestic interested parties. Smith Corona submitted this request contingent upon termination of the suspended antidumping investigation on portable electric typewriters from Singapore (A-559-806).

Scope of Review

The scope of the order covers PETs, automatic PETs (PATs), PETs incorporating a calculating mechanism, and certain personal word processors (PWPs). On August 7, 1990, in Preliminary Scope Ruling; Portable Electric Typewriters from Japan (55 FR 32107), the Department clarified the scope of the order, ruling that "* * * certain later-developed PETS, including so-called 'personal word processors', are presumptively of the same class or kind as PETs within the scope of the order * * *." The Department determined that to be of the same class or kind as a PET, a typewriter must meet the following seven physical criteria: (1) Be easily portable, with a handle and/or carrying case, or similar mechanism to facilitate portability; (2) be electric, regardless of source of power; (3) be comprised of a single, integrated unit; (4) have a keyboard embedded in the chassis or frame of the machine; (5) have a built-in printer; (6) have a platen (roller) to accommodate paper; and (7) only accommodate its own dedicated or captive software. The final scope ruling was published on November 13, 1990 (55 FR 47358).

PETs, PATs, and certain PWPs are currently classifiable under Harmonized Tariff System (HTS) item numbers 8469.10.00, 8469.21.00, and 8469.29.00. The HTS subheadings are provided for convenience and Customs purposes. Our written description of the scope of this order is dispositive.

This changed circumstance administrative review covers all manufacturers/exporters of PETs and PATs, and PETs incorporating a calculating mechanism manufactured in Japan and all manufacturers/exporters of those PWPs falling within the scope of the PETs order that are manufactured in Japan.

Initiation of Changed Circumstances Antidumping Duty Administrative Review; Consideration of Revocation of Order; Preliminary Results of Changed Circumstances Administrative Review; and Intent To Revoke Order

Pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act), the Department may revoke an antidumping duty order if the Department determines, based on a review under section 751(b)(1) of the Act, that changed circumstances exist sufficient to warrant revocation. Section 751(b)(1) of the Act requires a changed circumstances administrative review to be conducted upon receipt of a request containing sufficient information concerning changed circumstances.

Section 353.25(d)(2) of the Department's regulations permits the Department to conduct an administrative review under § 353.22(f) based upon an affirmative statement of no interest from the petitioner in the proceeding. Section 353.25(d)(1)(i) further provides that, if the Department determines that the order under review is no longer of interest to domestic interested parties, the Department may revoke the antidumping duty order. In addition, in the event the Department concludes that expedited action is warranted, § 353.22(f)(4) of the regulations permits the Department to combine the notices of initiation and preliminary results.

Therefore, in accordance with sections 751 (b)(1) and (c) of the Act and 19 CFR 353.25(d) and 353.22(f), based on an affirmative statement of no interest in the proceeding by Smith Corona, the Department is initiating this changed circumstances administrative review. Further, based upon the facts of this case and on the representations made by Smith Corona that other U.S. producers and potential producers of this merchandise (Nakajima All Manufacturing Limited, Canon Business Machines, and Brother Industries (USA), Inc.) consent to revocation of the order, we have determined that expedited action is warranted, and we have preliminarily determined that the order no longer is of interest to domestic interested parties. Because the Department concludes that expedited action is warranted, the Department is combining these notices of initiation and preliminary results.

The Department determines that there is a reasonable basis to believe that the requirement for revocation based on the changed circumstance that the order no longer is of interest to domestic interested parties has been met. Therefore, we are hereby notifying the public of our intent to revoke the antidumping duty order on portable electric typewriters from Japan.

In the event this revocation is made final, the Department will terminate the administrative reviews covering the following periods: May 1, 1990 through April 30, 1991 (initiated on June 18, 1991 (56 FR 27943)); May 1, 1991 through April 30, 1992 (initiated on June 18, 1992 (57 FR 27212)); and May 1, 1992 through April 30, 1993 (initiated on June 25, 1993 (58 FR 34414)).

In addition, in the event that this revocation is made final, the following will take place. For all companies for which an administrative review has been requested but not completed, the effective date of revocation will be May 1, 1990. May 1, 1990 is the first day after the most recent period for which an administrative review has been completed for all of these companies. For all other companies subject to this antidumping duty order, the effective date of revocation will be May 1, 1993.

May 1, 1993, is the first day for which automatic liquidation instructions have not been issued for these other companies.

If final revocation occurs, we intend to instruct the U.S. Customs Service to liquidate all entries of subject merchandise in accordance with the above effective dates of revocation. We will instruct the U.S. Customs Service to refund with interest any estimated antidumping duties collected with respect to entries made on or after May 1, 1990, for which a review has been requested but not completed, and we will instruct the U.S. Customs Service to refund with interest any estimated antidumping duties collected with respect to all entries made on or after May 1, 1993.

The current requirement for a cash deposit of estimated antidumping duties will continue until publication of the final results of this changed circumstances review.

Public Comment

Any interested party may request a hearing within 10 days of the date of publication of this notice. Any hearing, if requested, will be held no later than 28 days after the date of publication of this notice, or the first workday thereafter. Case briefs and/or written comments from interested parties may be submitted not later than 14 days after the date of publication of this notice. Rebuttal briefs and rebuttals to written comments, limited to the issues raised in those comments, may be filed not later than 21 days after the date of publication of this notice. All written comments shall be submitted in accordance with 19 CFR 353.31(e) and shall be served on all interested parties on the Department's service list in accordance with 19 CFR 353.31(g). Persons interested in attending the hearing should contact the Department for the date and time of the hearing. The Department will publish the final results of this changed circumstances review including the results of its analysis of issues raised in any written comments.

This initiation, preliminary results of review, intent to revoke, and notice are in accordance with sections 751(b)(1) and (c) of the Act and §§ 353.22(f) and 353.25(d) of the Department's regulations.

Dated: March 16, 1994.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 94–6973 Filed 3–23–94; 8:45 am]

BILLING CODE 3510–DS–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amendment of Export Visa Requirements for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the Philippines

March 18, 1994.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs amending visa requirements.

EFFECTIVE DATE: March 23, 1994.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The existing export visa arrangement between the Governments of the United States and the Philippines is being amended to eliminate part-category designations 340–Y, 340–O, 640–Y, 640–O, 340–Y/640–Y and 340–O/640–O for goods produced or manufactured in the Philippines and exported from the Philippines on and after March 23, 1994. However, for the period through April 22, 1994, merchandise in Categories 340 and 640 may be visaed as merged Categories 340–Y/640–Y or 340–O/640–O, or the correct part category corresponding to the actual shipment. Goods exported on and after March 23, 1994 must be visaed as Category 340 or 640 or merged Categories 340/640.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 58 FR 62645, published on November 29, 1993). Also see 52 FR 11308, published on April 8, 1987.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 18, 1994.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on April 3, 1987, by the Chairman, Committee for the Implementation of Textile Agreements. That directive directed you to prohibit entry of certain cotton, wool and man-made fiber textiles and textile products and silk blend and other vegetable fiber apparel, produced or manufactured in the Philippines for which the Government of the Philippines has not issued an appropriate visa.

Effective on March 23, 1994, you are directed to amend further the April 3, 1987 directive to eliminate part-category designations 340–Y [1], 340–O [2], 640–Y [3], 640–O [4], 340–Y/640–Y and 340–O/640–O for goods produced or manufactured in the Philippines and exported from the Philippines on and after March 23, 1994.

For the period March 23, 1994 through April 22, 1994, merchandise in Categories 340 and 640 may be visaed as merged Categories 340–Y/640–Y or 340–O/640–O, or the correct part category corresponding to the actual shipment.

Merchandise in Categories 340 and 640 which is exported on and after March 23, 1994 must be visaed as merged Categories 340/640, or the correct whole category corresponding to the actual shipment.

Shipments entered or withdrawn from warehouse according to this directive which are not accompanied by an appropriate export visa shall be denied entry and a new visa must be obtained.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 94–6971 Filed 3–23–94; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency Scientific Advisory Board; Meeting

AGENCY: Defense Intelligence Agency Scientific Advisory Board.

ACTION: Notice of closed meeting.

[1] Category 340–Y: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2046, 6205.20.2050 and 6205.20.2060;

[2] Category 340–O: all HTS numbers except 6205.20.2015, 6205.20.2020, 6205.20.2046, 6205.20.2050 and 6205.20.2060.

[3] Category 640–Y: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060.

[4] Category 640–O: all HTS numbers except 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060.

SUMMARY: Pursuant to the provisions of subsection (d) of section 10 of Public Law 92–463, as amended by section 5 of Public Law 94–409, notice is hereby given that a closed meeting of the DIA Scientific Advisory Board has been scheduled as follows:

DATES: Wednesday, 23 March 1994 (9:30 a.m. to 3 p.m.).

ADDRESSES: Wednesday, 23 March 1994, The Pentagon, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dr. W.S. Williamson, Executive Secretary, DIA Scientific Advisory Board, Washington, DC 20340–1328 (202) 373–4930.

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(I), title 5 of the U.S. Code and therefore will be closed to the public. The Board will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, on related scientific and technical matters.

Dated: March 18, 1994.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 94–6866 Filed 3–23–94; 8:45 am]

BILLING CODE 5000–04–M

Defense Science Board Task Force on Tracked Vehicle Industrial Base

ACTION: Change in Location of Advisory Committee Meeting Notice.

SUMMARY: The meeting of the Defense Science Board Task Force on Tracked Vehicle Industrial Base scheduled for March 24–25, 1994 as published in the **Federal Register** (Vol. 59, No. 46, Page 11052, Wednesday, March 9, 1994, FR Doc. 94–5336) will be held at the Stratford Army Engineering Plant, Stratford, Connecticut. In all other respects the original notice remains unchanged.

Dated: March 18, 1994.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 94–6867 Filed 3–23–94; 8:45 am]

BILLING CODE 5000–04–M

Defense Science Board Task Force on Tracked Vehicle Industrial Base

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Tracked Vehicle Industrial Base will meet in closed session on April 21–22, 1994 at SAI, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will examine the Congressional issues concerning the public and private industrial base for tanks and tank engines. The Task Force should study the viability of the tank and tank engine industrial base and propose a definitive plan of action, cost estimates, and cost effectiveness trade-off analyses and an implementation schedule for Congressional review.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. app. II, (1988)), it has been determined that this DSB Task Force meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly this meeting will be closed to the public.

Dated: March 18, 1994.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 94–6868 Filed 3–23–94; 8:45 am]

BILLING CODE 5000–04–M

Office of the Secretary of Defense

Privacy Act of 1974; Notice to Amend Record Systems

AGENCY: Office of the Secretary of Defense, DOD.

ACTION: Notice to amend record systems.

SUMMARY: The Office of the Secretary of Defense proposes to amend six systems of records notices to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The amendments will be effective on April 25, 1994, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to Chief, Records Management and Privacy Act Branch, Washington Headquarter Services, Correspondence and Directives, Records Management Division, 1155 Defense Pentagon, Washington, DC 20301–1155.

FOR FURTHER INFORMATION CONTACT: Mr. Dan Cragg at (703) 695–0970 or DSN 225–0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed amendments are not within the purview of subsection (r) of the Privacy Act, as amended, (5 U.S.C. 552a) which would require the submission of a new or altered system report for each system. The specific changes to the record systems being amended are set forth below followed by the notices, as amended, published in their entirety.

Dated: March 18, 1994.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DOCHA 01

SYSTEM NAME:

Health Benefits Authorization Files *(February 22, 1993, 58 FR10251).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Replace 'Uniformed Services Benefit Flans, Inc' with 'Administar Defense Services, Inc.'

Add two addresses to end of entry 'Aetna, 16855 West Bernard Drive, Suite 306, San Diego, CA 92127; and

Palmetto Government Benefits Administrators, 8733 Highway 17 Bypass, Surfside Beach, SC 29575.'

* * * * *

RETENTION AND DISPOSAL:

Replace 'permanent' with 'maintained for six years.'

* * * * *

DOCHA 01

SYSTEM NAME:

Health Benefits Authorization Files.

SYSTEM LOCATION:

Primary system is located at Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, Aurora, CO 80045–6900.

Decentralized segments are located at the Office of Civilian Health and Medical Program of the Uniformed Services-Europe, APO New York 09102–5000; and Fiscal Intermediaries (FIs)/ Contractors under contract to OCHAMPUS.

Each company listed below maintains claim files on beneficiaries in their respective geographical areas. Health Management Strategies International, Inc., 1725 Duke Street, Suite 300C, Alexandria, VA 22314–3408;

Health Management Strategies International, Inc., 1725 Duke Street,

Suite 300C, Alexandria, VA 22314–3408;

Administar Defense Services, Inc., 720 North Marr Road, Columbus, IN 47201–6660;

Blue Cross-Blue Shield of South Carolina, 200 North Dozier Boulevard, Florence, SC 29501–4026;

Wisconsin Physicians Service, 1617 Sherman Avenue, Madison, WI 53707–7927;

FHC Options, Inc., 240 Corporate Boulevard, Norfolk, VA 23502–4900;

Foundation Health Federal Services, Inc., 2 Lakeway Center, Suite 1960, 3850 Causeway Boulevard, Metarie, LA 70002;

Aetna, 16855 West Bernard Drive, Suite 306, San Diego, CA 92127; and

Palmetto Government Benefits Administrators, 8733 Highway 17 Bypass, Surfside Beach, SC 29575.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who seek authorization or pre-authorization for care under CHAMPUS/CHAMPVA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Original correspondence with individuals, medical statements, Congressional inquiries, medical treatment records, authorization for care, case status sheets, memos for records, follow-up reports justifying extended care, correspondence with fiscal intermediaries and work-up sheets maintained by case workers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101, 41 CFR part 101–11.000; chapter 55, 10 U.S.C. 613, chapter 17, 38 U.S.C.; 32 CFR part 199; and E.O. 9397.

PURPOSE(S):

To maintain and control records pertaining to requests for authorization or pre-authorization of health and dental care under CHAMPUS.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Determine eligibility of an individual, authorize payment, respond to inquiries from congressional offices made at the request of the individual covered by the system, control and review health care management plans, health care demonstration programs, control accomplishment of reviews, and coordinate subject matter clearance for congressional committees and auditors.

Referral to the Secretary of the Department of Health and Human Services and/or the Secretary of the Department of Veterans Affairs consistent with their statutory administrative responsibilities under CHAMPUS/CHAMPVA pursuant to chapter 55, 10 U.S.C. and section 613, chapter 17, 38 U.S.C.

Referral to federal, state, local, or foreign governmental agencies, and to private business entities, including individual providers of care, on matters relating to fraud, program abuse, utilization review, quality assurance, peer review, program integrity, third-party liability, coordination of benefits, and civil or criminal litigation related to the operation of CHAMPUS. Disclosure to third-party contacts in situations where the party to be contacted has, or is expected to have, information necessary to establish the validity of evidence or to verify the accuracy of information presented by the individual concerning his or her entitlement, the amount of benefit payments, any review of suspected abuse or fraud, or any concern for program integrity or quality appraisal.

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records are maintained on magnetic tape and disc. Paper records maintained in file folders.

RETRIEVABILITY:

Information is retrieved by sponsor's Social Security Number and sponsor's or beneficiary's name.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Decentralized automated segments within FIs operations are accessible on-line only to authorized persons possessing user identification codes. OCHAMPUS buildings are protected by Department of Defense security force and/or military police security force.

RETENTION AND DISPOSAL:

Automated indexes are maintained for six years. Hard copy records are closed out at the end of the calendar year in which finalized, held one additional year, and transferred to the Federal Records Center. The Federal Records Center will destroy the records after an additional five-year retention.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Program Operations Division, Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, Aurora, CO 80045–6900.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, ATTN: Privacy Act Officer, Aurora, CO 80045–6900.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, ATTN: Privacy Act Officer, Aurora, CO 80045–6900.

Written request for information should include the full name of the beneficiary, the full name of the sponsor and sponsor's Social Security Number, current address and telephone number.

Should it be determined that the release of medical information to the requester could have an adverse effect upon the individual's physical or mental health, the requester will be required to provide the name and address of a physician who would be willing to receive the medical record, and at the physician's discretion, inform the individual covered by the system of the contents of that record.

For personal visits to examine records, the individual should provide some acceptable identification such as a driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Contractors, Health Benefits Advisors, all branches of the Uniformed Service, congressional offices, providers of care, consultants and individuals.

EXEMPTIONS CLAIMED FOR THIS SYSTEM:

None.

DOCHA 02

SYSTEM NAME:

Medical Care Inquiry Files *(August 27, 1993, 58 FR 45323).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Replace 'Uniformed Services Benefit Plans, Inc.' with 'Administar Defense Services, Inc.'

Add two addresses to end of entry 'Aetna, 16855 West Bernard Drive, Suite 306, San Diego, CA 92127; and

Palmetto Government Benefits Administrators, 8733 Highway 17 Bypass, Surfside Beach, SC 29575.'

* * * * *

RETENTION AND DISPOSAL:

Replace 'permanent' with 'maintained three years.'

* * * * *

DOCHA 02

SYSTEM NAME:

Medical Care Inquiry Files.

SYSTEM LOCATION:

Primary system is located at Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, Aurora, CO 80045–6900.

Decentralized segments are located at the Office of Civilian Health and Medical Program of the Uniformed Services-Europe, APO New York 09102–5000; and Fiscal Intermediaries (FIs)/Contractors under contract to OCHAMPUS.

Each company listed below maintains medical care inquiry files on beneficiaries in their respective geographical areas.

Health Management Strategies International, Inc., 1725 Duke Street, Suite 300C, Alexandria, VA 22314–3408;

Administar Defense Services, Inc., 720 North Marr Road, Columbus, IN 47201–6660;

Blue Cross-Blue Shield of South Carolina, 200 North Dozier Boulevard, Florence, SC 29501–4026;

Wisconsin Physicians Service, 1617 Sherman Avenue, Madison, WI 53707–7927;

FHC Options, Inc., 240 Corporate Boulevard, Norfolk, VA 23502–4900;

Foundation Health Federal Services, Inc., 2 Lakeway Center, Suite 1960, 3850 Causeway Boulevard, Metarie, LA 70002;

Aetna, 16855 West Bernard Drive, Suite 306, San Diego, CA 92127; and

Palmetto Government Benefits Administrators, 8733 Highway 17 Bypass, Surfside Beach, SC 29575.

CATEGORIES OF INDIVIDUAL COVERED BY THE SYSTEM:

All individuals who seek information concerning health care under CHAMPUS/CHAMPVA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents reflecting inquiries received from private individuals for information on CHAMPUS/CHAMPVA and replies thereto; congressional inquiries on behalf of constituents and replies thereto; and files notifying personnel of eligibility or termination of benefits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; 41 CFR 101–11.000; chapter 55, 10 U.S.C.; section 613, chapter 17, 38 U.S.C.; and E.O. 9397.

PURPOSE(S):

To maintain and control records pertaining to requests for information concerning the processing of individual CHAMPUS/CHAMPVA claims and the benefit structure and procedures of CHAMPUS/CHAMPVA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Establish eligibility, respond to inquiries from individuals, and respond to inquiries from congressional offices made at the request of the individual covered.

Referral of the Secretary of the Department of Health and Human Services and/or Secretary of the Department of Veterans Affairs consistent with their statutory administrative responsibilities under CHAMPUS/CHAMPVA pursuant to chapter 55, 10 U.S.C. and section 613, chapter 17, 38 U.S.C.

Referral to federal, state, local, or foreign governmental agencies, and to private business entities, including individual providers of care, on matters relating to fraud, program abuse, utilization review, quality assurance, peer review, program integrity, third-party liability, coordination of benefits, and civil or criminal litigation related to the operation of CHAMPUS.

Disclosure to other third-party contacts in situations where the party to be contacted has, or is expected to have, information necessary to establish the validity of evidence or to verify the accuracy of information presented by the individual concerning his or her entitlement, the amount of benefit payments, any review of suspected abuse or fraud, or any concern for program integrity or quality appraisal.

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records maintained on magnetic tape and disc. Paper records maintained in file folders.

RETRIEVABILITY:

Information is retrieved by case number, sponsor name and/or Social Security Number, and inquirer name.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Automated segments are accessible only by authorized persons possessing user identification codes. OCHAMPUS buildings are protected by Department of Defense security force and/or military police security force.

RETENTION AND DISPOSAL:

Automated indexes are permanent. Paper records are retained in active file until end of calendar year in which closed, held two additional years, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Public and Beneficiary Relations Division, Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, Aurora, CO 80045–6900.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, ATTN: Privacy Act Officer, Aurora, CO 80045–6900.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, ATTN: Privacy Act Officer, Aurora, CO 80045–6900.

Written requests for information should include the full name of the individual, military sponsor's name and Social Security Number, current address

and telephone number. Should it be determined that the release of medical information to the requester could have an adverse effect upon the individual's physical or mental health, the requester will be required to provide the name and address of a physician who would be willing to receive the medical record and, at the physician's discretion, inform the individual covered by the system of the contents of that medical record.

For personal visits to examine records, the individual should be able to provide some acceptable identification such as a driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Contractors, congressional offices, Health Benefits Advisors, all branches of the Uniformed Services, consultants, and individuals.

EXEMPTIONS CLAIMED FOR THIS SYSTEM:

None.

DOCHA 07

SYSTEM NAME:

Medical Claim History Files *(February 22, 1993, 58 FR 10253).*

CHANGES:

* * * * *

SYSTEM LOCATION:

Replace 'Uniformed Services Benefit Plans, Inc' with 'Administar Defense Services, Inc.'

Add two addresses to end of entry 'Aetna, 16855 West Bernard Drive, Suite 306, San Diego, CA 92127; and

Palmetto Government Benefits Administrators, 8733 Highway 17 Bypass, Surfside Beach, SC 29575.'

* * * * *

RETENTION AND DISPOSAL:

Replace 'permanent' with 'maintained for six years.'

In the second sentence, replace 'four-year' with 'five-year.'

* * * * *

DOCHA 07

SYSTEM NAME:

Medical Claim History Files.

SYSTEM LOCATION:

Primary system is located at Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, Aurora, CO 80045–6900.

Decentralized segments are located at the Office of Civilian Health and Medical Program of the Uniformed Services-Europe, APO New York 09102–5000; and Fiscal Intermediaries (FIs)/Contractors under contract to OCHAMPUS.

Each company listed below maintains claim files on beneficiaries in their respective geographical areas.

Health Management Strategies International, Inc., 1725 Duke Street, Suite 300C, Alexandria, VA 22314–3408;

Administar Defense Services, Inc., 720 North Marr Road, Columbus, IN 47201–6660;

Blue Cross-Blue Shield of South Carolina, 200 North Dozier Boulevard, Florence, SC 29501–4026;

Wisconsin Physicians Service, 1617 Sherman Avenue, Madison, WI 53707–7927;

FHC Options, Inc., 240 Corporate Boulevard, Norfolk, VA 23502–4900;

Foundation Health Federal Services, Inc., 2 Lakeway Center, Suite 1960, 3850 Causeway Boulevard, Metarie, LA 70002;

Aetna, 16855 West Bernard Drive, Suite 306, San Diego, CA 92127; and

Palmetto Government Benefits Administrators, 8733 Highway 17 Bypass, Surfside Beach, SC 29575.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Eligible beneficiaries and all individuals who seek health care under CHAMPUS/CHAMPVA.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains claims, billings for services, applications or approval forms, medical records, family history files, records on appeals and hearings, or any other correspondence, memorandum, or reports which are acquired or utilized in the development and processing of CHAMPUS/CHAMPVA claims. Records are also maintained on health care demonstration projects, including enrollment and authorization agreements, correspondence, memoranda, forms and reports which are acquired or utilized during the projects.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101; 41 CFR 101–11.000; chapter 55, 10 U.S.C. 613, chapter 17, 38 U.S.C.; 32 CFR part 199; and E.O. 9397.

PURPOSE(S):

OCHAMPUS and its contractors use the information to control and process health care benefits available under CHAMPUS including the processing of medical claims, the control and approval of medical treatments, and necessary interface with providers of health care.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Referral to federal, state, local, or foreign governmental agencies, and to private business entities, including individual providers of care, on matters relating to fraud, program abuse, utilization review, quality assurance, peer review, program integrity, third-party liability, coordination of benefits and civil or criminal litigation related to the operation of CHAMPUS.

Information from CHAMPVA claims will be given to the Department of Veterans Affairs.

Disclosure to third-party contacts in situations where the party to be contacted has, or is expected to have, information necessary to establish the validity of evidence or to verify the accuracy of information presented by the individual concerning his or her entitlement, the amount of benefit payments, any review of suspected abuse or fraud, or any concern for program integrity or quality appraisal.

Issuance of deductible certificates; responding to inquires from congressional offices, made at the request of the person to whom a record pertains; and conducting audits of FIs processed claims to determine payment and occurrence accuracy of the FIs' adjudication process.

Process and control of recoupment claims in favor of the United States arising under the Federal Claims Collection Act. In connection with these recoupment claims, information may be disclosed to:

a. The U.S. Department of Justice, including U.S. Attorneys, for legal action and final disposition of the recoupment claims.

b. The Internal Revenue Service to obtain current address information on delinquent accounts receivable (automated controls exist to preclude redisclosure of solicited IRS address information) and to report amounts written-off as uncollectible as taxable income.

c. Private collection agencies for collection action when deemed to be in the best interest of the U.S.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting act of 1966 (15 U.S.C. 1681a(f)) or the Federal Claims Collections Act of 1966 (31 U.S.C. 3701(a)(3)).

The disclosure is limited to information necessary to establish the identity of the individual, including name, address, and taxpayer identification number (Social Security Number); the amount, status, and history of the claim; and the agency or program under which the claim arose for the sole purpose of allowing the consumer reporting agency to prepare a commercial credit report.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records maintained on magnetic tape and disc. Paper records maintained in file folders.

RETRIEVABILITY:

Information is retrieved by sponsor's Social Security Number; beneficiary's name; classification of medical diagnosis, procedure code, or geographical location of care provided; and selected utilization limits.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Decentralized automated segments within FIs operations are accessible on-line only to authorized persons possessing user identification codes. The automated portion of the Primary System is accessible only through the medium of OCHAMPUS prepared computer programs resulting in a printout of the data. OCHAMPUS buildings are protected by Department of Defense security force and/or military police security force.

RETENTION AND DISPOSAL:

Records maintained on magnetic tape are individual annual files and are maintained for six years. Paper records are closed out at the calendar year end in which processed, held one additional year, and transferred to the Federal Records Center. Federal Records Centers will destroy after an additional five-year retention.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Contract Management Division, Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, Aurora, CO 80045–6900.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, ATTN: Privacy Act Officer, Aurora, CO 80045–6900.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, ATTN: Privacy Act Officer, Aurora, CO 80045–6900.

Written requests for information should include the full name of the beneficiary, the full name and Social Security Number of the sponsor, current address, and telephone number. Should it be determined that the release of medical information to the requester could have an adverse effect upon the individual's physical or mental health, the requester will be required to provide the name and address of a physician who would be willing to receive the medical record and, at the physician's discretion, inform the individual covered by the system of the contents of that record.

For personal visits to examine records, the individual should provide some acceptable identification such as driver's license or other form of picture identification.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Physicians, hospitals, and other sources of care; individuals; insurance companies; and consultants.

EXEMPTIONS CLAIMED FOR THIS SYSTEM:

None.

DWHS P42

SYSTEM NAME:

DPS Incident Reporting and Investigations Case Files *(February 22, 1993, 58 FR 10277)*.

CHANGES:

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Add a new paragraph to entry 'To an insurance company of one or more parties when an insured is involved in an injury or accident in the DPS jurisdiction and an Accident Report is required to resolve claims or to settle matters of record.'

* * * * *

DWHS P42

SYSTEM NAME:

DPS Incident Reporting and Investigations Case Files.

SYSTEM LOCATION:

Defense Protective Services, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are the source of an initial complaint or allegation that a crime took place.

Witnesses having information or evidence about any aspect of an investigation.

Suspects in the criminal situation who are subjects of an investigation. Persons who may pose a threat to the Secretary of Defense, the Deputy Secretary of Defense and other Senior Defense Officials.

Persons who may pose a threat to the personal safety of themselves or others while in the DPS-controlled jurisdiction.

Subjects of investigations on noncriminal matters.

Current and former applicants for the position of Defense Protective Service Officer.

Sources of information and evidence. The identity of these individuals may be confidential as appropriate to the subject matter they contribute. These files contain information vital to the outcome of administrative procedures and civil and criminal cases.

Individuals associated with terrorism or terrorist groups and activities and names of regional, nationwide, and worldwide terrorist organizations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Preliminary and other reports of criminal investigations from the opening of a case until it is closed. These records are instituted and maintained at varying points in the process. The processes of criminal justice and civil and administrative remedies may require their partial or total disclosure.

Security files contain information such as name, date and place of birth,

address, Social Security Number, education, occupation, experience, and investigatory material.

Contingency Planning/Analysis files contain information such as names and other identifying information and investigatory material on an individual associated with terrorists or terrorist groups and activities. File contains information about regional, nationwide, and worldwide terrorist organizations and their effects on security of DOD facilities under the jurisdiction of DPS. Intelligence briefs; tactical, operational, and strategic informational reports; regional and nationwide contingency analysis; contingency action plans; and patterns and trends of potential or actual terrorists or terrorist groups, or other activities that could disrupt the orderly operation of Defense-owned or controlled facilities over which the DPS has jurisdiction.

Documents created in enforcing regulations regarding motor vehicle movement and parking on Federal premises including reports of traffic accidents, traffic violation notices and similar records maintained by DPS.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 21, Internal Security Act of 1950 (Pub.L. 831, 81st Cong.); 40 U.S.C 318, as delegated by Administrator, General Services Administration, to the Deputy Secretary of Defense, September 1987, and E.O. 9397.

PURPOSE(S):

Information in this system supports the public safety, law enforcement, facility security, and contingency planning functions of the Defense Protective Service. Additional functions supported include information on current and former applicants for the position of Defense Protective Service Officer and Internal Affairs investigative records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To a Federal, state, local, or foreign agency responsible for investigating, prosecuting, enforcing, or carrying out a statute, rule, regulation, or order, where the agency is aware of a violation or potential violation of civil or criminal law or regulation.

To an appeal, grievance, or formal complaints examiner; equal employment opportunity investigator; arbitrator; exclusive representative; or other officials engaged in investigating, or settling a grievance, complaint or appeal filed by an employee.

To various bureaus and divisions of the Department of Justice that have primary jurisdiction over subject matter and location which DPS shares.

To law enforcement agencies which have lawfully participated in and conducted investigation jointly with DPS.

Pursuant to the order of a court of competent jurisdiction, when the United States is party to or has interest in litigation, and using the records is relevant, necessary, and compatible with the purposes of collecting the information.

To an insurance company of one or more parties when an insured is involved in an injury or accident in the DPS jurisdiction and an Accident Report is required to resolve claims or to settle matters of record.

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders in file cabinets. Magnetic media in controlled access areas for both on-line and storage disks.

RETRIEVABILITY:

Paper records by case control number and type of incident. Magnetic files by case control number, name, address, and physical description of subject individual.

SAFEGUARDS:

Paper records are stored in secure filing cabinets in room with built-in-position dial-type combination safe lock. Computer records are maintained in limited access sites on a system protected by a software-controlled password system.

RETENTION AND DISPOSAL:

Non-criminal records are destroyed one year after case is closed.

Criminal records are cutoff when case is closed and placed in an inactive file for three years. After three years in the inactive file, the records are retired to the Washington National Records Center for an additional 15 years, after which time they will be destroyed.

Information on current and former applicants for position of DPS Officer are maintained two years and then destroyed.

Contingency planning and analysis files pertaining to regional, nationwide, and worldwide terrorist organizations and their potential effects of the security of DoD facilities are destroyed when superseded, obsolete, or no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Defense Protective Services, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address inquiries to the Defense Protective Services, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address inquiries to the Defense Protective Services, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Investigators, informants, witnesses, official records, investigative leads, statements, depositions, business records, or any other information source available to DPS.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a(j)(2) as applicable. The criminal investigation case file and contingency planning and analysis file may be partially or totally subject to the general exemption.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b) (1), (2), and (3), (c) and (e) and published in 32 CFR part 311. For additional information contact the system manager.

DWHS P37

SYSTEM NAME:

Grievance and Unfair Labor Practices Records *(August 9, 1993, 58 FR 42303).*

CHANGES:

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CATEGORIES OF RECORDS IN THE SYSTEM:

After 'Office of the Secretary of Defense (OSD)', replace 'employees' with ', Joint Staff, and other employeesreceiving administrative support from Washington HeadquartersServices (WHS).'

* * * * *

PURPOSE(S):

Replacae 'the Office of the Secretary of Defense (OSD)' with 'Washington Headquarters Services and Joint Staff personnel offices.'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

After 'To disclose information to officials of the Merit SystemProtection Board' insert a semicolon after 'Board'. Delete thenext word, 'including' and retain remainder of sentence.

In sentence beginning 'To provide information to officials oflabor organizations', replace sentence with 'To provideinformation to officials of labor organizations reorganized underthe Civil Service Reform Act when relevant and necessary to theperformance of their exclusive representation duties concerningpersonnel policies, practices, and matters affecting workingconditions.'

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with 'Grievance files aredestroyed four years after closing of case or four years aftersettlement of arbitration resulting from a negotiated grievance. Rosters of union officials are revised and outdated versionsdestroyed when information is superseded.'

* * * * *

RECORD SOURCE CATEGORIES:

After 'Agency officials,' substitute a semicolon for the comma,and replace the remaining text with the following: 'byarbitrators; by grievance investigators; by the Federal LaborRelations Authority; by union officials; and from relatedcorrespondence from organizations or persons.'

DWHS P37

SYSTEM NAME:

Grievance and Unfair Labor Practices Records.

SYSTEM LOCATION:

Directorate for Personnel and Security, Washington Headquarters Services, Department of Defense, 1155 Defense Pentagon, Washington, DC 20301-1155.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Federal employees who have submitted grievances in accordance with 5 U.S.C. 2302, and 5 U.S.C. 7121, or a negotiated procedure, to include E.O. 11491, as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by Office of the Secretary of Defense (OSD), Joint Staff, and other employees receiving administrative support from Washington Headquarters Services under 5 U.S.C. 2302, and 5 U.S.C. 7121. These case files contain all documents related to the grievances, including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that OSD may establish through negotiations with recognized labor organizations. Folder contains all information pertaining to a specific arbitration case or specific unfair labor practice complaint, including a manual roster of local union officials and union stewards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 2302, 5 U.S.C. 7121, and E.O. 11491.

PURPOSE(S):

This information is used by the Washington Headquarters Services and Joint Staff personnel offices in the creation and maintenance of records of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by reference.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To disclose pertinent information to the appropriate Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

To disclose information to any source from which additional information is requested in the course of processing a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested.

To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee; the issuance of a security clearance; the conducting of a security or suitability investigation of an individual; the classifying of jobs; the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the Agency's decision on the matter.

To provide information to a Congressional office from the record of an individual, in response to an inquiry from that Congressional office, made at the request of that individual.

To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court.

By the National Archives and Records Administration in records management inspections conducted under authority of 44 U.S.C. 2906.

To disclose information to officials of the Merit Systems Protection Board; the Office of the Special Counsel; the Federal Labor Relations Authority and its General Counsel; or the Equal Employment Opportunity Commission, when requested in performance of their authorized duties.

To disclose in response to a request for discovery or for appearance of a witness, information that is relevant to the subject matter involved in a pending judicial or administrative proceeding.

To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to the performance of their exclusive representation duties concerning personnel policies, practices, and matters affecting working conditions.

To provide information to the Comptroller General or any of his authorized representatives, in the course of the performance of duties of the General Accounting Office relating to the Labor Management Relations Program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records maintained in file folders.

RETRIEVABILITY:

These records are retrieved by case subject, case number, and/or individual employee names.

SAFEGUARDS:

These records are maintained in metal files to which only OSD authorized personnel have access.

RETENTION AND DISPOSAL:

Grievance files are destroyed four years after closing of case or four years after settlement of arbitration resulting from a negotiated grievance. Rosters of union officials are revised and outdated versions destroyed when information is superseded.

SYSTEM MANAGER(S) AND ADDRESS:

Director for Personnel and Security, Washington Headquarters Services, Department of Defense, 1155 Defense Pentagon, Washington, DC 20301–1155.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Directorate for Personnel and Security, Washington Headquarters Services, Department of Defense, 1155 Defense Pentagon, Washington, DC 20301–1155.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Directorate for Personnel and Security, Washington Headquarters Services, Department of Defense, 1155 Defense Pentagon, Washington, DC 20301–1155.

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by the individual on whom the record is maintained; by testimony of witnesses; by Agency officials; by arbitrators; by grievance investigators; by the Federal Labor Relations Authority; by union officials; and from related correspondence from organizations or persons.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

DGC 04

SYSTEM NAME:

Industrial Personnel Security Clearance Case Files *(August 27, 1993, 58 FR 45318).*

CHANGES:

* * * * *

SYSTEM LOCATION:

After 'Arlington, VA 22203–9995' delete period and insert 'and Directorate for Industrial Security Clearance Review, Building 306, 3990 East Broad Street, Columbus, OH 43216–5007.'

Second paragraph: In the second sentence, following 'Automated' insert 'Joint Adjudicative Clearance System.' At the end of this paragraph, delete the period and add ', with access by computer terminals at DISCR locations.'

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

In the first sentence following 'clearance' insert 'ortrustworthiness.' Also in the first sentence, delete 'the Directorate for Industrial Security Clearance Review (DISCR) by the Defense Industrial Security Clearance Office (DISCO) or by the Director, Defense Investigative Service (DIS)' and replace with 'DISCR.' Additionally in the first sentence, delete 'E.O. 10865, as implemented by.' At ending of sentence, delete period and add ', Defense Industrial Personnel Security Clearance Review Program or DoD Regulation 5200.2–R, DoD Personnel Security Program.'

CATEGORIES OF RECORDS IN THE SYSTEM:

In the second paragraph first sentence, after 'agencies' deletethe semicolon and add ', which may include information obtainedfrom interviews, court documents, law enforcement records,business records, and other sources;'. Continuing in the second paragraph first sentence, insert after 'evaluations;' 'adjudicator's case summaries;'. On the last line of the second paragraph, following 'actions;', delete ';' and insert ', including Administrative Judge and Appeal Board decisions;'.

In the third paragraph, replace 'administrative and adjudicative' with 'Administrative Judge and Appeal Board'. Also in the second sentence of the third paragraph, insert 'other' after 'and'; in this same sentence, delete 'of applicants, witnesses, sources of information, and other sensitive information.'

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Replace the ';' after 'E.O. 10909' with ',' Following 'Industrial Personnel Security Clearance Program' insert '(32 CFR part 155).'

PURPOSE(S):

Following 'security clearance' insert 'or holding a sensitiveposition requiring a trustworthiness decision'; and following the insertion, delete 'industrial'. Following 'to record' delete 'clearance.'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete 'Information may be disclosed to the Department of Justice in determining claims for reimbursement in preparation of hearings, appeals and Federal Court review.'

STORAGE:

Delete 'vertical.' Insert after 'DISCR' 'some records created by DISCR are stored on hard drives or disks for retrieval on word processing equipment.' Replace 'discs' with 'disks.'

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NOTIFICATION PROCEDURE:

Replace '4015 Wilson Boulevard, Suite 300' with 'PO Box 3656.'

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DGC 04

SYSTEM NAME:

Industrial Personnel Security Clearance Case Files.

SYSTEM LOCATION:

Directorate for Industrial Security Clearance Review, Defense Legal Services Agency, Department of Defense, 4015 Wilson Boulevard, Suite 300, Arlington, VA 22203–1995, and

Directorate for Industrial Security Clearance Review, Building 306, 3990 East Broad Street, Columbus, OH 43216–5007.

Decentralized inactive segments are held at the Washington National Records Center, and at the U.S. Army Investigative Records Depository, Fort Meade, MD 20755. Automated Joint Adjudicative Clearance System records are maintained on a system V5–02, Defense Central Index of Investigations, at Defense Investigative Service, Personnel Investigations Center, Baltimore, MD, with access by computer terminals at Directorate for Industrial Security Clearance Review (DISCR) locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former government contractor employees whose industrial

security clearance or trustworthiness cases were referred to DISCR for adjudication under DOD Directive 5220.6, Defense Industrial Personnel Security Clearance Review Program orDoD Regulation 5200.2–R, DoD Personnel Security Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

System includes automated case status records for current cases and inactive cases, an alphabetical card index file for records of cases prior to 1984 used for recording actions taken and for identification and location of case files within the system, and individual case files.

Case files include requests for investigation and clearance; general correspondence relating to cases; personnel security questionnaires; investigative reports prepared by various investigative agencies, which may include information obtainedfrom interviews, court documents, law enforcement records,business records, and other sources; medical and psychiatric records and evaluations; adjudicator's case summaries; DISCO referral recommendations; correspondence between applicants for clearance and DISCR elements, DISCO, medical facilities, DoD Psychiatric Consultants, investigative agencies, Military Departments, other DoD Components and Federal agencies, Personnel Security Specialists, Department Counsel, Administrative Judges, Appeal Board, and elements of the Office of the Secretary of Defense and Defense Investigative Service; written interrogatories and Statements of Reasons (SOR) to applicants, with replies, recommendations, summaries, and records of adjudicative actions, including Administrative Judge and Appeal Board decisions; transcripts of hearings; and exhibits.

Supplementing the system's case files are redacted copies, with indexes thereto, of DISCR Administrative Judge and Appeal Board decisions from July 1961 to present. Names and other identifying information are redacted from these decisions to protect the privacy of persons involved.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10865, Safeguarding Classified Information Within Industry, as amended by E.O. 10909, E.O. 11382, and E.O. 12829; DOD Directive 5220.6, Industrial Personnel Security Clearance Program (32 CFR part 155); DOD Regulation 5200.2–R, DOD Personnel Security Program (32 CFR part 154).

PURPOSE(S):

These records are collected and maintained to determine whether the granting or retention of security clearance or holding a sensitive position requiring a trustworthiness decision to contractor personnel is clearly consistent with the national interest, to record adjudicative actions and determinations; to record processing steps taken and processing time; to prepare statistical listings and summaries; to document due process actions taken; to assist authorized DOD Consulting Psychiatrists to compile evaluations and reports; to respond to inquiries from offices within the executive and legislative branches when the inquiry is made at the request of the individual or for official purposes; to monitor and control adjudicative actions and processes.

Automated case status system and card files are used to record statistics, provide location and status and internal identification of cases, to prepare listings and statistical reports and summaries, and to monitor work flow and actions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders, and on file cards at DISCR some records created by DISCR are stored on hard drives or disks for retrieval on word processing equipment; and automated records in electronic storage are maintained on magnetic tapes and disks at Defense Investigative Service, Personnel Investigations Center, Baltimore, MD.

RETRIEVABILITY:

Filed alphabetically by name or by case number. Access to computer data may be made by name and Social Security Number and a combination of name and other personal identifying data.

SAFEGUARDS:

Records are stored in a secured area accessible only to authorized personnel. All records are stored, processed, transmitted and protected as the equivalent of For Official Use Only information. Records are accessed by the custodian of the record system and by persons responsible for using or servicing the system, who are properly screened and have a need-to-know. Computer hardware is located in controlled areas with access limited to authorized personnel. Computer access is via dedicated data circuits which prevent access from standard dial-up telephones or is individually password controlled. Individual passwords are changed periodically including upon departure of personnel. The automated systems are operated by DISCR and by the Defense Investigative Service, Personnel Investigations Center, Information Systems Division. Only DISCR personnel with need-to-know are given individual passwords and user identification, information needed to access the computer system and amend, add, alter, change or delete DISCR records. Other authorized contributors and users of the Defense Central Index of Investigations have read-only access to DISCR case status records in the system.

RETENTION AND DISPOSAL:

Completed case files are retained in office files for two years after annual cut-offs, then are retired to the Washington National Records Center, for an additional 20 years.

Inactive case files completed prior to 1982 are maintained at the U.S. Army Investigative Records Repository, Ft. Meade, MD 20755. Automated electronic case status records and alphabetical card index files are retained as locator for both active and inactive records. Computer data and alphabetical card files are purged when the inactive case file is no longer retained.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Directorate for Industrial Security Clearance Review, 4015 Wilson Boulevard, Suite 300, Arlington, VA 22203–1995.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, Directorate for Industrial Security Clearance Review, P.O. Box 3656, Arlington, VA 22203–1995.

RECORD ACCESS PROCEDURES:

Requests for copies of redacted, final determinations of Administrative Judges and Appeal Board should be sent to the system manager, and should include OSD Case Number.

Individuals seeking information about themselves contained in this system should address written inquiries to the Director, Directorate for Industrial Security Clearance Review, 4015 Wilson Boulevard, Suite 300, Arlington, VA 22203–1995. Some records may be made available for review at DISCR Headquarters, 4015 Wilson Boulevard, Suite 300, Arlington, VA.

Written requests by an individual for copies of records containing information pertaining to the individual should be sent to Directorate for Freedom of Information and Security Review, Office of the Assistant Secretary of Defense (Public Affairs), 1400 Defense Pentagon, Washington, DC 20301–1400 and should include the individual's full name, any former names used, date and place of birth, and Social Security Number.

Requests must be signed and notarized or, if the individual does not have access to notary services, preceded by a signed and dated declaration verifying the identity of the requester, in substantially the following form: *'I certify that the information provided by me is true, complete, and accurate to the best of my knowledge and belief and this request is made in good faith. I understand that a knowing and willful false, fictitious or fraudulent statement or representation can be punished by fine or imprisonment or both.' (Signature).*

CONTESTING RECORD PROCEDURES:

The OSD's rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is received from investigative reports from federal investigative agencies; personnel security records and correspondence; medical and personnel records, reports and evaluations; correspondence from contractors, employers, organizations of assignment and Federal agencies; DOD organizations, agencies and offices; from individuals, their attorneys or authorized representatives.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this record system may be exempt under 5 U.S.C. 552a(k)(5), as applicable.

An exemption rule for this record system has been promulgated according to the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 311. For additional information contact the system manager.

[FR Doc. 94–6869; 03–23–94; 8:45 am]

BILLING CODE 5000–04–F

Department of the Air Force

Notice of Availability for Draft Environmental Impact Statement for Realignment of McGuire Air Force Base

The United States Air Force will make available the Draft Environmental Impact Statement (EIS) for the realignment of McGuire Air Force Base.

Under the 1993 Defense Base Closure and Realignment Commission recommendations, the commission mandated KC–10 aircraft realignment and additional KC–10 basing proposal, and construction of support facilities.

A public hearing is scheduled for 19 Apr 94 in Cookstown, New Jersey with the comment period ending May 9, 1994. Please direct written comments or requests for further information concerning this EIS to: Ms Jean A. Reynolds, HQ AMC/CESB, 507 A Street, Scott AFB, Ill 62225–5022, (618) 256–6128.

List of Subjects

Environmental Protection, Environmental Impact Statement, US Air Force, McGuire AFB, Notice of Availability, Realignment, Defense Base Closure and Realignment Commission.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 94–6988 Filed 3–23–94; 8:45 am]

BILLING CODE 3910–01–P

Department of the Navy

Privacy Act of 1974; Amend Record Systems

AGENCY: Department of the Navy, DOD.

ACTION: Amend record systems.

SUMMARY: The Department of the Navy proposes to amend two systems of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The amendments will be effective on April 25, 1994, unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Head, PA/FOIA Branch, Office of the Chief of Naval Operations (N09B30), 2000 Navy Pentagon, Washington, DC 20350–2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn Aitken at (703) 614–2004 or DSN 224–2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the systems of records are set forth below followed by the systems of records notices published in their entirety, as amended. The amendments are not within the purview of subsection (r) of the Privacy Act of 1974 (5 U.S.C. 552a), as amended, which requires the submission of new or altered systems reports.

Dated: March 18, 1994.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N04650–1

SYSTEM NAME:

Personnel Transportation System *(February 22, 1993, 58 FR 10744).*

SYSTEM LOCATION:

Delete entry and replace with 'Personnel Support Activity Detachments and Navy Passenger Transportation Offices Worldwide and Administrative Support Unit, Bahrain. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.'

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with 'Navy military personnel (active and retired), civilian employees of the Navy, dependents, Midshipmen, and other individuals authorized through Navy commands to travel at Government expense.'

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with 'Applications for travel and, where applicable, for passports and visas; requests for extension of time limit on travel by retired member to home of record; requests for exceptions of policies/procedures involving travel entitlements/eligibilities; supporting documents; correspondence, and approvals/disapprovals relating to the above records; travel arrangements in response to above applications.'

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '5 U.S.C. 5701 et seq Travel, Transportation and Subsistence; 10 U.S.C. 2631–2635 and Chapter 7; 37

U.S.C. 404, Travel and Transportation Allowances--General; and E.O. 9397.'

PURPOSE(S):

Delete entry and replace with 'To provide official travel services; determine eligibility for transportation; to authorize or deny transportation; and otherwise manage the Navy-wide passenger transportation system.'

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Replace first paragraph with 'To officials and employees of the Office of Passport Services, Department of State in the processing of no fee passports (official or diplomatic).'

STORAGE:

Delete entry and replace with 'Automated records may be stored on magnetic tapes/disks. Manual records in file folders or file-card boxes, and microfiche or microfilm.'

RETRIEVABILITY:

Delete entry and replace with 'Automated records may be retrieved by Social Security Number and/or name. Manual records are normally filed alphabetically by name of applicant, month, and fiscal year; applications for dependents travel are filed under name of sponsor.'

SAFEGUARDS:

Delete entry and replace with 'Manual records are maintained in file cabinets under the control of authorized personnel during working hours. The office space in which the file cabinets are located is locked outside of official working hours. Computer terminals are located in supervised areas. Computer terminals are controlled by password or other user code system.'

RETENTION AND DISPOSAL:

Delete entry and replace with 'Records are retained for three years and then forwarded to the records center for retention for additional four years. After seven years, all records are destroyed.'

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Personnel Support Activity Detachments and Navy Passenger Transportation Offices Worldwide and Administrative Support Unit, Bahrain. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Policy Official: Chief of Naval Personnel, Bureau of Naval Personnel (Pers 332), 2 Navy Annex, Washington, DC 20370-3320."

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with 'Individual; member's service record/civilian personnel file; officials and employees of the Department of the Navy, Department of Defense, and State Department; foreign embassies, legations, and consular offices reporting approval/disapproval of visas; and carriers reporting on provision of transportation.'

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N04650-1

SYSTEM NAME:

Personnel Transportation System.

SYSTEM LOCATION:

Personnel Support Activity Detachments and Navy Passenger Transportation Offices Worldwide and Administrative Support Unit, Bahrain. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy military personnel (active and retired), civilian employees of the Navy, dependents, Midshipmen, and other individuals authorized through Navy commands to travel at Government expense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for travel and, where applicable, for passports and visas; requests for extension of time limit on travel by retired member to home of record; requests for exceptions of policies/procedures involving travel entitlements/eligibilities; supporting documents; correspondence, and approvals/disapprovals relating to the above records; travel arrangements in response to above applications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5701 et seq Travel, Transportation and Subsistence; 10 U.S.C. 2631-2635 and Chapter 7; 37 U.S.C. 404, Travel and Transportation Allowances--General; and E.O. 9397.

PURPOSE(S):

To provide official travel services; determine eligibility for transportation; to authorize or deny transportation; and otherwise manage the Navy-wide passenger transportation system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To officials and employees of the Office of Passport Services, Department of State in the processing of no fee passports (official or diplomatic).

Foreign embassies, legations, and consular offices--to determine eligibility for visas to respective countries, if visa is required.

To Commercial Carriers providing transportation to individuals whose applications are processed through this system of records.

When required by Federal statute, by Executive Order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated records may be stored on magnetic tapes/disks. Manual records in file folders or file-card boxes, and microfiche or microfilm.

RETRIEVABILITY:

Automated records may be retrieved by Social Security Number and/or name. Manual records are normally filed alphabetically by name of applicant, month, and fiscal year; applications for dependents travel are filed under name of sponsor.

SAFEGUARDS:

Manual records are maintained in file cabinets under the control of authorized personnel during working hours. The office space in which the file cabinets are located is locked outside of official working hours. Computer terminals are located in supervised areas. Computer terminals are controlled by password or other user code system.

RETENTION AND DISPOSAL:

Records are retained for three years and then forwarded to the records center for retention for additional four years. After seven years, all records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Personnel Support Activity Detachments and Navy Passenger Transportation Offices Worldwide and Administrative Support Unit, Bahrain. Official mailing addresses are published as an appendix to the Navy's

compilation of systems of records notices.

Policy Official: Chief of Naval Personnel, Bureau of Naval Personnel (Pers 332), 2 Navy Annex, Washington, DC 20370–3320.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the local activity where the request for transportation was initiated, and/or to intermediate activities (if applicable), or to the Chief of Naval Personnel (ATTN: Privacy Act Coordinator), Navy Department, Washington, DC 20370. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

The letter should contain full name, Social Security Number, address and signature of the requester. The individual may visit the activities and commands listed under LOCATION for assistance with the records maintained at the respective locations. Proof of identification will consist of Military Identification Card for persons having such cards. Others must present other positive personal identification, preferably picture-bearing.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the local activity where the request for transportation was initiated, and/or to intermediate activities (if applicable), or to the Chief of Naval Personnel (ATTN: Privacy Act Coordinator), Navy Department, Washington, DC 20370. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

The letter should contain full name, Social Security Number, address and signature of the requester. The individual may visit the activities and commands listed under LOCATION for assistance with the records maintained at the respective locations. Proof of identification will consist of Military Identification Card for persons having such cards. Others must present other positive personal identification, preferably picture-bearing.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual; member's service record/civilian personnel file; officials and employees of the Department of the Navy, Department of Defense, and State Department; foreign embassies, legations, and consular offices reporting approval/disapproval of visas; and carriers reporting on provision of transportation.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

N07401–1

SYSTEM NAME:

Bingo Winners *(February 22, 1993, 58 FR 10808)*.

SYSTEM LOCATION:

Delete entry and replace with 'Navy and Marine Corps stateside and overseas bases where bingo is authorized and played.

A list of Navy system managers is available from the Chief of Naval Personnel, Bureau of Naval Personnel, 2 Navy Annex, Washington, DC 20370–5001; and a list of Marine Corps activities is available from the Commandant of the Marine Corps (MH), Headquarters, United States Marine Corps, 2 Navy Annex, Washington, DC 20380–0001.'

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete first word 'Individual.'

CATEGORIES OF RECORDS IN THE SYSTEM:

At end of entry, add ', and DOT/IRS Forms W2–G and 5754.'

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '5 U.S.C. 301, Departmental Regulations; Section 6041, Internal Revenue Code; BUPERSINST 1710.13, Operation of Navy Messes Ashore and Package Stores 1988; MCO P–1745.15 series; NAVSO P–3520; and E.O. 9397.'

PURPOSE(S):

Delete entry and replace with 'To notify the Internal Revenue Service of all monies and items of merchandise paid to individual winners of bingo games whose one-time winnings are $1,200 or more.

To provide a means of paying, recording, accounting, reporting, and controlling expenditures and merchandise inventories associated with bingo games.'

* * * * *

STORAGE:

Delete entry and replace with 'Manual records in file cabinets.'

RETRIEVABILITY:

Delete entry and replace with 'Name and Social Security Number.'

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with 'Records are maintained on site for three years and then shipped to a Federal Records Center for storage for four additional years. After seven years, records are destroyed.'

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Navy and Marine Corps stateside and overseas bases where bingo is authorized and played.

A list of Navy system managers for bingo locations is available from the Chief of Naval Personnel, Bureau of Naval Personnel, 2 Navy Annex, Washington, DC 20370–5001; and a list of Marine Corps systems managers is available from the Commandant of the Marine Corps (MH), Headquarters, United States Marine Corps, 2 Navy Annex, Washington, DC 20380–0001.

Policy Officials: Navy - Chief of Naval Personnel (Pers 655C3), Bureau of Naval Personnel, 2 Navy Annex, Washington, DC 20370–5001 (for naval activities); Marine Corps - Commandant of the Marine Corps (MH), Headquarters, United States Marine Corps, 2 Navy Annex, Washington, DC 20380–0001 (for Marine Corps activities).'

NOTIFICATION PROCEDURE:

Delete entry and replace with 'Individuals are routinely notified via DOT/IRS Form W–2G if their one-time bingo winnings are $1,200 or more. However, individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the commanding officer at the location where the bingo game was played or to the Chief of Naval Personnel (for Navy sponsored bingo games) or the Commandant of the Marine Corps (for Marine Corps sponsored bingo games).

A list of system managers by activity is available from the Chief of Naval Personnel, Bureau of Naval Personnel, 2 Navy Annex, Washington, DC 20370–5001 (for naval activities); and the Commandant of the Marine Corps (MH), Headquarters, United States Marine Corps, 2 Navy Annex, Washington, DC 20380–0001 (for Marine Corps activities).'

RECORD ACCESS PROCEDURES:

Delete entry and replace with 'Individuals seeking access to records about themselves should address

written inquiries to the commanding officer at the location where the bingo game was played or to the Chief of Naval Personnel (for Navy sponsored bingo games) or the Commandant of the Marine Corps (for Marine Corps bingo).

A list of system managers by activity is available from the Chief of Naval Personnel, Bureau of Naval Personnel, 2 Navy Annex, Washington, DC 20370–5001 (for Navy sponsored bingo games); and the Commandant of the Marine Corps (MH), Headquarters, United States Marine Corps, 2 Navy Annex, Washington, DC 20380–0001 (for Marine Corps activities).'

RECORD SOURCE CATEGORIES:

At beginning of entry, add 'Individual and'.

* * * * *

N07401–1

SYSTEM NAME:

Bingo Winners.

SYSTEM LOCATION:

Navy and Marine Corps stateside and overseas bases where bingo is authorized and played.

A list of Navy system managers is available from the Chief of Naval Personnel, Bureau of Naval Personnel, 2 Navy Annex, Washington, DC 20370–5001; and a list of Marine Corps activities is available from the Commandant of the Marine Corps (MH), Headquarters, United States Marine Corps, 2 Navy Annex, Washington, DC 20380–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. citizens 18 years of age and older who are paid monies/prizes of $1,200 or more for one-time winnings associated with bingo.

CATEGORIES OF RECORDS IN THE SYSTEM:

Bingo payout control sheet indicating individual name, grade, Social Security Number, duty station, dates and amounts of bingo monies paid, and DOT/IRS Forms W2–G and 5754.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; Section 6041, Internal Revenue Code; BUPERSINST 1710.13, Operation of Navy Messes Ashore and Package Stores 1988; MCO P–1745.15 series; NAVSO P–3520; and E.O. 9397.

PURPOSE(S):

To notify the Internal Revenue Service of all monies and items of merchandise paid to individual winners of bingo games whose one-time winnings are $1,200 or more.

To provide a means of paying, recording, accounting, reporting, and controlling expenditures and merchandise inventories associated with bingo games.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The 'Blanket Routine Uses' that appear at the beginning of the Navy's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records in file cabinets.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Records are kept in occupied rooms which are locked during non-working hours.

RETENTION AND DISPOSAL:

Records are maintained on site for three years and then shipped to a Federal Records Center for storage for four additional years. After seven years, records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Navy and Marine Corps stateside and overseas bases where bingo is authorized and played.

A list of Navy system managers for bingo locations is available from the Chief of Naval Personnel, Bureau of Naval Personnel, 2 Navy Annex, Washington, DC 20370–5001; and a list of Marine Corps systems managers is available from the Commandant of the Marine Corps (MH), Headquarters, United States Marine Corps, 2 Navy Annex, Washington, DC 20380–0001.

Policy Officials: Navy - Chief of Naval Personnel (Pers 655C3), Bureau of Naval Personnel, 2 Navy Annex, Washington, DC 20370–5001 (for naval activities); Marine Corps - Commandant of the Marine Corps (MH), Headquarters, United States Marine Corps, 2 Navy Annex, Washington, DC 20380–0001 (for Marine Corps activities).

NOTIFICATION PROCEDURE:

Individuals are routinely notified via DOT/IRS Form W–2G if their one-time bingo winnings are $1,200 or more. However, individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the commanding officer at the location where the bingo game was played or to the Chief of Naval Personnel (for Navy sponsored bingo games) or the Commandant of the Marine Corps (for Marine Corps sponsored bingo games).

A list of system managers by activity is available from the Chief of Naval Personnel, Bureau of Naval Personnel, 2 Navy Annex, Washington, DC 20370–5001 (for naval activities); and the Commandant of the Marine Corps (MH), Headquarters, United States Marine Corps, 2 Navy Annex, Washington, DC 20380–0001 (for Marine Corps activities).

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves should address written inquiries to the commanding officer at the location where the bingo game was played or to the Chief of Naval Personnel (for Navy sponsored bingo games) or the Commandant of the Marine Corps (for Marine Corps bingo).

A list of system managers by activity is available from the Chief of Naval Personnel, Bureau of Naval Personnel, 2 Navy Annex, Washington, DC 20370–5001 (for Navy sponsored bingo games); and the Commandant of the Marine Corps (MH), Headquarters, United States Marine Corps, 2 Navy Annex, Washington, DC 20380–0001 (for Marine Corps activities).

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records and contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual and bingo payout control sheets.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 94–6870 Filed 03–23–94; 8:45 am]

BILLING CODE 5000–04–F

DEPARTMENT OF EDUCATION

Federal Interagency Coordinating Council Meeting (FICC)

AGENCY: Federal Interagency Coordinating Council, Education.

ACTION: Notice of a public meeting.

SUMMARY: This notice describes the schedule and agenda of a forthcoming meeting of the Federal Interagency Coordinating Council. Notice of this meeting is required under section 685(c) of the Individuals with Disabilities Education Act, as amended, and is intended to notify the general public of their opportunity to attend the meeting. The meeting will be accessible to individuals with disabilities.

DATES AND TIME: April 28, 1994, from 1:30 p.m. to 4:30 p.m.

ADDRESSES: Hubert H. Humphrey Building, Room 503A/529A, 200 Independence Avenue SW., Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Connie Garner, U.S. Department of Education, 400 Maryland Avenue SW., Room 4613, Switzer Building, Washington, D.C. 20202–2644. Telephone: (202) 205–8124. Individuals who use a telecommunications device for the deaf (TDD) may call (202) 205–8170.

SUPPLEMENTARY INFORMATION: The Federal Interagency Coordinating Council (FICC) is established under section 685 of the Individuals with Disabilities Education Act, as amended (20 U.S.C. 1484a). The Council is established to: (1) Minimize duplication across Federal, State and local agencies of programs and activities relating to early intervention services for infants and toddlers with disabilities and their families and preschool services for children with disabilities; (2) ensure effective coordination of Federal early intervention and preschool programs, including Federal technical assistance and support activities; and (3) identify gaps in Federal agency programs and services and barriers to Federal interagency cooperation. To meet these purposes, the FICC seeks to: (1) identify areas of conflict, overlap, and omissions in interagency policies related to the provision of services to infants, toddlers, and preschoolers with disabilities; (2) develop and implement joint policy interpretations on issues related to infants, toddlers, and preschoolers that cut across Federal agencies, including modifications of regulations to eliminate barriers to interagency programs and activities; and (3) coordinate the provision of technical assistance and dissemination of best practice information. The FICC is chaired by the Assistant Secretary for Special Education and Rehabilitative Services.

At this meeting the FICC plans to: (1) update the membership on the IDEA reauthorization process; and (2) discuss the congressional testimony presented around individuals with disabilities and health care reform.

The meeting of the FICC is open to the public. Written public comment will be accepted at the conclusion of the meeting. These comments will be included in the summary minutes of the meeting. The meeting will be physically accessible with meeting materials provided in both braille and large print. Interpreters for persons who are hearing impaired will be available. Individuals with disabilities who plan to attend and need other reasonable accommodations should contact the contact person named above in advance of the meeting.

Summary minutes of the FICC meetings will be maintained and available for public inspection at the U.S. Department of Education, 400 Maryland Avenue, SW., Room 4613, Switzer Building, Washington, D.C. 20202–2644, from the hours of 9 a.m. to 5 p.m., weekdays, except Federal holidays.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 94–6860 Filed 3–23–94; 8:45 am]

BILLING CODE 4000–01–M

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Management Service, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before April 25, 1994.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok: Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Cary Green, Department of Education, 400 Maryland Avenue, SW., room 4682, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Cary Green (202) 401–3200. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Management Service, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Cary Green at the address specified above.

Dated: March 17, 1994.

Cary Green,

Director, Information Resources Management Service.

Office of Postsecondary Education

Type of Review: NEW.
Title: National Student Loan Data System.
Frequency: Weekly.
Affected Public: State or local governments; Businesses or other for-profit; Non-profit institutions; Small businesses or organizations.
Reporting Burden:
Responses: 158,392.
Burden Hours: 950,352.
Recordingkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: The Higher Education Act of 1965, as amended (Act) requires the Secretary of Education to establish a National Student Loan Data System (NSLDS) that contains information about Federal Family Education Loan (FFEL) Program loans and Perkins Loans (including National Direct Student Loans and National Defense Student Loans). NSLDS will collect FFEL Program data from guaranty agencies and Perkins Loan data from existing Department systems, such as

the Pell Grant Recipient and Financial Management System, to form a repository of information to be used for research, policy analysis, monitoring student enrollment, identifying loan holders and services, calculating default rates, monitoring program participants, and verifying student aid eligibility.

[FR Doc. 94-6903 Filed 3-23-94; 8:45 am]

BILLING CODE 4000-01-M

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Information Resources Management Service, invites comments on proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: An expedited review has been requested in accordance with the Act, since allowing for the normal review period would adversely affect the public interest. Approval by the Office of Management and Budget (OMB) has been requested by March 31, 1994.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection request should be addressed to Cary Green, Department of Education, 400 Maryland Avenue SW., room 4682, Regional Office Building 3, Washington, DC 20202-4651.

FOR FURTHER INFORMATION CONTACT: Cary Green, (202) 401-3200. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 3517) requires that the Director of OMB provide interested Federal agencies and persons an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Information Resources Management Service, publishes this notice with the attached proposed information collection request prior to submission of this request to OMB. This notice contains the following information: (1) Type of review requested, e.g., expedited; (2) Title; (3) Abstract; (4) Additional information; (5) Frequency of collection; (6) Affected public; and (7) Reporting and/or recordkeeping burden. Because an expedited review is requested, a description of the information to be collected is also included as an attachment to this notice.

Dated: March 17, 1994.

Cary Green,

Director, Information Resources Management Service.

Office of the Under Secretary

Type of Review: Expedite.

Title: Prospects: The National Longitudinal Study of Chapter 1 Children.

Abstract: This will gather Chapter 1 information from students, parents, teachers, and other school and district personnel. This information will be used to evaluate the impact of Chapter 1 services. The Department is requesting an emergency clearance by March 31, 1994. The emergency clearance is needed so the information can be collected in the schools during the months of April, May and June.

Frequency: Annually.

Affected Public: Individuals or households; State or local governments.

Reporting Burden:
Responses: 70,643.
Burden Hours: 77,707.

Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.

[FR Doc. 94-6906 Filed 3-23-94; 8:45 am]

BILLING CODE 4000-1-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP94-275-000, et al.]

Arkla Energy Resources Company, et al.; Natural Gas Certificate Filings

March 15, 1994.

Take notice that the following filings have been made with the Commission:

1. Arkla Energy Resources Co.

[Docket No. CP94-275-000]

Take notice that on March 10, 1994, Arkla Energy Resources Company (AER), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP94-275-000 a request pursuant to §§ 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.216) for authorization to abandon sales tap facilities in Arkansas, Louisiana, and Texas, under AER's blanket certificate issued in Docket No. CP82-384-000, *et al.*, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

AER proposes to abandon in place 45 rural domestic sales taps located on AER's Line S in Bossier, Caddo, and Webster Parishes, Louisiana; Columbia County, Arkansas, and Harrison County, Texas. It is stated that the taps were installed to serve customers of Arkansas Louisiana Gas Company (ALG). It is further stated that no customers are located at these taps and that they have been inactive for years. It is asserted that ALG has provided written consent to the abandonment.

Comment date: April 29, 1994, in accordance with Standard Paragraph G at the end of this notice.

2. Northwest Pipeline Corp.

[Docket No. CP94-282-000]

Take notice that on March 11, 1994, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP94-282-000 a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to construct and operate facilities in Klickitat County, Washington required to implement a firm transportation service for Development Associates, Inc. (DA), under the blanket certificate issued in Docket No. CP82-433-000, pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northwest proposes to construct and operate approximately 5.3 miles of pipeline to partially loop and extend its existing Hood River Lateral in Klickitat County, Washington and to construct and operate a new meter station, to be named the KEP Meter Station. Northwest states that the proposed facilities would be used to provide approximately 11,000 million Btu per day of firm transportation service to the planned Klickitat Energy Partners (KEP), cogeneration facility. Northwest states that the looping and other facility modification are required because the capacity of the existing Hood River

Lateral is fully committed to deliver up to 5,909 million Btu per day at two existing meter stations for the account of Northwest Natural Gas Company under existing blanket agreements. It is indicated that KEP was formed to develop, finance, construct and own the new KEP cogeneration facility.

It is indicated that KEP's planned cogeneration plant would have 53.5 megawatts of generating capacity and would consist of a natural gas-fired combustion turbine, a heat recovery steam generator and three steam turbines. It is also stated that KEP has contracted to sell up to 49.5 average megawatts of power generated at its facility to the Bonneville Power Administration under a 20-year contract and that process steam would be sold to a lumber company located at the proposed plant site.

Northwest states that DA has agreed with KEP to secure firm transportation service from Northwest to the plant site beginning when the plant commences operations, scheduled for August 1995 and for plant start-up prior to that time. It is indicated that Northwest and DA have modified existing transportation arrangements under Northwest's Rate Schedule TF-1 to provide the requested service.

Northwest estimates a construction cost of $3,118,100, which would be installed and paid for pursuant to a facilities agreement with DA and the facilities reimbursement provisions of Northwest's tariff. Northwest estimates the net present value of the future revenues projected to be generated as a result of the proposed facilities of $4.6 million which would exceed the incremental cost of service of approximately $2.9 million.

Northwest states that no significant impact on its system peak day deliveries is projected to result from the installation of the proposed facilities. It is indicated that, because DA elected to extend its existing firm transportation agreements with Northwest, the existing firm contract delivery obligations would remain the same.

Comment date: April 29, 1994, in accordance with Standard Paragraph G at the end of this notice.

3. Arkla Energy Resources Co.

[Docket No. CP94-278-000]

Take notice that on March 10, 1994, Arkla Energy Resources Company (AER), 1600 Smith Street, Houston, Texas 77002, filed in Docket No. CP94-278-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to abandon and relocate certain facilities in Oklahoma and Louisiana, under AER's blanket certificate issued in Docket No. CP82-384-000 and CP82-384-001 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, AER proposes to (1) abandon in place 8 miles of 6-inch Line 634-2 and eight domestic delivery taps in Hughes County, Oklahoma; and (2) abandon in place 1.9 miles of 4-inch Line FM-27 and three domestic delivery taps and relocate one rural industrial tap, all in Claiborne Parish, Louisiana. AER states that it proposes to cut, cap and fill the abandoned pipelines with water and that it would remove all above ground facilities.

AER states that the pipelines were used to provide service to 11 domestic and one industrial customer of Arkansas Louisiana Gas Company (ALG). AER asserts that nine domestic customers have or would convert to alternate fuels and have given AER written releases. AER further asserts that ALG would construct 1800 feet of plastic pipeline from its existing Gulftown Rural Extension to serve the remaining two domestic customers. AER would continue service to ALG's industrial customer by relocating the meter and ALG would construct a distribution line to the industrial customer, it is stated.

AER maintains that it has provided notice of the proposed abandonments to the Oklahoma Corporate Commission and the Louisiana Public Service Commission.

Comment date: April 29, 1994, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

G. Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 94-6881 Filed 3-23-94; 8:45 am]

BILLING CODE 6717-01-P

[Docket No. CP94-266-000, et al.]

Cheyenne Light Fuel and Power Company, et al. Natural Gas Certificate Filings

March 11, 1994.

Take notice that the following filings have been made with the Commission:

1. Cheyenne Light Fuel and Power Company

[Docket No. CP94-266-000]

Take notice that on March 4, 1994, Cheyenne Light Fuel and Power Company (Cheyenne), 108 W. 18th Street, P. O. Box 1409, Cheyenne, Wyoming 82003-1409, filed in Docket No. CP94-266-000 an application pursuant to § 284.224 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the transportation of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

It is stated that Cheyenne agrees to comply with the conditions set forth in § 284.224(e) and understands that any transaction authorized under a blanket certificate shall be subject to the same rates and charges, terms, conditions and reporting requirements that would apply if the transactions were authorized for an intrastate pipeline by subparts C, D and E of part 284 of the Commission's Regulations.

Comment date: April 1, 1994, in accordance with Standard Paragraph F at the end of this notice.

2. Columbia Gas Transmission Corporation

[Docket No. CP94-271-000]

Take notice that on March 8, 1994, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S. E., Charleston, West Virginia 25314, filed in Docket No. CP94-271-000, an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of replacement storage pipeline facilities, all as more fully set

forth in the application which is on file with the Commission and open to public inspection.

Columbia proposes to construct and operate 9.5 miles of various sized storage pipeline in the Coco Storage "A" Field ranging in size from 4-inch to 20-inch diameter. Columbia states that the proposed facilities would replace two looped segments of mainline totaling 10.1 miles and 4.4 miles of well lines. Columbia also proposes to construct appurtenant facilities consisting of 5.5 miles of 2-inch and 5.7 miles of 1-inch pressurized methanol injection system connected to each well, the replacement of well head measurement at 26 existing wells, and the installation of an on-line pigging system. Columbia estimates the construction cost to be $9,533,000.

Columbia asserts the existing facilities have deteriorated to the extent that replacement is required in order to maintain safe and reliable storage service.

Comment date: April 1, 1994, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or to make any protest with reference to said application should on or before the comment date, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and/or permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 94-6880 Filed 3-23-94; 8:45 am]

BILLING CODE 6717-01-P

[Docket No. CP94-265-000, et al.]

Texas Gas Transmission Corporation, et al.; Natural Gas Certificate Filings

March 9, 1994.

Take notice that the following filings have been made with the Commission:

1. Texas Gas Transmission Corporation

[Docket No. CP94-265-000]

Take notice that on March 4, 1994, Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No. CP94-265-000 an application pursuant to section 7(c) of the Natural Gas Act for authorization to increase the certificated horsepower of its Haughton Compressor Station located in Bossier Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas states that the compressor unit installed at Haughton has a full nameplate capability of 2,250 horsepower, but has been programmed to a 2,000 horsepower capability to meet the station requirements existing at the time of its installation. Texas Gas states further that because its firm shippers have requested increased volumes, it is now necessary to uprate the compressor to its 2,250 horsepower maximum capability.

It is stated that because the uprating can be accomplished by simply rewriting the control software, there is no cost associated with the alteration. It is further stated that the proposed uprating would increase the capacity available in the winter on Texas Gas' North Louisiana system by approximately 5.3 Mmcf per day, but would not increase the summer ambient capability of the Haughton compressor. Thus, it is said, there would be no increase in Texas Gas' annual available capacity along this system.

Comment date: March 30, 1994, in accordance with Standard Paragraph F at the end of this notice.

2. Columbia Gas Transmission Corp.

[Docket No. CP94-269-000]

March 10, 1994.

Take notice that on March 4, 1994, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314-1599, filed in Docket No. CP94-269-000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate an additional point of delivery for interruptible transportation service to National Gas and Oil Corporation (NGO) in Perry County, Ohio, under the authorization issued in Docket No. CP83-76-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia states that it will provide the interruptible transportation service under its blanket certificate in Docket No. CP86-240-000 under existing authorized rate schedules and within certificated entitlements. Columbia estimates that the quantities of gas to be delivered at the new delivery point will be 20,000 Dth per day and 7,300,000 Dth annually. It is estimated that the cost to establish this delivery point will be approximately $215,739. Columbia states that it has agreed to contribute $125,000 toward the cost of upgrading the interconnecting facilities. It is stated that NGO has agreed to reimburse Columbia for the remaining $90,739, plus any gross-up for tax purposes.

Columbia proposes to upgrade an existing receipt meter to a bidirectional facility capable of delivering and receiving up to 20,000 Dth/d. It is stated that interconnecting facilities by Columbia consist of an 8-inch tap, electronic measurement, flow control, installation of a filter separator and less than 20 feet of pipeline within the existing right-of-way. Columbia states that it has obtained the necessary environmental clearances from the Ohio State Historical Preservation Office and the United States Department of the Interior Fish and Wildlife Service for its proposed construction.

Comment date: April 25, 1994, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or to make any protest with reference to said application should on or before the comment date, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance

with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and/or permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 94-6882 Filed 3-23-94; 8:45 am]

BILLING CODE 6717-01-P

[Docket No. EC94-12-000, et al.]

Wisconsin Public Service Corporation, et al., Electric Rate and Corporate Regulation Filings

March 15, 1994.

Take notice that the following filings have been made with the Commission:

1. Wisconsin Public Service Corporation

[Docket No. EC94-12-000]

Take notice that on March 10, 1994, Wisconsin Public Service Corporation (WPSC) filed an application with the Federal Energy Regulatory Commission, pursuant to section 203 of the Federal Power Act, for authorization for a proposed corporate reorganization.

WPSC proposes to carry out a reorganization plan which will result in a holding company structure under which WPSC and its utility operations will be a wholly-owned subsidiary of the newly formed WPS Resources Corporation.

Comment date: April 1, 1994, in accordance with Standard Paragraph E at the end of this notice.

2. Cardinal Power of Canada, L.P.

[Docket No. EG94-33-000]

On March 9, 1994, Cardinal Power of Canada, L.P ("Cardinal"), 242 Henry Street, P.O. Box 70, Cardinal, Ontario, Canada KOE-1EO, filed with the Federal Energy Regulatory Commission (the "Commission") an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Cardinal is a limited partnership formed under the laws of the State of Delaware and registered to do business in Ontario, Canada. Cardinal will own, operate and maintain a 150 MW natural gas-fired cogeneration facility located in Cardinal, Ontario, Canada (the "Facility"). Cardinal will be engaged directly and exclusively in the business of owning and operating the Facility and selling electric energy at wholesale. The Facility is expected to begin commercial operation in May, 1994.

Comment date: April 1, 1994, in accordance with Standard Paragraph E at the end of this notice.

3. Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company, West Penn Power Company, (The APS Companies)

[Docket No. ER94-246-000]

Take notice that on March 11, 1994, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (The APS Companies) filed additional information at Staff's request to complete the filing submitted on December 13, 1993. Allegheny Power Service Corporation requests waiver of notice requirements and asks the Commission to honor the proposed effective dates specified in the agreements.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: March 29, 1994, in accordance with Standard Paragraph E at the end of this notice.

4. Western Resources, Inc.

[Docket Nos. ER94-955-000, ER94-956-000, ER94-991-000]

Take notice that on March 10, 1994, Western Resources, Inc. (WRI) tendered for filing an amendment to its February 7, 1994, filings and its February 25, 1994, filing on the above docket numbers. The amended filing provides Service Schedule GD which was not sent with the original filings.

Copies of the filing were served upon the cities of Herrington, Stafford and Clay Center and the Kansas Corporation Commission.

Comment date: March 29, 1994, in accordance with Standard Paragraph E at the end of this notice.

5. Western Resources, Inc.

[Docket No. ER94-969-000]

Take notice that on March 10, 1994, Western Resources, Inc. (WRI), on behalf of Kansas Gas and Electric Company (KG&E), withdrew its February 14, 1994, filing and requested termination of Docket No. ER94-969-000. WRI states that cancellation of the instant rate schedules was automatically realized upon Commission acceptance of superseding rate schedules.

Copies of the filing were served on Kansas Electric Power Cooperative, Inc. (KEPCo) and the Kansas Corporation Commission.

Comment date: March 29, 1994, in accordance with Standard Paragraph E at the end of this notice.

6. Virginia Electric and Power Company

[Docket No. ER94-1022-000]

Take notice that on March 8, 1994, Virginia Electric and Power Company (the Company), tendered for filing an

initial rate schedule entitled Tariff for Resale of Merom Unit Power which allows for the wholesale sale of capacity and energy with Virginia Power purchases for Hoosier Rural Electric Cooperative, Inc. under a Unit Power Sales Agreement to eligible purchasers. A proposed effective date of May 7, 1994 is requested.

Copies of the filing were served upon the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: March 29, 1994, in accordance with Standard Paragraph E at the end of this notice.

7. PacifiCorp

[Docket No. ER94-1023-000]

Take notice that PacifiCorp, on March 9, 1994, tendered for filing in accordance with 18 CFR 35.13 of the Commission's Rules and Regulations, Revision No. 1 of Appendix A for the Transmission Service and Operating Agreement between Pacificorp and Utah Association of Municipal Power Systems (UAMPS) dated May 7, 1992.

PacifiCorp respectfully requests, pursuant to 18 CFR 35.11 of the Commission's Rules and Regulations, that a waiver of prior notice be granted and an effective date of March 10, 1994 be assigned to Revision No. 1 of appendix A.

Copies of this filing were supplied to UAMPS, the Utah Public Service Commission, the Public Utility Commission of Oregon.

Comment date: March 29, 1994, in accordance with Standard Paragraph E at the end of this notice.

8. Portland General Electric Company

[Docket No. ER94-1024-000]

Take notice that on March 8, 1994, Portland General Electric Company (PGE) tendered for filing a service agreement under FERC Electric Tariff, Original Volume No. 1 (PGE-1) with Lassen Municipal Utility District. Copies of the filing have been served on the parties included in the distribution list defined in the filing letter.

Comment date: March 29, 1994, in accordance with Standard Paragraph E at the end of this notice.

9. Public Service Company of Colorado

[Docket No. ER94-1025-000]

Take notice that on March 8, 1994, Public Service Company of Colorado (Public Service) tendered for filing amendments to the Inland Power Pool Agreement as contained in Public Service Rate Schedule FERC No. 41. The proposed amendments will have no impact on rates or revenues for service provided under the agreement.

Public Service requests an effective date of January 12, 1994, for the proposed amendments. Accordingly, Public Service requests waiver of the Commission's notice requirements for good cause shown. (18 CFR 35.3 and 35.11).

Copies of the filing were served upon the members of the Inland Power Pool and state jurisdictional regulators which include the Public Utilities Commission of the State of Colorado and the State of Colorado Office of Consumer Counsel.

Comment date: March 29, 1994, in accordance with Standard Paragraph E at the end of this notice.

10. Equitable Resources Marketing Company

[Docket No. ER94-1029-000]

Take notice that on March 10, 1994, Equitable Resources Marketing Company (Equitable) tendered for filing pursuant to Rule 205, 18 CFR 385.205, a petition for waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Rate Schedule No. 1 to be effective May 9, 1994.

Equitable intends to engage in electric power and energy transactions as a marketer and a broker. In transactions where Equitable sells electric energy it proposes to make such sales on rates, terms, and conditions to be mutually agreed to with the purchasing party. Equitable is not in the business of generating, transmitting, or distributing electric power.

Comment date: March 29, 1994, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94-6878 Filed 3-23-94; 8:45 am]

BILLING CODE 6717-01-P

[Project No. 10865-001]

Warm Creek Hydro, Inc.; Application

March 8, 1994.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Original Major License

b. *Project No.:* 10865-001.

c. *Date filed:* September 7, 1993.

d. *Applicant:* Warm Creek Hydro, Inc.

e. *Name of Project:* Warm Creek Hydroelectric.

f. *Location:* On Warm Creek, near the town of Deming, in Whatcom County, Washington. T38N, R6E, in Sections 24 & 25.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. Lon Covin, Vice President, Warm Creek Hydro, Inc., 1422-130th Avenue, N.E., Bellevue, WA 98005, (206) 455-0234.

i. *FERC Contact:* Mr. Surender M. Yepuri, P.E., (202) 219-2847.

j. *Deadline Dates:* (1) For interventions or protests—60 days from issuance of notice; and (2) For written comments on scoping (environmental issues)—May 6, 1994.

k. *Status of Environmental Analysis:* The application is not ready for environmental analysis at this time; therefore, the Commission is soliciting only motions to intervene or protests—see attached paragraph E1.

l. *Intent To Prepare An Environmental Assessment And Conduct Public Scoping Meetings:* The Commission staff intends to prepare an Environmental Assessment (EA) on the hydroelectric project in accordance with the National Environmental Policy Act. The EA will objectively consider both site-specific and cumulative environmental impacts of the project and reasonable alternatives, and will include an economic, financial and engineering analysis.

A draft EA will be issued and circulated for review by all interested parties. All timely filed comments on the draft EA will be analyzed by the staff and considered in the final EA. The staff's conclusions and recommendations will then be presented for consideration of the Commission in reaching its final licensing decision.

Scoping Meetings: Two scoping meetings will be conducted on Wednesday, April 6, 1994—at 10 am and 7 pm.

Location: Hampton Inn, 3985 Bennett Drive, Bellingham, WA 98225.

Interested individuals, organizations, and agencies with environmental expertise are invited to attend either or both meetings and assist the staff in identifying the scope of environmental issues that should be analyzed in the EA.

To help focus discussions at the meetings, a scoping document outlining subject areas to be addressed in the EA will be mailed to agencies and interested individuals on the Commission mailing list. Copies of the scoping document will also be available at the scoping meetings.

Persons choosing not to speak at the meetings, but who have views on issues or information relevant to the issues, may submit written statements for inclusion in the public record at the meeting. In addition, written comments may be filed with the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC, 20426, by the deadline date shown in Item (j) above. All written correspondence should clearly show the following caption on the first page: Warm Creek Hydro Project, FERC No. 10865.

Intervenors—those on the Commission's service list for this proceeding (parties)—are reminded of the Commission's Rules of Practice and Procedure, requiring parties filing documents with the Commission, to serve a copy of the document on each person whose name appears on the official service list. Further, if a party or interceder files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Site Visit: A site visit to the Warm Creek Hydro project is planned for April 5, 1994. Those who wish to attend should plan to meet at 9:00 AM at the Acme Country Kitchen on Route 9 in Acme, Washington.

m. *Description of Project:* The proposed project would consist of: (1) A 10-foot-high, 50-foot-long concrete diversion dam impounding a 0.9-acre reservoir at elevation 2,729.9 msl; (2) a concrete intake structure; (3) a 6,035-foot-long steel penstock; (5) a 42-foot-long, 32-foot-wide, and 18-foot-high concrete powerhouse containing a generator unit with a rated capacity of 3.7 MW; (4) a 19,300-foot-long, 35-kV transmission line; and (5) other appurtenant structures. The average annual generation is 16 GWh.

n. *This notice also consists of the following standard paragraphs:* B1 and E1.

o. *Available Locations of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the applicant's office (see item (h) above).

Standard Paragraphs

B1. Protests or Motions to Intervene—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

E1. Filing and Service of Responsive Documents—The application is not ready for environmental analysis at this time; therefore, the Commission is not now requesting comments, recommendations, terms and conditions, or prescriptions.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, room 1027, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant.

Lois D. Cashell,

Secretary.

[FR Doc. 94–6877 Filed 3–23–94; 8:45 am]

BILLING CODE 6717–01–P

[Docket No RP94–178–000]

Algonquin Gas Transmission Co.; Notice of Proposed Changes in FERC Gas Tariff

March 18, 1994.

Take notice that on March 16, 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:

First Revised Sheet No. 20
First Revised Sheet No. 90
First Revised Sheet No. 692
First Revised Sheet No. 693
First Revised Sheet No. 696
First Revised Sheet No. 700
First Revised Sheet No. 703

Algonquin requests that the Commission accept these changes to the tariff sheets effective October 1, 1993. Algonquin states that this filing reflects CNG Transmission Corporation's recovery of LNG abandonment costs from Algonquin's former Rate Schedule F–2 customers, rather than from Algonquin.

Algonquin notes that copies of this filing were served upon each affected party and interested state commissions.

Any persons 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 Capital Street NE., Washington, DC 20426, in accordance with sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 25, 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.

Lois D. Cashell,

Secretary.

[FR Doc. 94–6935 Filed 3–23–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TM94-4-20-000]

Algonquin Gas Transmission Co.; Notice of Proposed Changes in FERC Gas Tariff

March 18, 1994.

Take notice that on March 15, 1994, Algonquin Gas Transmission Company (Algonquin) filed proposed changes in its FERC Gas Tariff, Fourth Revised Volume No. 1, as set forth in the revised tariff sheet, to be effective April 15, 1994:

Second Revised Sheet No. 92

Algonquin states that the purpose of this filing is to update the amount of take-or-pay surcharges billed to Algonquin by CNG Transmission Corporation (CNG). On August 27, 1993, CNG filed to recover from Algonquin additional take-or-pay surcharges from Tennessee Gas Pipeline Company in Docket No. TM93-7-22-000. By order issued on September 24, 1993, the Commission accepted CNG's tariff sheet to be effective September 29, 1993.

Algonquin notes that copies of this filing were served upon each affected party 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 Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 25, 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.

Lois D. Cashell,

Secretary.

[FR Doc. 94-6936 Filed 3-23-94; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP88-195-015]

CNG Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

March 18, 1994.

Take notice that on March 14, 1994, CNG Transmission Corporation (CNG), tendered for filing as part of its FERC Gas Tariff, Original Volume No. 2A, the following tariff sheets:

First Revised Sheet Nos. 404 Through 448

CGN states that the purpose of this filing is to publish revised service agreements for service under CNG's Rate Schedules X-70, X-71, and X-72. The principal revisions were authorized by the Commission's orders of March 31, 1993, and July 29, 1993, in Texas Eastern Transmission Corporation, Docket Nos. RS92-11-006 and RS92-11-008.[1] The orders permitted Texas Eastern Transmission Corporation to assign its rights and certain of its obligations under the referenced rate schedules to ProGas, U.S.A. Inc.

CNG states that copies of this filing were served to the affected customers.

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 protests should be filed on or before March 25, 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 we available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94-6938 Filed 3-23-94; 8:45 am]

BILLING CODE 6717-01-M

Federal Energy Regulatory Commission

[Docket No. RP93-187-000, et al.]

Equitrans, Inc; Notice of Informal Settlement Conference

March 18, 1994.

Take notice that an informal conference will be convened in this proceeding on Thursday, March 24, 1994, at 10 a.m., for the purpose of exploring the possible settlement of the above-referenced docket. The conference will be held at the offices of the Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC 20426.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, please contact Hollis J. Alpert at (202) 208-0783 or Arnold H. Meltz at (202) 208-2161.

Lois D. Cashell,

Secretary.

[FR Doc. 94-6937 Filed 3-23-94; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP93-56-005, RP93-86-004 and RP93-139-004]

Transwestern Pipeline Co., Notice of Proposed Changes in FERC Gas Tariff

March 18, 1994.

Take notice that on March 16, 1994, Transwestern Pipeline Company (Transwestern), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, with a proposed effective date of April 1, 1994:

9th Revised Sheet No. 87
8th Revised Sheet No. 88
17th Revised Sheet No. 89
6th Revised Sheet No. 89A

On June 9, 1993, as amended July 16, 1993, Transwestern filed tariff sheets in which it sought to modify its take-or-pay, buy-out and buy-down mechanism ("Transition Cost Recovery" or "TCR" mechanism) in order to recover certain take-or-pay, buy-out, buy-down, and contract reformation costs. On July 30, 1993, the Commission accepted and suspended the filings, subject to conditions. On August 30, 1993, in Docket Nos. RP93-56-002, RP93-86-002, RP93-139-002, the California Public Utilities Commission and Southern California Gas Company filed a joint request for rehearing of the July 30 order requesting that the Commission remove the litigation exception provision from Transwestern's tariff prospectively. In its order on rehearing on March 1, 1994, the Commission found that the litigation exception language should not apply to future filings and ordered it removed. Transwestern states that the purpose of this filing is to file tariff sheets to comply with such order.

Transwestern also states that in addition to changes necessitated by removing litigation exception language, 17th Revised Sheet No. 89 is being submitted in order to correct an error made on 16th Revised Sheet No. 89 in which the amount for TCR No. 13 was inadvertently changed to an incorrect amount. The correct amount, $20,100,000, was approved by the Commission in Docket No. RP93-139 on 15th Revised Sheet No. 89.

Transwestern states that copies of the filing were served on its gas utility

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[1] Texas Eastern Transmission Corporation *et al.* 62 FERC ¶ 61,310 (1993), *reh'g order 64 FERC ¶ 61,134 (1993).*

customers, interested state commissions, and all parties to 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 Rule 211 of the Commission's Rules of Practice and Procedure. All such protests should be filed on or before March 25, 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.

Lois D. Cashell,

Secretary.

[FR Doc. 94–6934 Filed 3–23–94; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4853–6]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before April 25, 1994.

FOR FURTHER INFORMATION CONTACT: For further information, or to obtain a copy of the ICR, contact Sandy Farmer at EPA, (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Research and Development

Title: Quality Assurance Specifications and Requirements (EPA No. 866.04; OMB No. 2080–0033).

Abstract: This ICR is an extension of existing information collection activities associated with quality assurance (QA) procedures as required at 40 CFR 30.503 and 31.45. Under these regulations, State and local governments or non-profit research institutions seeking Federal assistance for proposed projects must include written QA plans or narrative statements that document the steps taken to assure that the data are of the quality that is needed. The EPA needs this documentation to ensure that all extramural projects involving environmental measurements adhere to existing EPA QA guidelines. By so doing, the EPA may ensure that all data used in environmental protection efforts will be valid, scientifically sound, legally defensible, and of known and documented quality.

Non-profit research institutions must provide a narrative statement that describes the purpose and objectives of the proposed study, and the QA/Quality Control (QC) procedures documenting the precision and bias of the data produced in support of the research. State and local governments must submit a more extensive written QA plan, as described in the "Interim Guidelines and Specifications for Preparing Quality Assurance Projects Plans." The plan should describe in detail, or by reference, the measurement systems used, the QC procedures to be followed, data analysis and reporting, and any other aspects of QA/QC used to document that the data generated are of the quality claimed and needed to meet project objectives.

The information submitted to EPA will be used by appropriate EPA offices and their respective Quality Assurance Managers as a basis for recommending approval of financial assistance for projects involving environmental measurements. The EPA project officers will maintain file copies of the plans and narratives.

Burden Statement: Public reporting burden for this collection of information is estimated to average 79 hours per response, including time for reviewing instructions, searching existing information sources, completing and reviewing the collection of information, and submitting the information to EPA.

Respondents: State and local governments, non-profit research institutions.

Estimated Number of Respondents: 1395.

Frequency of Collection: Annual.

Estimated Number of Responses per Respondent: 1.

Estimated Annual Burden on Respondents: 110,325 hours.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (2136), 401 M Street, SW., Washington, DC 20460.

and

Tim Hunt, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20530.

Dated: March 18, 1994

Paul Lapsley,

Director, Regulatory Management Division

[FR Doc. 94–6957 Filed 3–23–94; 8:45 am]

BILLING CODE 6560–50–F

[FRL–4853–7]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before April 25, 1994.

FOR FURTHER INFORMATION CONTACT: For further information, or to obtain a copy of this ICR, contact Sandy Farmer at EPA (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Prevention, Pesticides and Toxic Substances

Title: Certification and Training of Pesticide Applicators. (EPA ICR No. 0155.05; OMB No. 2070–0029). This is a request for extension of the expiration date of a currently approved collection with no changes.

Abstract: In compliance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and to minimize the threat to human health and the environment, EPA classifies pesticides as general or restricted use. Restricted-use pesticides can only be used by or under the supervision of a certified applicator. EPA conducts a program to certify pesticide applicators in states whose programs have not received Agency approval (Colorado for private applicators and Nebraska for private and commercial applicators). Individuals applying for or renewing certification as applicators of restricted-use pesticides, must complete EPA form 8500–17. Applicants for certification must establish their competency in pesticide use through completion of a training program. Certified commercial applicators and dealers of restricted-use pesticides are required to maintain records of use and sale of restricted-use pesticides. In addition, states, Indian

tribes, and Federal Agencies with EPA-approved certification programs must submit to the Agency an annual report of their sale and use of restricted-use pesticides. EPA uses the information to determine compliance with FIFRA, and, when necessary, as evidence in enforcement cases.

Burden Statement: The burden for this collection of information is estimated to average .92 hour per response for reporting, and 3.5 hours per recordkeeper annually. This estimate includes the time needed to review instructions, gather the data needed, and review the collection of information.

Respondents: Private and commercial applicators, and dealers of restricted-use pesticides. States, Indian tribes, and Federal Agencies.

Estimated Number of Respondents: 11,809 for reporting, and 351,100 for recordkeeping.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 1,241,400 hours.

Frequency of Collection: Annually and on occasion.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (2136), 401 M Street, SW., Washington, DC 20460.

and

Matthew Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20530.

Dated: March 18, 1994.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 94-6956 Filed 3-23-94; 8:45 am]

BILLING CODE 6560-50-F

[OPPTS-51827; FRL-4765-7]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of 192 such PMNs and provides a summary of each.

DATES: Close of review periods:

P 93-1431, November 2, 1993.

P 93-1432, 93-1433, 93-1434, 93-1435, 93-1436, November 3, 1993.

P 93-1437, 93-1438, 93-1439, 93-1440, November 6, 1993.

P 93-1441, November 7, 1993.

P 93-1442, November 6, 1993.

P 93-1443, 93-1444, 93-1445, 93-1446, 93-1447, November 7, 1993.

P 93-1448, 93-1449, 93-1450, 93-1451, 93-1452, 93-1453, 93-1454, 93-1455, 93-1456, 93-1457, 93-1458, 93-1459, 93-1460, 93-1461, 93-1462, 93-1463, 93-1464, 93-1465, 93-1466, 93-1467, 93-1468, 93-1469, November 8, 1993.

P 93-1470, November 15, 1993.

P 93-1471, 93-1472, 93-1473, 93-1474, 93-1475, 93-1476, 93-1477, 93-1478, 93-1479, 93-1480, 93-1481, November 8, 1993.

P 93-1482, 93-1483, November 9, 1993.

P 93-1484, 93-1485, 93-1486, 93-1487, 93-1488, 93-1489, November 13, 1993.

P 93-1490, November 14, 1993.

P 93-1491, 93-1492, 93-1493, 93-1494, 93-1495, 93-1496, 93-1497, 93-1498, 93-1499, 93-1500, 93-1501, 93-1502, 93-1503, 93-1504, 93-1505, 93-1506, 93-1507, 93-1508, 93-1509, November 15, 1993.

P 93-1510, 93-1511, November 13, 1993.

P 93-1512, 93-1513, 93-1514, 93-1515, 93-1516, 93-1517, 93-1518, 93-1519, 93-1520, 93-1521, 93-1522, 93-1523, 93-1524, 93-1525, 93-1526, 93-1527, November 15, 1993.

P 93-1528, November 16, 1993.

P 93-1529, 93-1530, 93-1531, 93-1532, 93-1533, 93-1534, 93-1535, 93-1536, 93-1537, 93-1538, 93-1539, 93-1540, 93-1541, 93-1542, 93-1543, 93-1544, 93-1545, 93-1546, 93-1547, 93-1548, 93-1549, 93-1550, 93-1551, 93-1552, 93-1553, November 15, 1993.

P 93-1554, November 16, 1993.

P 93-1556, 93-1557, 93-1558, 93-1559, 93-1560, 93-1561, 93-1562, 93-1563, 93-1564, 93-1565, November 20, 1993.

P 93-1566, 93-1567, November 21, 1993.

P 93-1568, December 1, 1993.

P 93-1569, 93-1570, November 21, 1993.

P 93-1571, December 1, 1993.

P 93-1572, 93-1573, November 21, 1993.

P 93-1574, November 20, 1993.

P 93-1575, 93-1576, 93-1577, 93-1578, 93-1579, 93-1580, 93-1581, November 21, 1993.

P 93-1582, November 22, 1993.

P 93-1583, November 21, 1993.

P 93-1584, 93-1585, November 24, 1993.

P 93-1586, November 26, 1993.

P 93-1587, November 24, 1993.

P 93-1588, 93-1589, 93-1590, November 27, 1993.

P 93-1591, December 8, 1993.

P 93-1592, November 27, 1993.

P 93-1593, 93-1594, 93-1595, 93-1596, 93-1597, 93-1598, 93-1599, November 28, 1993.

P 93-1600, 93-1601, 93-1602, 93-1603, 93-1604, November 29, 1993.

P 93-1605, December 8, 1993.

P 93-1606, November 30, 1993.

P 93-1607, December 5, 1993.

P 93-1608, 93-1609, December 1, 1993.

P 93-1610, December 8, 1993.

P 93-1611, 93-1612, December 5, 1993.

P 93-1613, November 17, 1993.

P 93-1614, 93-1615, 93-1616, December 6, 1993.

P 93-1617, 93-1618, 93-1619, 93-1620, 93-1621, December 7, 1993.

P 93-1622, December 18, 1993.

P 93-1623, December 7, 1993.

Written comments by:

P 93-1431, October 3, 1993.

P 93-1432, 93-1433, 93-1434, 93-1435, 93-1436, October 4, 1993.

P 93-1437, 93-1438, 93-1439, 93-1440, October 7, 1993.

P 93-1441, October 8, 1993.

P 93-1442, October 7, 1993.

P 93-1443, 93-1444, 93-1445, 93-1446, 93-1447, October 8, 1993.

P 93-1448, 93-1449, 93-1450, 93-1451, 93-1452, 93-1453, 93-1454, 93-1455, 93-1456, 93-1457, 93-1458, 93-1459, 93-1460, 93-1461, 93-1462, 93-1463, 93-1464, 93-1465, 93-1466, 93-1467, 93-1468, 93-1469, October 9, 1993.

P 93-1470, October 16, 1993.

P 93-1471, 93-1472, 93-1473, 93-1474, 93-1475, 93-1476, 93-1477, 93-1478, 93-1479, 93-1480, 93-1481, October 9, 1993.

P 93-1482, 93-1483, October 10, 1993.

P 93-1484, 93-1485, 93-1486, 93-1487, 93-1488, 93-1489, October 14, 1993.

P 93-1490, October 15, 1993.

P 93-1491, 93-1492, 93-1493, 93-1494, 93-1495, 93-1496, 93-1497, 93-1498, 93-1499, 93-1500, 93-1501, 93-1502, 93-1503, 93-1504, 93-1505, 93-1506, 93-1507, 93-1508, 93-1509, October 16, 1993.

P 93-1510, 93-1511, October 14, 1993.

P 93-1512, 93-1513, 93-1514, 93-1515, 93-1516, 93-1517, 93-1518, 93-1519, 93-1520, 93-1521, 93-1522, 93-1523, 93-1524, 93-1525, 93-1526, 93-1527, October 16, 1993.

P 93-1528, October 17, 1993.

P 93-1529, 93-1530, 93-1531, 93-1532, 93-1533, 93-1534, 93-1535, 93-1536, 93-1537, 93-1538, 93-1539, 93-1540, 93-1541, 93-1542, 93-1543, 93-1544, 93-1545, 93-1546, 93-1547, 93-1548, 93-1549, 93-1550, 93-1551, 93-1552, 93-1553, October 16, 1993.

P 93-1554, October 17, 1993.

P 93-1556, 93-1557, 93-1558, 93-1559, 93-1560, 93-1561, 93-1562, 93-1563, 93-1564, 93-1565, October 21, 1993.

P 93-1566, 93-1567, October 22, 1993.

P 93-1568, November 1, 1993.

P 93-1569, 93-1570, October 22, 1993.

P 93-1571, November 1, 1993.

P 93-1572, 93-1573, October 22, 1993.

P 93-1574, October 21, 1993.

P 93-1575, 93-1576, 93-1577, 93-1578, 93-1579, 93-1580, 93-1581, October 22, 1993.

P 93-1582, October 23, 1993.

P 93-1583, October 22, 1993.

P 93-1584, 93-1585, October 22, 1993.

P 93-1586, October 27, 1993.

P 93-1587, October 25, 1993.

P 93-1588, 93-1589, 93-1590, October 28, 1993.

P 93-1591, November 8, 1993.

P 93-1592, October 28, 1993.

P 93-1593, 93-1594, 93-1595, 93-1596, 93-1597, 93-1598, 93-1599, October 29, 1993.

P 93-1600, 93-1601, 93-1602, 93-1603, 93-1604, October 30, 1993.

P 93-1605, November 8, 1993.

P 93-1606, October 31, 1993.

P 93-1607, November 5, 1993.

P 93-1608, 93-1609, November 1, 1993.

P 93-1610, November 8, 1993.

P 93-1611, 93-1612, November 5, 1993.

P 93-1613, October 18, 1993.

P 93-1614, 93-1615, 93-1616, November 6, 1993.

P 93-1617, 93-1618, 93-1619, 93-1620, 93-1621, November 7, 1993.

P 93-1622, November 18, 1993.

P 93-1623, November 7, 1993.

ADDRESSES: Written comments, identified by the document control number "[OPPTS-51827] " and the specific number should be sent to: Document Processing Center (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. ETG-099, Washington, DC, 20460 (202) 260-1532.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC, 20460 (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office, ETG-102 at the above address between 12 noon and and 4 p.m., Monday through Friday, excluding legal holidays.

P 93-1431

Manufacturer. Confidential.

Chemical. (G) Modified polymer of trimethylolpropane, neopentyl glycol, and aliphatic and aromatic dicarboxylic acids.

Use/Production. (G) Component of spray applied coating. Prod. range: 800-2,500 kg/yr.

P 93-1432

Manufacturer. Confidential.

Chemical. (G) Modified polymer of trimethylolpropane, neopentyl glycol, and aliphatic and aromatic dicarboxylic acids.

Use/Production. (G) Component of spray applied coating. Prod. range: 800-2,500 kg/yr.

P 93-1433

Manufacturer. Confidential.

Chemical. (G) Polyester/acrylic latex.

Use/Production. (G) Component of spray applied coating. Prod. range: 5,000-16,000.

P 93-1434

Manufacturer. Confidential.

Chemical. (G) Polyester/acrylic latex.

Use/Production. (G) Component of spray applied coating. Prod. range: 5,000-16,000.

P 93-1435

Manufacturer. Confidential.

Chemical. (G) Polyester/acrylic latex.

Use/Production. (G) Component of spray applied coating. Prod. range: 5,000-16,000.

P 93-1436

Manufacturer. Boulder Scientific Company.

Chemical. (G) *N* Butylmagnesium chloride.

Use/Production. (S) Organic reagent used in all aspects of chemistry associated with grignard reagents. Prod. range: 10,000-20,000 kg/yr.

P 93-1437

Importer. Confidential.

Chemical. (G) Copper hexacyanoferrate of xanthene dyestuff.

Use/Import. (G) Open non-dispersive. Import range: Confidential.

P 93-1438

Manufacturer. Confidential.

Chemical. (G) Aromatic polyurethane.

Use/Production. (G) Resin, open, non-dispersive use. Prod. range: Confidential.

P 93-1439

Importer. Confidential.

Chemical. (G) Fluorinated acrylic copolymer.

Use/Import. (S) Oil and water proofing agent. Import range: Confidential.

P 93-1440

Importer. Confidential.

Chemical. (G) Styrene copolymer.

Use/Import. (S) Plastic modifier and compatibilizer. Import range: Confidential.

P 93-1441

Manufacturer. Hercules Incorporated.

Chemical. (S) Modified hydrocarbon resin.

Use/Production. (G) Industrial use, open nondispersive use in printing inks. Prod. range: Confidential.

P 93-1442

Manufacturer. American Polymers Corporation.

Chemical. (G) Aliphatic polyrethane coating.

Use/Production. (S) Function: Waterproofing coating application: substrate coating. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg (rat). Acute dermal: LD50 > 3 g/kg (rabbit). Eye irritation: Strong (rabbit). Skin irritation: Negligible (rabbit).

P 93-1443

Manufacturer. Par-Chem Southern, Inc.

Chemical. (G) Modified polymer of vinyl acetate and ethyl acrylate.

Use/Production. (S) Fiber binder. Prod. range: 2,000,000-5,500,000 kg/yr.

P 93-1444

Importer. 3M.

Chemical. (G) Fluorochemical acrylate polymer.

Use/Import. (G) Coating. Import range: Condifidential.

P 93–1445

Manufacturer. Amoco Corporation.

Chemical. (G) Polyolefin-modified polyphthalamide.

Use/Production. (S) Engineering polymers for use in the manufacture of articles. Prod. range: Confidential.

P 93–1446

Manufacturer. Amoco Corporation.

Chemical. (G) Polyolefin-modified polyphthalamide.

Use/Production. (S) Engineering polymers for use in the manufacture of articles. Prod. range: Confidential.

P 93–1447

Importer. Confidential.

Chemical. (G) Bis(imidomethylene) benzene.

Use/Import. (S) Rubber additive. Import range: Condifidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg (rat). Acute dermal: LD50 > 3 g/kg (rabbit). Eye irritation: Strong (rabbit). Skin irritation: Negligible (rabbit).

P 93–1448

Manufacturer. Confidential.

Chemical. (G) Amine-salted polyester.

Use/Production. (S) Spray applied coatings. Prod. range: 100,000–200,000 kg/yr.

P 93–1449

Manufacturer. Confidential.

Chemical. (G) Amine-salted polyester.

Use/Production. (S) Spray applied coatings. Prod. range: 100,000–200,000 kg/yr.

P 93–1450

Manufacturer. Confidential.

Chemical. (G) Amine-salted polyester.

Use/Production. (S) Spray applied coatings. Prod. range: 100,000–200,000 kg/yr.

P 93–1451

Manufacturer. Confidential.

Chemical. (G) Amine-salted polyester.

Use/Production. (S) Spray applied coatings. Prod. range: 100,000–200,000 kg/yr.

P 93–1452

Importer. Confidential.

Chemical. (G) Alkylaryl cellulosic ether.

Use/Import. (S) Thickener for water-based paints. Import range: Condifidential.

P 93–1453

Manufacturer. 3M.

Chemical. (G) Epoxy modified silicone copolymer.

Use/Production. (G) Silicone coating. Prod. range: Confidential.

P 93–1454

Manufacturer. Shell Oil Company.

Chemical. (G) Mixed acid esters alcohols.

Use/Production. (G) Reactor feed material. Prod. range: Confidential.

P 93–1455

Manufacturer. Shell Oil Company.

Chemical. (G) Mixed acid esters alcohols.

Use/Production. (G) Reactor feed material. Prod. range: Confidential.

P 93–1456

Manufacturer. Shell Oil Company.

Chemical. (G) Mixed acid esters alcohols.

Use/Production. (G) Reactor feed material. Prod. range: Confidential.

P 93–1457

Manufacturer. Shell Oil Company.

Chemical. (G) Mixed acid esters alcohols.

Use/Production. (G) Reactor feed material. Prod. range: Confidential.

P 93–1458

Manufacturer. Shell Oil Company.

Chemical. (G) Mixed acid esters alcohols.

Use/Production. (G) Reactor feed material. Prod. range: Confidential.

P 93–1459

Manufacturer. Shell Oil Company.

Chemical. (G) Mixed acid esters alcohols.

Use/Production. (G) Reactor feed material. Prod. range: Confidential.

P 93–1460

Manufacturer. Shell Oil Company.

Chemical. (G) Mixed acid esters alcohols.

Use/Production. (G) Reactor feed material. Prod. range: Confidential.

P 93–1461

Manufacturer. Shell Oil Company.

Chemical. (G) Mixed acid esters alcohols.

Use/Production. (G) Reactor feed material. Prod. range: Confidential.

P 93–1462

Manufacturer. Shell Oil Company.

Chemical. (G) Mixed acid esters alcohols.

Use/Production. (G) Reactor feed material. Prod. range: Confidential.

P 93–1463

Manufacturer. Shell Oil Company.

Chemical. (G) Mixed acid esters alcohols.

Use/Production. (G) Reactor feed material. Prod. range: Confidential.

P 93–1464

Manufacturer. Shell Oil Company.

Chemical. (G) Mixed acid esters alcohols.

Use/Production. (G) Reactor feed material. Prod. range: Confidential.

P 93–1465

Manufacturer. Shell Oil Company.

Chemical. (G) Mixed acid esters alcohols.

Use/Production. (G) Reactor feed material. Prod. range: Confidential.

P 93–1466

Manufacturer. Shell Oil Company.

Chemical. (G) Mixed acid esters alcohols.

Use/Production. (G) Reactor feed material. Prod. range: Confidential.

P 93–1467

Manufacturer. Shell Oil Company.

Chemical. (G) Mixed acid esters alcohols.

Use/Production. (G) Reactor feed material. Prod. range: Confidential.

P 93–1468

Manufacturer. Shell Oil Company.

Chemical. (G) Mixed acid esters alcohols.

Use/Production. (G) Reactor feed material. Prod. range: Confidential.

P 93–1469

Manufacturer. Shell Oil Company.

Chemical. (G) Mixed acid esters alcohols.

Use/Production. (G) Reactor feed material. Prod. range: Confidential.

P 93–1470

Manufacturer. Shell Oil Company.

Chemical. (G) Bis(imidomethylene) benzene.

Use/Production. (G) Reactor feed material. Prod. range: Confidential.

P 93–1471

Manufacturer. Confidential.

Chemical. (G) Allyloxy substituted heterocycle.

Use/Production. (S) Site-limited chemical intermediate. Prod. range: Confidential.

P 93–1472

Importer. Confidential.

Chemical. (G) Disubstituted dialkoxy silane.

Use/Import. (G) Co-catalyst for polymerization. Import range: Condifidential.

P 93–1473

Manufacturer. Kerley, Inc.

Chemical. (S) Thiosulfonic acid, calcium salt or calcium thiosulfate.

Use/Production. (S) Agricultural fertilizer (calcium fertilizer, nutrient source) for organic vegetable, fruits,

peanuts and grains. Prod. range: Confidential.

P 93-1474

Manufacturer. Confidential.

Chemical. (G) Alkylchlorosilane substituted heterocycle.

Use/Production. (S) Site-limited chemical intermediate. Prod. range: Confidential.

P 93-1475

Manufacturer. Confidential.

Chemical. (G) Polyurethane resin.

Use/Production. (S) Spray applied coatings. Prod. range: 200,000–400,000 kg/yr.

P 93-1476

Manufacturer. Confidential.

Chemical. (G) Polyurethane resin.

Use/Production. (S) Spray applied coatings. Prod. range: 200,000–400,000 kg/yr.

P 93-1477

Manufacturer. Confidential.

Chemical. (G) Styrenated acrylic methacrylate polymer.

Use/Production. (S) Component of spray applied coating. Prod. range: 212,000–250,000 kg/yr.

P 93-1478

Manufacturer. Confidential.

Chemical. (G) Styrenated acrylic methacrylate polymer.

Use/Production. (S) Component of spray applied coating. Prod. range: 212,000–250,000 kg/yr.

P 93-1479

Manufacturer. Confidential.

Chemical. (G) Styrenated acrylic methacrylate polymer.

Use/Production. (S) Component of spray applied coating. Prod. range: 212,000–250,000 kg/yr.

P 93-1480

Manufacturer. Confidential.

Chemical. (G) Substituted phenyl substituted benzenesulfonic acid, ester.

Use/Production. (S) Isolated intermediate. Prod. range: Confidential.

P 93-1481

Importer. H.W. Sands Corporation.

Chemical. (S) 2-Methyl-5,6-methylenedioxyl) benzothiazole.

Use/Import. (S) Intermediate in synthesis of photographic sensitizing dye. Import range: 1,000 kg/yr.

P 93-1482

Manufacturer. American Polymers Corporation.

Chemical. (G) Aliphatic polyurethane coating.

Use/Production. (S) Waterproofing coating application: substrate coating. Prod. range: 50,000–75,000 kg/yr.

P 93-1483

Importer. Confidential.

Chemical. (G) 1-Substituted-4-substituted benzene, sodium salt.

Use/Import. (G) Consumer article component. Import range: 1,000–3,500 kg/yr.

Toxicity Data. Acute oral: LD50 > 500 mg/kg (rat).

P 93-1484

Importer. Weatherly Inc.

Chemical. (G) Polymer of divinylbenzene and ethylbenzene.

Use/Import. (G) Polymeric resin for compound use used as an absorbant for VOC control. Import range: Condifidential.

P 93-1485

Manufacturer. Essex Specialty Products.

Chemical. (G) Silanated urethane polymer.

Use/Production. (S) Polymer used in sealant manufacture. Prod. range: Confidential.

P 93-1486

Manufacturer. The Proctor & Gamble Company.

Chemical. (G) Polymer of alkyl diol; monocyclic dicarboxylic acid, dimethyl ester; and monocyclic monosulfonated monocarboxylic acid, monosodium salt.

Use/Production. (G) Cleaning additive in consumer laundry product. Prod. range: Confidential.

P 93-1487

Manufacturer. The Proctor & Gamble Company.

Chemical. (G) Polymer of alkyl diol; monocyclic dicarboxylic acid, dimethyl ester; and monocyclic monosulfonated monocarboxylic acid, monosodium salt.

Use/Production. (G) Cleaning additive in consumer laundry product. Prod. range: Confidential.

P 93-1488

Manufacturer. Confidential.

Chemical. (G) Epoxy ester.

Use/Production. (S) Site-limiting intermediate for water-reducible epoxy ester copolymer. Prod. range: Confidential.

P 93-1489

Manufacturer. Confidential.

Chemical. (G) Water-reducible epoxy ester copolymer resin.

Use/Production. (S) Water reducible industrial air-dry coatings. Prod. range: Confidential.

P 93-1490

Manufacturer. Confidential.

Chemical. (G) Acrylic solution resin.

Use/Production. (S) Automotive finishes. Prod. range: Confidential.

P 93-1491

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93-1492

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93-1493

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93-1494

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93-1495

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93-1496

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1497

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1498

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1499

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1500

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1501

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1502

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1503

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1504

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1505

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1506

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1507

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1508

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1509

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1510

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1511

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1512

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1513

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1514

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1515

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1516

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1517

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1518

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1519

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1520

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1521

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1522

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1523

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1524

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1525

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1526

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1527

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1528

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1529

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1530

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1531

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1532

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1533

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1534

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1535

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1536

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1537

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1538

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1539

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1540

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1541

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1542

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1543

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1544

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1545

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1546

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1547

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1548

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1549

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1550

Manufacturer. Olin Corporation.

Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).

Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1551

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1552

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1553

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1554

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1556

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1557

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1558

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1559

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1560

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1561

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1562

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1563

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1564

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1565

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1566

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1567

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1568

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1569

Manufacturer. Olin Corporation.
Chemical. (G) Oxyalkylated linear alcohol-carboxylic acid adduct and salts (sodium, magnesium, calcium, potassium, ammonium, or triethylamine).
Use/Production. (G) Surfactant-general industrial household cleaning and household laundry. Prod. range: Confidential.

P 93–1570

Importer. Confidential.
Chemical. (G) Polymer based on acrylic acid methacrylic acid.
Use/Import. (S) Retanning agent for chrome tanned leather. Import range: Condifidential.

P 93–1571

Importer. Confidential.
Chemical. (G) Sodium salt of substituted triphenodioxazine acid.
Use/Import. (G) Dye. Import range: Confidential.

P 93–1572

Importer. Confidential.
Chemical. (G) Mixed ammonium/sodium salt of substituted copper phthalocyanine.
Use/Import. (G) Dye. Import range: Confidential.
Toxicity Data. Acute oral: LD50 2,000 mg/kg (rat). Acute dermal: LD50 2,000 mg/kg (rat). Eye irritation: Moderate (rabbit). Skin irritation: Slight (rabbit).

P 93–1573

Manufacturer. Confidential.
Chemical. (G) Fluorinated aromatic oxime.
Use/Production. (G) Chemical intermediate/destructive use. Prod. range: Confidential.

P 93–1574

Manufacturer. Confidential.
Chemical. (G) Tertiary amine salts.
Use/Production. (S) Catalyst for polyurethane foam. Prod. range: Confidential.

P 93–1575

Manufacturer. Confidential.
Chemical. (G) Tertiary amine salts.
Use/Production. (S) Catalyst for polyurethane foam. Prod. range: Confidential.

P 93–1576

Manufacturer. H.B. Fuller Company.
Chemical. (G) Alkyl amine.
Use/Production. (S) Intermediate is consumed in its entirety in subsequent reactions. Prod. range: Confidential.

P 93–1577

Manufacturer. H.B. Fuller Company.
Chemical. (G) Alkyl amine.
Use/Production. (S) Intermediate is consumed in its entirety in subsequent reactions. Prod. range: Confidential.

P 93–1578

Manufacturer. H.B. Fuller Company.
Chemical. (G) Alkyl amine.
Use/Production. (S) Monomer. Prod. range: Confidential.

P 93–1579

Manufacturer. H.B. Fuller Company.
Chemical. (G) Alkyl amine.
Use/Production. (S) Monomer. Prod. range: Confidential.

P 93–1580

Manufacturer. Confidential.
Chemical. (G) Tannin 3,4(Bis-oxy-2-hydroxypropyl trimethyl ammonium chloride) methyl tannin.
Use/Production. (S) Waste water coagulant, paint spray booth detackifier/coagulant. Prod. range: 150,000–300,000 kg/mg.

P 93–1581

Importer. Mitsubishi Gas Chemical America, Inc.
Chemical. (S) 1,3-Benzendimethanamine; dimer acid.
Use/Import. (S) Epoxy curing for coatings. Import range: 5,000–15,000 kg/yr.

P 93–1582

Importer. Mitsubishi Gas Chemical America, Inc.
Chemical. (S) 1,3-Benzendimethanamine; 2,2-(1-Methylethylidene) bis (4,1-phenyleneoxymethylene)); bis (oxirane).
Use/Import. (S) Epoxy curing for coatings. Import range: 5,000–15,000 kg/yr.

P 93–1583

Importer. Mitsubishi Gas Chemical America, Inc.
Chemical. (S) 1,3-Benzendimethanamine; versatic acid; glycidylester.
Use/Import. (S) Epoxy curing for coatings. Import range: 5,000–15,000 kg/yr.

P 93–1584

Manufacturer. Mitsubishi Gas Chemical America, Inc.
Chemical. (S) *N,N*-Bis (3-aminomethylbenzyl)-2-hydroxypropane-1,3-diamine dimer acid.
Use/Production. (S) Epoxy curing for coatings. Prod. range: 5,000–15,000 kg/yr.

P 93–1585

Manufacturer. Angus Chemical Company.
Chemical. (G) Alkyl hydroxylamine.
Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

P 93–1586

Manufacturer. Ausimont USA, Inc.
Chemical. (G) Polymer of ethylene and chlorofluoroethylene.
Use/Production. (S) Media for filtration, membranes, and composites. Prod. range: Confidential.

P 93–1587

Manufacturer. GE Plastics.
Chemical. (G) Polycarbonate resin.
Use/Production. (S) Enclosure for electrical devices class A glass filled surfaces, and structural molded parts, and interior aircraft. Prod. range: Confidential.

P 93–1588

Importer. Confidential.
Chemical. (G) Hydrophillic polymer dispersant.
Use/Import. (G) Automotive refinish exterior coating. Import range: Confidential.

P 93–1589

Importer. Confidential.
Chemical. (G) Nonionic reactive polymer latex.
Use/Import. (G) Automotive refinish exterior coating. Import range: Confidential.

P 93–1590

Importer. Confidential.
Chemical. (G) Aqueous polyurethane dispersion.
Use/Import. (G) Automotive refinish exterior coating. Import range: Confidential.

P 93–1591

Manufacturer. Confidential.
Chemical. (G) Phosphated methacrylate/acrylate/styrene copolymer.
Use/Production. (G) Open, non-dispersive use. Prod. range: Confidential.

P 93–1592

Manufacturer. Confidential.
Chemical. (G) Amino siloxane epoxy microgel.
Use/Production. (G) Open, non-dispersive use (coating). Prod. range: Confidential.

P 93–1593

Manufacturer. Union Specialties, Inc.
Chemical. (G) Hexanedioic acid, polymer with alkanediols propanoic acid, 3-hydroxy-2-(hydromethyl)-2-methyl, substituted amines, cycloaliphatic isocyanates.
Use/Production. (S) Coatings for flexible and rigid substrates. Prod. range: 50,000–100,000 kg/yr.

P 93–1594

Manufacturer. Huls America Inc.
Chemical. (G) Cycloalkyldialkoxychlorosilane.
Use/Production. (S) Intermediate used to manufacture P91-327. Prod. range: Confidential.

P 93–1595

Manufacturer. Huls America Inc.
Chemical. (G) Cycloalkyltrialkoxysilane.

Use/Production. (S) Intermediate used in the manufacture of P91-327. Prod. range: Confidential.

P 93-1596

Manufacturer. Confidential.
Chemical. (G) Polyester resin.
Use/Production. (S) Final product synthesis. Prod. range: 300,000– 600,000 kg/yr.

P 93-1597

Manufacturer. Confidential.
Chemical. (G) Polyurethane resin.
Use/Production. (S) Spray applied coatings. Prod. range: 480,000– 720,000 kg/yr.

P 93-1598

Manufacturer. Confidential.
Chemical. (G) Polyurethane resin.
Use/Production. (S) Spray applied coatings. Prod. range: 480,000–720,000 kg/yr.

P 93-1599

Importer. Confidential.
Chemical. (G) Sulfonated bis azo substituted monochlorotrazine, sodium potassium salt.
Use/Import. (G) Colorant. Import range: Confidential.

P 93-1600

Manufacturer. Confidential.
Chemical. (G) Acrylic polymer.
Use/Production. (G) Open, non-dispersive use. Prod. range: Confidential.

P 93-1601

Manufacturer. Confidential.
Chemical. (G) Acrylic resin.
Use/Production. (S) Vehicle for pigment. Prod. range: Confidential.

P 93-1602

Manufacturer. Confidential.
Chemical. (G) Acrylic resin.
Use/Production. (S) Vehicle for pigment. Prod. range: Confidential.

P 93-1603

Importer. Confidential.
Chemical. (G) Acrylate.
Use/Import. (G) Glue. Import range: Confidential.

P 93-1604

Importer. Ausimont USA Incorporated.
Chemical. (S) Poly-oxy (fluorinated methyl)-fluorinated methylene, poly (oxy fluorinated ethylene) polymer.
Use/Import. (S) High performance fluid for electronics, gage dampening fluid, and dielectric replacement. Import range: Confidential.

P 93-1605

Manufacturer. Confidential.
Chemical. (G) Aluminum (ethyl 3-oxobutanoato-O1,O3 bis(2-propanolato)-,(*T*-4)-reaction products with alcohols, C_{11}-C_{14}-iso, C_{13}-rich, and phenolic resin.
Use/Production. (S) Intermediate for manufacture of oleoresinous ink vehicle. Prod. range: Confidential.

P 93-1606

Manufacturer. Confidential.
Chemical. (S) Siloxanes and silicones di-Me,3-hydroxypropyl Me, Me 3-(oxiranylmethoxy)propyl, ethers with polyethylene-polypropylene glycol mono-Me ethers, reaction product with phenol-formaldehyde polymer.
Use/Production. (S) Crosslinking agent for epoxy molding compounds for encapsulation of electronic components. Prod. range: Confidential.

P 93-1607

Importer. Ausimont USA Inc.
Chemical. (G) Peroxy carboxylic acid.
Use/Import. (G) Laundry additve. Import range: Confidential.

P 93-1608

Manufacturer. Essex Specialty Products.
Chemical. (G) Blocked diisocyanate polymer.
Use/Production. (S) Polymer used in sealant manufacture. Prod. range: Confidential.

P 93-1609

Manufacturer. Essex Specialty Products.
Chemical. (G) Blocked diisocyanate polymer.
Use/Production. (S) Polymer used in sealant manufacture. Prod. range: Confidential.

P 93-1610

Manufacturer. Hoechst Celanese Corporation.
Chemical. (G) Cresoll-novolak resin.
Use/Production. (S) Intermediate photoresist photoactive compound. Prod. range: Confidential.

P 93-1611

Manufacturer. Hoechst Celanese Corporation.
Chemical. (G) Diazonaphthoquinone sulfonic esters with aromatic polyhydroxy compound.
Use/Production. (S) Photoactive compound for photoresist formulations. Prod. range: Confidential.

P 93-1612

Manufacturer. Hoechst Celanese Corporation.
Chemical. (G) Diazonaphthoquinone sulfonic esters with aromatic polyhdroxy compound.
Use/Production. (S) Photoactive compound for photoresist formulations. Prod. range: Confidential.

P 93-1613

Importer. Tioxide America Inc.
Chemical. (G) Aliphatic zirconate ester.
Use/Import. (S) Cross-linking agent for use in enhanced oil recovery. Import range: Confidential.

P 93-1614

Importer Confidential.
Chemical. (G) Metal alkyl chloride.
Use/Import. (S) Catalyst for olefin polymerization. Import range: Confidential.

P 93-1615

Importer Shipley Company Inc.
Chemical. (G) Diazonaphthoquinone photoactive compound.
Use/Import. (G) Chemical intermediate used in the manufacture of photoresist. Import range: Confidential.

P 93-1616

Importer. Hoechst Celanese.
Chemical. (S) Diethylene glycol, maleic anhydride, adipic acid, toluene diisocyanate, ethanol.
Use/Import. (S) Roof coating. Import range: 17,500–30,000 kg/yr.

P 93-1617

Importer. Confidential.
Chemical. (G) Polyurethane aqueous dispersion.
Use/Import. (S) Used as an aqueous adhesive in leather coating. Import range: Confidential.

P 93-1618

Manufacturer. Confidential.
Chemical. (G) Methacrylate modified alicyclic urethane.
Use/Production. (G) Chemical intermediate-destructive use. Prod. range: 5,000–15,000 kg/yr.

P 93-1619

Manufacturer. Confidential.
Chemical. (G) Methacrylate modified alicyclic urethane.
Use/Production. (G) Chemical intermediate-destructive use. Prod. range: 5,000–15,000 kg/yr.

P 93-1620

Manufacturer. Confidential.
Chemical. (G) Methacrylate modified alicycle urethane.
Use/Production. (G) Chemical intermediate-destructive use. Prod. range: 5,000–15,000 kg/yr.

P 93-1621

Manufacturer. Confidential.
Chemical. (G) Methacrylate modified alicyclic urethane.
Use/Production. (G) Chemical intermediate-destructive use. Prod. range: 5,000–15,000 kg/yr.

P 93-1622

Importer. The Dow Chemical Company.

Chemical. (S) Halogenated nitrile.

Use/Import. (G) Process raw material. Import range: Confidential.

P 93-1623

Manufacturer. The Dow Chemical Company.

Chemical. (G) Halogenated nitrile.

Use/Production. (G) Process intermediate. Prod. range: Confidential.

List of Subjects

Environmental protection, Premanufacture notification.

Dated: March 17, 1994.

Frank V. Caesar,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 94-6955 Filed 3-23-94; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL RESERVE SYSTEM

Harvest Home Financial Corporation; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 18, 1994.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101.

1. Harvest Home Financial Corporation, Chevoit, Ohio, to become a bank holding company by acquiring 100 percent of the voting shares of Harvest Home Savings Bank, Chevoit, Ohio.

In connection with this application, Applicant has also applied to engage in permissible lending activities pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 18, 1994.

William W. Wiles,

Secretary of the Board.

[FR Doc. 94-6819 Filed 3-23-94; 8:45 am]

BILLING CODE 6210-01-M

Northwest Bancorp, MHC, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than April 18, 1994.

A. Federal Reserve Bank of Cleveland (John J. Wixted; Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Northwest Bancorp, MHC, Warren Pennsylvania, to become a bank holding company by acquiring 51.0 percent of the voting shares of Northwest Savings Bank, Warren, Pennsylvania.

B. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. First Alabama Bancshares, Inc., Birmingham, Alabama, to merge with First Fayette Bancshares, Inc., Fayette, Alabama, and thereby indirectly acquire First Bank of Fayette, Fayette, Alabama.

C. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. United Nebraska Financial Co., Grand Island, Nebraska, to acquire 100 percent of the voting shares of United Nebraska Bank, Grand Island, Nebraska, a *de novo bank.*

Board of Governors of the Federal Reserve System, March 18, 1994.

William W. Wiles,

Secretary of the Board.

[FR Doc. 94-6820 Filed 3-23-94; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[ATSDR-80]

Quarterly Public Health Assessments Completed and Public Health Assessments To Be Conducted in Response to Requests From the Public

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Public Health Service (PHS), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice contains the following: 1. A list of sites for which ATSDR has completed a public health

assessment, or issued an addendum to a previously completed public health assessment, during the period October–December 1993. This list includes sites that are on, or proposed for inclusion on, the National Priorities List (NPL). 2. A list of sites for which ATSDR, during the same period, has accepted a request from the public to conduct a public health assessment. Acceptance for a request for the conduct of a public health assessment is based on a determination by the Agency that there is a reasonable basis for conducting a public health assessment at the site.

FOR FURTHER INFORMATION CONTACT: Robert C. Williams, P.E., DEE, Director, Division of Health Assessment and Consultation, Agency for Toxic Substances and Disease Registry, 1600 Clifton Road, NE., Mailstop E–32, Atlanta, Georgia 30333, telephone (404) 639–0610.

SUPPLEMENTARY INFORMATION: The most recent list of completed public health assessments, public health assessments with addenda, and petitioned public health assessments which were accepted by ATSDR during July-September 1993, was published in the **Federal Register** on December 23, 1993, (58 FR 68146). The quarterly announcement is the responsibility of ATSDR under the regulation, Public Health Assessments and Health Effects Studies of Hazardous Substances Releases and Facilities (42 CFR Part 90). This rule sets forth ATSDR's procedures for the conduct of public health assessments under section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) (42 U.S.C. 9604(i)), and appeared in the **Federal Register** on February 13, 1990, (55 FR 51136).

Availability

The completed public health assessments are available for public inspection at the Division of Health Assessment and Consultation, Agency for Toxic Substances and Disease Registry, Building 33, Executive Park Drive, Atlanta, Georgia (not a mailing address), between 8 a.m. and 4:30 p.m., Monday through Friday except legal holidays. The completed public health assessments are also available by mail through the U.S. Department of Commerce, National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, or by telephone at (703) 487–4650. There is a charge determined by NTIS for these public health assessments. The NTIS order numbers are listed in parentheses after the site name.

1. Public Health Assessments or Addenda Completed or Issued

Between October 1, 1993, and December 31, 1993, public health assessments or addenda to public health assessments were issued for the NPL sites listed below:

Connecticut
- Revere Textile Prints Corporation—Sterling—(PB94–119302)

Delaware
- Koppers Company Facilities Site—Newport—(PB94–114493)

Illinois
- LaSalle Electrical Utilities—LaSalle—(PB94–112331)

Maryland
- Mid-Atlantic Wood Preservers—Harmans—(PB94–125721)

Michigan
- H. Brown Company Incorporated—Grand Rapids—(PB94–111952)
- J&L Landfill—Avon Township—(PB94–113461)
- Michigan Disposal Service (Cork Street Landfill)—(PB94–112356)
- Ott/Story/Cordova Chemical—North Muskegon—(PB94–109311)
- Sturgis Municipal Wells—Sturgis—(PB94–117264)

Minnesota
- Waite Park Wells—Waite Park—(PB94–128147)

New Hampshire
- Somersworth Municipal Landfill—Somersworth—(PB94–131323)

New Jersey
- Jackson Township Landfill—Jackson Township—(PB94–131687)
- M&T Delisa Landfill—Ocean Township—(PB94–119450)
- Mannheim Avenue Dump—Galloway Township—(PB94–117306)
- Sayreville Landfill—Sayreville—(PB94–119443)
- Scientific Chemical Processing Incorporated—Carlstadt—(PB94–119468)

New York
- Bioclinical Laboratories Incorporated—Bohemia—(PB94–131844)
- Ramapo Landfill—Ramapo—(PB94–131968)
- Rowe Industries Groundwater Contamination—Sag Harbor—(PB94–129012)

Pennsylvania
- Heleva Landfill—Coplay (Ironton Village)—(PB94–131331)

2. Petitions for Public Health Assessments Accepted

Between October 1, 1993, and December 31, 1993, ATSDR determined that there was a reasonable basis to conduct public health assessments for the sites listed below in response to requests from the public. As of December 31, 1993, ATSDR initiated public health assessments at these sites.

California
- Union Pacific Railyard—Sacramento

Connecticut
- Somers Correctional Facility—Somers

Dated: March 18, 1994.

Walter R. Dowdle,

Deputy Administrator, Agency for Toxic Substances and Disease Registry.

[FR Doc. 94–6908 Filed 3–23–94; 8:45 am]

BILLING CODE 4163–70–P

Centers for Disease Control and Prevention

RIN 0905–ZA03

[CDC–416]

Announcement of a Cooperative Agreement to the Ambulatory Sentinel Practice Network

Summary

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1994 funds for a sole source cooperative agreement with the Ambulatory Sentinel Practice Network (ASPN) for the Laboratory Medicine Quality Improvement Program. Approximately $200,000 is available in FY 1994 to fund this cooperative agreement. It is expected that the award will begin on May 1, 1994, and will be made for a 12-month budget period within a project period of up to 5 years. Funding estimates may vary and are subject to change. Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

The purpose of this cooperative agreement is to increase the ability of the primary care physician to determine: (1) Problems that exist in the total process of laboratory testing, (2) how often problems occur, (3) what impact these problems have on patient care, and (4) what interventions can be developed to improve the total testing process. Activities to achieve these ends will include two primary focus areas. The first area of focus is studying the extent and nature of problems in the diagnosis and treatment of patients caused by inaccurate laboratory test results. The second area of focus is studying the effect of errors on patient care in each component of the clinical laboratory testing process to include the following: (a) Communication between the attending physician and the clinical

laboratory which is to conduct the tests; (b) selection of the tests to be performed; (c) limits applicable to the tests selected; (d) acquisition of the specimen to be tested; (e) transportation of the specimen to the laboratory, (f) storage of the specimen by the laboratory, (g) analysis of the specimen by the laboratory; and, (h) reporting of the results by the laboratory

These studies will be addressed by individual primary care physicians and others in the practices affiliated with ASPN using investigative strategies established in cooperation with CDC. Specific activities include the development of protocols and survey forms, data analysis and creation of interventions to improve the total testing process in primary care physicians' practices.

CDC will: (1) Collaborate in questionnaire development for profiling ASPN clinicians and practices, problem identification, and results analysis; (2) collaborate in the development and implementation of surveillance for specific types of laboratory problems occurring in the pre- and post-analytic phases of the testing process. This includes collaborating on card questionnaire development, data analysis, and writing summaries of the results; (3) collaborate in the development and implementation of focused surveillance for problems occurring in the analytic phase of the testing process. CDC will assist with card questionnaire development, data analysis, and writing summaries of the results; (4) collaborate in the development and implementation of a patient-oriented sentinel method. CDC will assist with questionnaire development, results analysis, and writing summaries of the results; (5) collaborate in the development of recommendations for improving the total testing process in ASPN practices. CDC will also collaborate in developing the methods for testing these recommendations and measuring changes in quality of the testing process. This will include developing specific recommendations for quality improvement interventions, assisting with developing measurement tools, analyzing results, and writing summaries of the results; (6) assist ASPN staff with presentations (including visuals, materials, etc.) of the progress towards achieving objectives at each of the annual ASPN convocations. CDC staff will also assist in the presentations at the annual ASPN convocations; and (7) assist ASPN staff in the preparation of manuscripts related to the activities in this project.

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 to reduce morbidity and mortality and improve the quality of life. This announcement is related to priority area 22 improving surveillance and data systems by the Year 2000. (For ordering a copy of "Healthy People 2000," see the section WHERE TO OBTAIN ADDITIONAL INFORMATION.)

Authority

This program is authorized under section 317(k)(3) of the Public Health Service Act, 42 U.S.C. 247b(k)(3), as amended.

Eligible Applicant

Assistance will be provided only to the Ambulatory Sentinel Practice Network (ASPN). No other applications are solicited. The program announcement and application kit have been sent to ASPN.

ASPN is a non-profit organization of primary health care practitioners in the United States and Canada. ASPN's goal is to increase and refine the primary care knowledge base by studying the problems that occur in the primary care setting.

ASPN is the most appropriate organization to conduct the work under this cooperative agreement because:

1. It is more cost effective to utilize the services of ASPN since the clinicians and the laboratories in this program are already members of an organized network. To obtain a listing of clinicians and establish a new network would require additional time (years) and funds.

2. ASPN has established methods for routinely collecting and reporting data from its membership. The systems, staff, and other resources are in place, available to be used for this proposed project. Patient records are accessible to ASPN for follow-up and investigative purposes.

3. ASPN clinicians have participated in a replication of the National Center for Health Statistics (NCHS) National Ambulatory Medical Care Survey which allows for comparisons of ASPN practices with a national sample.

4. The majority of in-office laboratory testing takes place in a primary care setting. ASPN is the only national, primary care, practice-based research network operating in the United States at the present time.

5. Although other smaller primary care, practice-based research networks have been established in the United States, ASPN has the most diverse geographic distribution which enhances the generalizability of the data collected in this study.

6. The composition of the ASPN network members includes a significant number of rural practices, a feature not present in other practice-based research networks operating in the United States at the present time.

7 The ASPN network services approximately 350,000 active patients. As laboratory errors are considered to be statistically rare events, the large number of patients seen in the network greatly augments the power of the studies.

8. ASPN has an established reporting rate of 93–98 percent. This is markedly higher than what one would expect to be able to achieve outside of a practice-based research network. The high reporting rate is due to monitoring and follow-up protocols used by the research support staff with ASPN. The high reporting rate makes the data collection more efficient and complete.

9. The ASPN network contains a small number of practices in Canada. This small subset of the network can be used as an internal control to assess changes in the practice of laboratory medicine in the United States compared to Canada.

10. All ASPN network physicians are required to endorse and support the participation of their practices by recording and reporting accurate data about patients collaboratively with other ASPN practices. Accurate and current data are paramount in this project.

11. There is no other known provider which can provide this type of investigative project.

Executive Order 12372 Review

This program is not subject to the Executive Order 12372 review.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number (CFDA)

The Catalog of Federal Domestic Assistance Number is 93.283.

Other Requirements

Paperwork Reduction Act

Projects that involve the collection of information from 10 or more individuals and funded by the cooperative agreement will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Where To Obtain Additional Information

If you are interested in obtaining additional information regarding this project, please refer to Announcement Number 416 and contact Carole J. Tully, Grants Management Specialist, Grants Management Branch, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., room 300, Mailstop E–09, Atlanta, Georgia 30305, telephone (404) 842–6880.

A copy of "Healthy People 2000" (Full Report, Stock No. 017–001–00474–0) or "Healthy People 2000" (Summary Report, Stock No. 017–001–00473–1) referenced in the **SUMMARY** may be obtained through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 783–3238.

Dated: March 17, 1994.

Robert L. Foster,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC)

[FR Doc. 94–6907 Filed 3–23–94; 8:45 am]

BILLING CODE 4163–18–P

Office of the Assistant Secretary for the Administration for Children and Families

Statement of Organization, Functions, and Delegations of Authority

SUMMARY: Part K, Chapter K (Administration for Children and Families) of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services (56 FR 42332) is amended to reflect the changes in Chapter KB, the Executive Secretariat Office 56 FR 42335 as last amended, August 20, 1993 and Chapter KK, the Office of Financial Management. Specifically, to transfer the functional responsibility of the audit liaison function from Chapter KB, the Executive Secretariat Office to KK, the Office of Financial Management.

The changes are as follows: 1. Amend KB.20 Functions. Delete paragraph B in its entirety and replace it with the following:

B. The Executive Secretariat Office ensures that issues requiring the attention of the Assistant Secretary, Principal Deputy Assistant Secretary, Deputy Assistant Secretaries and/or executive staff are addressed on a timely and coordinated basis; facilitates decisions on matters requiring immediate action including White House, congressional and secretarial assignments. The Office comprises two staffs: Correspondence and Office Liaison; and the Equal Employment Opportunity and Civil Rights staff. It serves as ACF liaison with the HHS Executive Secretariat. It receives, assesses and controls incoming correspondence and assignments to the appropriate ACF component(s) for response and action; provides assistance and advice to ACF staff on the development of responses to correspondence and on the controlled correspondence system; coordinates and/or prepares congressional correspondence; and tracks development of periodic reports and facilitates departmental clearance. The Director of the Executive Secretariat Office serves as the Freedom of Information Act Officer for ACF and handles hot line calls received by the Office of Inspector General and the General Accounting Office on ACF operations and personnel.

The Office directs and manages the ACF Equal Employment Opportunity and Civil Rights program and provides direction and leadership on equal employment opportunity and civil rights policies and programs for ACF. Immediate oversight is provided by a staff under the direction of an EEO Manager. It plans, develops and evaluates programs and procedures designed to eliminate discrimination in employment, training, incentive awards, promotion and career opportunities. The Equal Employment Manager reports to the Executive Secretariat, is located within the Immediate Office of the Assistant Secretary, and has responsibility for coordinating and implementing the Equal Employment Opportunity and Affirmative Action program for ACF in accordance with departmental policies and procedures.

2. Amend Chapter KK.00 Mission to delete it in its entirety and replace it with the following:

KK.00 Mission. The Office of Financial Management advises the Assistant Secretary for Children and Families on financial management matters. It provides leadership and direction on budget development and budget execution. It develops, administers and coordinates financial and budgetary policies, processes and controls necessary to administer ACF programs and financial resources. It directs formula, entitlement, block and discretionary grant business activity, including grant awards, financial monitoring, resolution of audit findings, disallowances and appeals. It serves as audit liaison with the General Accounting Office and the Department's Office of Inspector General.

3. Amend Chapter KK.20 Functions. Paragraph F to delete it in its entirety and replace it with the following:

F. Division of Audit Resolution and Grant Oversight oversees the implementation of established ACF, departmental and federal financial and grants management policies and guidelines. The Division oversees, monitors, and coordinates the resolution of audit findings and processes audit findings for certain ACF programs. It serves as audit liaison with the General Accounting Office and the Department's Office of Inspector General. The Division reviews, analyzes, and responds to program, regional offices and grantee requests for interpretation of financial and grants management policies and guidelines. The Division reviews, analyzes and prepares a recommended response for the Director or Assistant Secretary for Children and Families regarding regional or program office consultations regarding disallowances, suspensions or terminations. It provides analysis, supportive material, and recommends action on grantee requests for reconsideration of disallowances or other grant actions; analyzes audit findings and assigns action to the appropriate ACF official; monitors audit resolution activity to ensure compliance with OMB and Department resolution time frames; and reviews resolution actions to ensure compliance with ACF, departmental and other federal regulations, policies and guidelines.

The Division is responsible for monitoring debt collection activities and disposition of assets, and provides all claims (debts) collection activities of former Community Services Administration (CSA) grantees. It serves as the ACF liaison with GAO, HHS Audit Agency, and ASMB on grant matters; assists in grant hearings held by the Department Appeals Board or ACF components; and manages the departmental disallowance alerting system for ACF components.

Effective Date: March 17, 1994.

Mary Jo Bane,

Assistant Secretary for Children and Families.

[FR Doc. 94–6959 Filed 3–23–94; 8:45 am]

BILLING CODE 4184–01–P

Administration for Children and Families

Agency Information Collection Under OMB Review

Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), we have submitted to the Office of Management and Budget

(OMB) a request for approval of an information collection instrument to conduct A Descriptive Study of Head Start Bilingual and Multicultural Program Services. This study is sponsored by the Head Start Bureau in the Administration on Children, Youth and Families (ACYF) of the Administration for Children and Families (ACF).

ADDRESSES: Copies of the Information Collection Request may be obtained from Edward Saunders, Office of Information Systems Management, by calling (202) 205–7921.

Written comments and questions regarding the required approval for information collection should be sent by April 15, 1994 directly to: Laura Oliven, OMB Desk Officer for ACF, OMB Reports Management Branch, New Executive Office Building, room 3002, 725 17th Street NW., Washington, DC 20503, (202) 395–7316.

Information on Document

Title: A Descriptive Study of Head Start Bilingual and Multicultural Program Services.

OMB No. 0980–New OMB Request.

Description: The Administration on Children, Youth and Families (ACYF) will conduct A Descriptive Study of Head Start Bilingual and Multicultural Program Services. The study will include a national survey of Head Start programs and site visits to 16 Head Start innovative programs. During Phase I of the study, approximately 2,006 Head Start programs will be surveys, of which approximately 1,806 will receive Survey One and 200 will receive Survey Two. Survey One will collect the following data: The range of languages represented in the Head Start population and the number of children in each linguistic group; the range and number of staff that speak languages other than English and the ethnicities represented by staff; information on materials available in other languages; and brief descriptions of innovative strategies.

Survey Two will gather more in-depth information of the needs of the cultural and linguistically diverse Head Start population and the Strategies employed to provide those services. In addition to the questions in Survey One, respondents are asked to describe recruiting strategies they employ to reach minority families, staff training, curricula, and transition services. Specific information on each Head Start component area (education, social services, health and nutrition, and parent involvement) is also requested for each cultural/linguistic group.

Annual Number of Respondents: 2,006.

Annual Frequency: 1.

Average Burden Hours Per Response: 2–4.

Total Burden Hours: 4,412.

Dated: March 18, 1994.

Larry Guerrero,

Deputy Director, Office of Information Systems Management.

[FR Doc. 94–6978 Filed 3–23–94; 8:45 am]

BILLING CODE 4184–01–M

Food and Drug Administration

[Docket No. 94F–0047]

Atlantis Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Atlantis Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of shark liver oil as a dietary supplement for humans.

DATES: Written comments on the petitioner's environmental assessment by April 25, 1994.

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

FOR FURTHER INFORMATION CONTACT: Lawrence J. Lin, Center for Food Safety and Applied Nutrition (HFS–206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–254–9528.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 4A4409) has been filed by Atlantis Corp., 15 Tommy's Lane, East Freetown, MA 02717. The petition proposes that the food additive regulations in part 172 *Food Additives Permitted for Direct Addition to Food for Human Consumption* (21 CFR part 172) be amended to provide for the safe use of shark liver oil as a dietary supplement for humans.

The potential environmental impact of this action is being reviewed. To encourage public participation consistent with regulations promulgated under the National Environmental Policy Act (40 CFR 1501.4(b)), the agency is placing the environmental assessment submitted with the petition that is the subject of this notice on public display at the Dockets Management Branch (address above) for public review and comment. Interested persons may, on or before April 25, 1994, submit to the Dockets Management Branch (address above) written comments. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. FDA will also place on public display any amendments to, or comments on, the petitioner's environmental assessment without further announcement in the **Federal Register**. If, based on its review, the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: March 14, 1994.

L. Robert Lake,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 94–6855 Filed 3–23–94; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 94F–0040]

National Food Processors Association; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the National Food Processors Association has filed a petition proposing that the food additive regulations be amended to provide for the safe use of chlorine dioxide to disinfect waters in contact with fresh fruits and vegetables intended for human consumption.

DATES: Written comments on the petitioner's environmental assessment by April 25, 1994.

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

FOR FURTHER INFORMATION CONTACT: Robert L. Martin, Center for Food Safety and Applied Nutrition (HFS–217), Food and Drug Administration, 200 C St. SW., Washington, DC 20204–0001, 202–254–9519.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act

(sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 4A4415) has been filed by the National Food Processors Association, 1401 New York Ave. NW., Washington, DC 20005. The petition proposes that the food additive regulations be amended to provide for the safe use of chlorine dioxide to disinfect waters in contact with fresh fruits and vegetables intended for human consumption.

The potential environmental impact of this action is being reviewed. To encourage public participation consistent with regulations promulgated under the National Environmental Policy Act (40 CFR 1501.4(b)), the agency is placing the environmental assessment submitted with the petition that is the subject of this notice on public display at the Dockets Management Branch (address above) for public review and comment. Interested persons may, on or before April 25, 1994, submit written comments to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. FDA will also place on public display any amendments to, or comments on, the petitioner's environmental assessment without further announcement in the **Federal Register**. If, based on its review, the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: March 16, 1994.

L. Robert Lake,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 94–6856 Filed 3–23–94; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 94G–0027]

M. G. Waldbaum Co.; Filing of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that M. G. Waldbaum Co. has filed a petition (GRASP 4G0405) proposing to affirm that nisin preparation is generally recognized as safe (GRAS) as an antimicrobial agent in reduced cholesterol liquid whole eggs.

DATES: Written comments by May 23, 1994.

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

FOR FURTHER INFORMATION CONTACT: Mary E. LaVecchia, Center for Food Safety and Applied Nutrition (HFS–217), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–254–9519.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (secs. 201(s) and 409(b)(5) (21 U.S.C. 321(s) and 348(b)(5)) and the regulations for affirmation of GRAS status in § 170.35 (21 CFR 170.35), notice is given that M. G. Waldbaum Co., Minnesota Egg Products Division, P.O. Box 1078, Gaylord, MN 55334, has filed a petition (GRASP 4G0405) proposing that nisin preparation be affirmed as GRAS for use as an antimicrobial agent in reduced cholesterol liquid whole eggs.

The petition has been placed on display at the Dockets Management Branch (address above).

Any petition that meets the requirements outlined in §§ 170.30 (21 CFR 170.30) and 170.35 is filed by the agency. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as a preliminary indication of suitability for GRAS affirmation.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Interested persons may, on or before May 23, 1994, review the petition and file comments with the Dockets Management Branch (address above). Two copies of any comments should be filed and should be identified with the docket number found in brackets in the heading of this document. Comments should include any available information that would be helpful in determining whether the substance is, or is not, GRAS for the proposed use. In addition, consistent with the regulations promulgated under the National Environmental Policy Act (40 CFR 1501.4(b)), the agency encourages public participation by review of and comment on the environmental assessment submitted with the petition that is the subject of this notice. A copy of the petition (including the environmental assessment) and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 14, 1994.

L. Robert Lake,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 94–6857 Filed 3–23–94; 8:45 am]

BILLING CODE 4160–01–F

Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Secretary of Health and Human Services and the Food and Drug Administration (FDA) are announcing a forthcoming public advisory committee meeting of the National Task Force on Aids Drug Development. 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:

National Task Force on Aids Drug Development

Date, time, and place. April 14 and 15, 1994, 8:30 a.m., South Ballroom, Sheraton National Hotel, 900 South Orme St., Arlington, VA.

Type of meeting and contact person. Open task force discussion, April 14, 1994, 8:30 a.m. to 4:30 p.m.; open public hearing, 4:30 p.m. to 5:30 p.m., unless public participation does not last that long; open task force discussion, April 15, 1994, 8:30 a.m. to 11:30 a.m.; Jean H. McKay, Office of AIDS and Special Health Issues (HF–12), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–0104.

General function of the task force. The task force identifies any barriers and provides creative options for the rapid development and evaluation of treatments for HIV infection and its sequelae. It also advises on issues related to such barriers and provides options for the elimination of these barriers.

Agenda—Open hearing. Interested persons may present data, information,

or views, orally or in writing, on issues pending before the task force. Those desiring to make formal presentations should notify the contact person before April 7, 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 task force discussion. The task force will discuss issues on the barriers to AIDS drug development from the perspective of task force members, members of the Federal Government, and the public. The task force will determine how to proceed with identifying and overcoming the barriers to AIDS drug development.

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 17, 1994.

Jane E. Henney,

Deputy Commissioner for Operations.

[FR Doc. 94–6854 Filed 3–23–94; 8:45 am]

BILLING CODE 4160–01–F

Health Resources and Services Administration

Availability of Funds for Grants To Provide Outpatient Early Intervention Services With Respect to HIV Disease

AGENCY: Health Resources and Services Administration, PHS.

ACTION: Notice of availability of funds.

SUMMARY: The Health Resources and Services Administration (HRSA) announces that the appropriation for fiscal year (FY) 1994 includes approximately $47.9 million for discretionary grants to provide outpatient early intervention services including primary care services with respect to human immunodeficiency virus (HIV) disease. These grants are awarded under the provisions of subpart II and subpart III of part C of title XXVI of the Public Health Service (PHS) Act, as amended by the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act of 1990, Public Law 101–381 (42 U.S.C. 300ff–51-300ff–67).

The PHS is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting health priorities. This grant program is related to the following priority areas: increase the proportion of HIV-infected persons who are tested; increase the proportion of primary health care providers who provide age-appropriate HIV counseling; and increase the proportion of family planning and primary health care providers who provide a comprehensive HIV program. Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (telephone 202–783–3238).

The Public Health Service strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

ADDRESSES: Application kits (Form PHS 5161–1 with revised face sheet HHS Form 424, as approved in 7/92 by the Office of Management and Budget (OMB) under control number 0937–0189) may be obtained from, and completed applications should be mailed to, the appropriate PHS Regional Grants Management Officer (RGMO) (see Appendix). The RGMO can also provide assistance on business management issues.

DATES: In order to receive consideration, applications for competing continuation and/or new grants with September 30, 1994 budget start dates should be received by the RGMO by June 1, 1994. Applications will be considered to be "on time" if they are either: (1) received on or before the established deadline date, or (2) sent on or before the established deadline date and received in time for orderly processing. (Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal

Service. Private metered postmarks will not be acceptable as proof of timely mailing.) Late applications will not be considered for funding and will be returned to the applicant.

FOR FURTHER INFORMATION CONTACT: For general program information and technical assistance, contact Joan Holloway, Director, Division of Programs for Special Populations, Bureau of Primary Health Care (BPHC), at 4350 East-West Highway, 9th floor, Rockville, Maryland 20857 (telephone 301–594–4444). Questions can also be directed to the PHS regional offices listed in the appendix.

SUPPLEMENTARY INFORMATION:

Number of Awards

It is anticipated that $17.9 million will be available to make awards to approximately 49 competing continuation and/or new applicants for grants with September 30, 1994, budget start dates. The range of project support is approximately $100,000–$500,000. The budget period will be for 12 months. Continuation awards for any future years will be made subject to the availability of funds and satisfactory performance in past budget years toward meeting the goals and objectives of the project.

Eligible Applicants

Eligible applicants are public entities and nonprofit private entities that are: migrant health centers under Section 329 of the PHS Act; community health centers under Section 330 of the PHS Act; health care for the homeless grantees under Section 340 of the PHS Act; family planning grantees under Section 1001 of the PHS Act other than States; comprehensive hemophilia diagnostic and treatment centers; federally-qualified health centers under section 1905(*1*)(2)(B) of the Social Security Act; or public and private nonprofit entities that currently provide comprehensive primary care services to populations at risk of HIV disease.

Funding under this grant program is intended to increase the capacity and accessibility of the specified entities to offer a higher quality and a broader scope of HIV-related early intervention services to a greater number of people in their service areas who are at risk of HIV infection. The program must provide the services specified in the statute (sections 2651, 2661, 2662) and may provide for a set of other optional services.

The required services to be provided under this grant are:

• Comprehensive individual counseling regarding HIV disease according to specific statutory mandates for the content and conduct of pretest counseling, counseling of those with negative test results, counseling of those with positive results, and with attention to the appropriate setting for all counseling;

• Testing individuals with respect to HIV disease, in laboratories certified by the Clinical Laboratories Improvement Amendments, including tests to confirm the presence of the disease, tests to diagnose the extent of the deficiency in the immune system, and tests to provide information on appropriate therapeutic measures for preventing and treating the deterioration of the immune system and for preventing and treating conditions arising from the disease;

• Referral to appropriate providers of health and support services, including, as appropriate to entities funded under parts A and B of title XXVI of the PHS Act, to biomedical research facilities, community-based organizations or other entities that offer experimental treatment for HIV disease, and to grantees under 2671 for the care of pregnant women;

• Other clinical and diagnostic services regarding HIV disease, and periodic medical evaluations of individuals with the disease; and

• Providing therapeutic measures for preventing and treating the deterioration of the immune system and for preventing and treating conditions arising from the disease.

Optional services that may be included if they can be shown to be essential to the delivery of care are:

• Outreach, case management, and counseling for eligibility for other health services.

Applicants, or providers acting under an agreement with the applicant, must be participating and qualified providers under the State Medicaid plan approved under title XIX of the Social Security Act; a waiver procedure is available from BPHC. Grantees are required to maximize service reimbursements from private insurance, Medicare, other Federal programs, and other third-party payment sources.

The applicant must agree that the services provided will conform to the assurances and agreements required under the statute that:

• The applicant will participate in an HIV care consortium established pursuant to part B, title XXVI, if such a consortium exists.

• Hemophilia services will be provided through the network of regional comprehensive hemophilia diagnostic and treatment centers.

• The applicant will ensure confidentiality of patient information.

• Testing will be provided only after obtaining a statement that the testing is done after counseling has been conducted and that the decision of the individual to undergo testing is voluntarily made.

• Opportunities for anonymous testing will be provided.

• Individuals seeking services will not have to undergo testing as a condition of receiving other health services.

• A sliding fee schedule with the limits established in the statute will be utilized.

• Funds will not be expended for services covered, or which could reasonably be expected to be covered, under any State compensation program, insurance policy, or under any Federal or State health benefits program, or by an entity that provides health services on a prepaid basis.

• Funds will be expended only for the purposes awarded, and such procedures for fiscal control and fund-accounting, as may be necessary, will be established.

• Counseling programs shall be designed to reduce exposure to, and transmission of HIV disease by providing accurate information; and shall provide information on the health risks of promiscuous sexual activity and injecting drug use.

• A limit of 5 percent of the grant funds will be imposed for administrative expenses. Funds may not be expended for construction, inpatient care, residential care, or cash payments to recipients of services.

• The HIV Client and Program Profile, which has been formally established as the Minimum Data Set (MDS) for BPHC, will be submitted every 6 months. (Approved under the Paperwork Reduction Act, OMB No. 0915–0158.)

Criteria for Evaluation

New and Competing Continuation Applications

In its review of applications for new and competing continuation projects, BPHC will consider:

• The need in the community, based on the 2-year period preceding the proposed grant period, for additional preventive and primary care services to those at risk for HIV infection, including women, children, and minorities, and to persons with HIV infection; barriers to meeting those needs within the existing service provider system; and other information (e.g., epidemiological and health resources data) that makes a compelling case for the grant requested as specified in Section 2653 of the PHS Act.

• The applicant's ability to describe its role within the community in addressing the unmet needs for delivery of HIV primary care services to the targeted populations.

• The degree to which the proposed budget is appropriate to the program plan and the degree to which coordination with other funding sources is documented.

• Comprehensiveness of the existing, plus proposed, scope of counseling and testing, referral, primary care prevention, diagnostic and treatment services, and optional outreach, case management, or eligibility assistance services provided by the applicant; and development of mechanisms to assure continuity of primary care for persons living with HIV infection.

• Extent to which actions taken assure effective collaboration with city/county/State health department HIV prevention activities supported by the Centers for Disease Control and Prevention, and with State Care Consortia funded under Section 2613 of the PHS Act; extent to which efforts are consistent with priorities of the HIV Planning Council in the cities funded under Title XXVI of the PHS Act, and with programs funded by other PHS agencies.

• The adequacy and completeness of the program evaluation plan, and the relationship of the evaluation plan to the goals and objectives of the proposed program, so that effectiveness can be measured.

• In addition, for competing continuations: The degree to which the grantee succeeded in accomplishing the goals and objectives in the initial 3-year project period, including the extent to which HIV primary care services were integrated into the applicant's overall primary care program; and a record of compliance with reporting requirements in effect during that period.

• In addition, for new applicants: demonstrated ability of the applicant organization to carry out the proposed program, including the extent to which the proposed key clinical staff have had prior experience in the provision of clinical care for individuals with HIV infection.

Other Grant Information

The Grant Program to Provide Outpatient Early Intervention Services with Respect to HIV Disease has been determined to be a program which is subject to the provisions of Executive Order 12372, as implemented by 45 CFR Part 100. Executive Order 12372 allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application packages to be made available under this notice will contain a listing of States which have chosen to set up a review system and will provide a State-point-of-contact (SPOC) in the State for the review.

Applicants (other than federally-recognized Indian tribal Governments) should contact their SPOCs as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. The due date for State process recommendations is 60 days after the application deadline date. The BPHC does not guarantee to accommodate or explain State process recommendations it receives after that date.

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. A copy of the face page of the application (SF–424).

b. A summary of the project (PHSIS), 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. Grants will be administered in accordance with HHS Regulations in 45 CFR Part 92 for State and local governments, or 45 CFR Part 74 for other grantees.

The OMB Catalog of Federal Domestic Assistance number for this program is 93.918.

Dated: March 17, 1994.

Ciro V. Sumaya,

Administrator.

Appendix

Regional Grants Management Officers

Region I: Mary O'Brien, Grants Management Officer, PHS Regional Office I, John F. Kennedy Federal Building, Boston, MA 02203, (617) 565–1482

Region II: Frank DiGiovanni, Grants Management Officer, PHS Regional Office II, Room 3300, 26 Federal Plaza, New York, NY 10278, (212) 264–4496

Region III: Marty Bree, Grants Management Officer, PHS Regional Office III, P. O. Box 13716, Philadelphia, PA 19101, (215) 596–6657

Region IV: Wayne Cutchens, Grants Management Officer, PHS Regional Office IV, Room 1106, 101 Marietta Tower, Atlanta, GA 30323, (404) 331–2597

Region V: Lawrence Poole, Grants Management Officer, PHS Regional Office V, 105 West Adams Street, 17th Floor, Chicago, IL 60603, (312) 353–8700

Region VI: Joyce Bailey, Grants Management Officer, PHS Regional Office VI, 1200 Main Tower, Dallas, TX 75202, (214) 767–3885

Region VII: Michael Rowland, Grants Management Officer, PHS Regional Office VII, Room 501, 601 East 12th Street, Kansas City, MO 64106, (816) 426–5841

Region VIII: Susan Jaworowski, Grants Management Officer, PHS Regional Office VIII, 1961 Stout Street, Denver, CO 80294, (303) 844–4461

Region IX: Al Tevis, Grants Management Officer, PHS Regional Office IX, 50 United Nations Plaza, San Francisco, CA 94102, (415) 556–2595

Region X: James Tipton, Grants Management Officer, PHS Regional Office X, Mail Stop RX 20, 2201 Sixth Avenue, Seattle, WA 98121, (206) 615–2473.

[FR Doc. 94–6859 Filed 3–23–94; 8:45 am]

BILLING CODE 4150–15–M

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases

Amended Notice of Meeting

Notice is hereby given of a change in the March 28–30, 1994, meeting of the National Diabetes Advisory Board, which was published in the **Federal Register** on March 3, 1994, 59 FR 10137.

This Board will not convene on March 30. The Board's agenda previously scheduled for March 30 will be discussed the afternoon of March 29.

(Catalog of Federal Domestic Assistance Program No. 93.847–849, Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney Diseases, Urology and Hematology Research, National Institutes of Health)

Dated: March 18, 1994.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 94–7005 Filed 3–23–94; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Division of Research Grants Behavioral and Neurosciences Special Emphasis Panel.

The meeting will be closed in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications in the various areas and disciplines related to behavior and neuroscience. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Office of Committee Management, Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20892, telephone 301–594–7265, will furnish summaries of the meeting and roster of panel members.

Meeting To Review an Individual Grant Application

Scientific Review Administrator: Dr. Terry Levitin (301) 594–7141.

Date of Meeting: March 25, 1994.

Place of Meeting: Westwood Bldg, Rm. 303, NIH, Bethesda, MD Telephone Conference.

Time of Meeting: 10:00 am.

This notice is being published less than 15 days prior to the meeting due to the difficulty of coordinating the attendance of members because of conflicting schedules.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 18, 1994.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 94–7006 Filed 3–23–94; 8:45 am]

BILLING CODE 4140–01–M

Substance Abuse and Mental Health Services Administration

RIN 0905–ZA24

HIV/AIDS Mental Health Services Demonstration Program (Includes Cooperative Agreements for Services Demonstration Projects and One Coordinating Center)

AGENCY: Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Request for applications.

SUMMARY: The Center for Mental Health Services (CMHS), Substance Abuse and Mental Health Services Administration (SAMHSA), in collaboration with the Health Resources and Services Administration (HRSA) and the National Institutes of Health (NIH), announces the availability of fiscal year (FY) 1994 funds for a new HIV/AIDS Mental Health Services Demonstration Program.

Because of the complexity of this program, a cooperative agreement mechanism is being utilized to allow for substantial Federal programmatic participation in the conduct of the program, and to facilitate communication and coordination in the overall implementation and evaluation of the program. The program will include cooperative agreements for services demonstration projects to provide mental health services to people affected by and living with HIV/AIDS and a coordinating center which, in conjunction with the services demonstration projects, will design and implement the overall evaluation of the HIV/AIDS Mental Health Services Demonstration Program. A steering committee will be established to facilitate coordination and cooperation among the services demonstration projects and the coordinating center, and to oversee the cooperative agreements.

The HRSA Bureau of Health Resources Development (BHRD) and the NIH National Institute of Mental Health (NIMH) also will provide funding support for certain aspects of these cooperative agreements, will recommend reviewers for the review of applications, will participate on the steering committee, and will otherwise be involved in the implementation of the HIV/AIDS Mental Health Services Demonstration Program.

This notice consists of three parts:

Part I covers information on the legislative authority and the applicable regulations and policies related to the HIV/AIDS Mental Health Services Demonstration Program.

Part II describes the purpose, goals and scope of the program and discusses eligibility, availability of funds, period of support and the receipt date for applications.

Part III describes special requirements of the program, the application process, the review and award criteria and lists contacts for additional information.

Part I—Legislative Authority and Other Applicable Regulations and Policies

Cooperative Agreements awarded under this RFA are authorized under Sections 520B (42 U.S.C. 290bb–33), 520 (42 U.S.C. 290bb–31), 501 (42 U.S.C. 290aa), 405 (42 U.S.C. 284), and 464R (42 U.S.C. 285p) of the PHS Act and 42 U.S.C. 300ff–28.

Federal regulations at Title 45 CFR parts 74 and 92, generic requirements concerning the administration of grants, are applicable to these awards.

Cooperative Agreements must be administered in accordance with the *PHS Grants Policy Statement* (Rev. April 1, 1994).

The Catalog of Federal Domestic Assistance (CFDA) number for this program is 93.215.

Interim and final progress reports and financial status and expenditure reports will be required and specified to cooperative agreement awardees in accord with PHS Grant Policy requirements.

Healthy People 2000: The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of *Healthy People 2000*, a PHS-led activity to reduce morbidity and mortality and improve the quality of life. This Request for Applications (RFA), *HIV/AIDS Mental Health Services Demonstration Program*, is related to the priority of HIV/AIDS infection. Potential applicants may obtain a copy of *Healthy People 2000* (*Full Report:* Stock No. 017–001–0474–0; or *Summary Report:* Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone: 202–783–3238).

Promoting Nonuse of Tobacco: Studies have clearly established that the use of tobacco products increases mortality and morbidity, not only for the primary users of these products but for those in close proximity to the user. Statistics published by the National Cancer Institute indicate that cigarette smoking and chewing of tobacco are responsible for as many as 1,500 deaths per day in the United States. Recent studies conducted by the Environmental Protection Agency indicate that prolonged exposure to second-hand

smoke significantly increases the probability of developing heart and lung disease. Therefore, the CMHS strongly encourages all awardees to provide smoke-free project and work environments.

A number of the goals of this program are consistent with the President's Health Care Reform initiative (e.g., providing quality mental health services, reducing the number of unnecessary inpatient and outpatient medical visits, and increasing productive work capacity as a result of receiving these services) and support the DHHS Secretary's themes of fostering independence through empowering the people, preventing future problems, and improving services to our customers.

Part II—Programmatic Purpose, Goals and Scope, Eligibility and Application Receipt Date

Services Demonstration Projects: CMHS will award competitive cooperative agreements under Section 520B of the Public Health Service (PHS) Act to develop or expand programs to provide mental health services for individuals, their families and others who experience serious psychological reactions as a result of HIV/AIDS antibody testing, and to provide mental health services for people with HIV/AIDS. The services demonstration projects will be responsible for an evaluation that includes collection of both process and outcome data and that will document the extent to which the objectives set forth in the application have been met.

The services demonstration projects will also participate in the development of an overall evaluation of the HIV/AIDS Mental Health Services Demonstration Program by the coordinating center, as described below.

Coordinating Center: CMHS will award one competitive cooperative agreement to a recipient which, in conjunction with the services demonstration projects, will design and implement the overall evaluation of the HIV/AIDS Mental Health Services Demonstration Program. This will include evaluating the effectiveness and efficiency of the different approaches or models used for organizing and providing the mental health services. The coordinating center will also provide the overall coordination and management of the program data.

Steering Committee: The project directors of the coordinating center and the services demonstration projects, and CMHS, BHRD and NIMH representatives, will work collaboratively via a steering committee to facilitate coordination and communication among the parties. The steering committee will have the responsibility for overseeing the cooperative agreements to develop consensus on major decisions and to facilitate the accomplishment of the HIV/AIDS Mental Health Services Demonstration Program goals.

Program Description

Purpose: The purposes of the cooperative agreement program are to: 1) Provide a range of high quality mental health services to people affected by or living with HIV/AIDS; 2) Evaluate the effectiveness and efficiency of the different approaches or models used for organizing and providing those services; and 3) Determine the outcome of those services on the quality of life of the individuals served.

Program Goals and Scope: The goals of this cooperative agreement program are to:

- Provide a range of quality mental health services.
- Change risk behaviors and prevent further HIV transmission.
- Increase compliance with medical treatment and enhance access to existing services.
- Reduce the number of unnecessary inpatient and outpatient medical visits.
- Decrease the risk of suicide.
- Improve the quality of life for those individuals affected by and living with HIV/AIDS.
- Increase productive work capacity as a result of receiving these services.
- Develop and rigorously evaluate models for replication and integration into HIV/AIDS delivery systems.
- Disseminate information about successful service models.

A. Applications for Services Demonstration Projects Funding

Target Populations: The target population includes people affected by or living with HIV/AIDS. Within the target population, gay and bisexual men, racial and ethnic minorities, women, injection drug users, children and adolescents, adults with serious mental illnesses, children and adolescents with serious emotional disturbances, the incarcerated, and people who are homeless are of particular interest.

Demonstrated Need: Unmet need will be a primary criterion in the review of applications under this announcement. Methodology used to compile local needs assessment data must be described.

Recommended Approach: Applicants should address, in the "Approach" section of the application, the specific mental health services listed below, and the development of an infrastructure that includes the additional project elements also described below. The services may be provided directly or through contract.

Specific Mental Health Services

The application should address at least the first four of the following services:

- HIV/AIDS risk and transmission reduction counseling.
- A range of mental health treatment services, e.g., group therapy, supportive counseling, peer counseling, buddy programs, oversight of psychotropic medication, psychotherapy, and family therapy, including alternative families, partners, and significant others.
- Diagnostic mental health services, including neurological consults and psychological testing.
- HIV/AIDS antibody pre-test counseling and appropriate post-test counseling for those who test positive for HIV/AIDS antibody as well as those who test negative.
- Mental health case management services.
- Counseling to ensure adherence to tuberculosis and other treatment regimens.
- Outreach mental health services, e.g., educating the community to facilitate referrals to your project.
- Consultation services, e.g., to schools, foster parents, day care centers, alternative health care sites and clinics that serve special populations described above.
- Home based mental health services.

Additional Project Elements

Applicants should address the development of an infrastructure that includes the following:

- Relationships with or a plan to build relationships with a variety of other non-HIV/AIDS health, mental health, and support service providers such as, State Mental Health or Substance Abuse Block Grant Programs, maternal and child health services, primary health care services, financial and other resource supports, legal services, spiritual services, and governmental and private programs.
- Relationships with or a plan to build relationships with other programs for people with HIV/AIDS, such as, the CDC Counseling and Testing Program, the HRSA Ryan White C.A.R.E. Act Program (Title I EMAs, Title II States and their consortia, Title III Early Intervention providers, and Title IV Pediatric Projects), NIH-supported treatment and research programs, etc.
- An appropriate system for determining the eligibility of people

with HIV/AIDS for financial or other resource assistance.

• Reimbursement for mental health services provided through Federal, State, local, or nongovernmental programs of support, e.g., Medicaid reimbursement.

• Training for individuals providing the services described in the application.

Funding preference will be given to services demonstration project applicants that are based at, or have relationships with, entities providing comprehensive health services to people who are infected with HIV. For the purposes of this program, comprehensive health services include services such as those described above in the "Specific Mental Health Services" and "Additional Project Elements" sections.

Evaluation: The evaluation should include collection of both process and outcome data that will document the extent to which the objectives set forth in the application have been met by the project. Process evaluations examine the extent to which the project has been implemented as designed. Outcome evaluations assess the extent to which the projects have achieved the desired effects at the individual level as well as the group and community level. The evaluation should examine: the implementation of HIV/AIDS specific mental health services and additional project elements at the project and client levels; the type and frequency of services provided to the individual clients; the characteristics and needs of recipients of the services; and the outcome of services.

Services demonstration projects will be expected to participate in the development of an overall evaluation of the HIV/AIDS Mental Health Services Demonstration Program that would be implemented by the coordinating center. The services demonstration project plans may have to be refined in light of the overall program evaluation plan. The services demonstration projects must agree to cooperate with CMHS and the coordinating center on the design and implementation of the overall program evaluation plan.

Applicants should budget 15–20 percent for the evaluation activities, and include travel for at least two participants to attend up to four meetings in the Washington, D.C. area or at a services demonstration project site for each year of the project period (4 years).

B. Applications for the Coordinating Center Funding

The coordinating center, in conjunction with CMHS and the services demonstration projects, will, using input from the services demonstration projects, design and implement the overall evaluation of the HIV/AIDS Mental Health Services Demonstration Program including: 1) A description and evaluation of the various models created under this program in an effort to determine which models might be replicated and integrated into HIV/AIDS health care delivery systems nationally; and 2) an analysis of changes in client outcomes.

The coordinating center will assist the services demonstration projects by providing overall evaluation coordination, including data management and analysis, training in common procedures, and distribution of necessary materials to all projects. Specifically, the coordinating center will work with CMHS and the services demonstration projects in the planning phase to: 1) Provide advice regarding the evaluation personnel needs at the services demonstration project level; 2) develop criteria for compatible computer equipment; 3) recommend to the steering committee common outcome measures; and 4) develop common data collection elements. It is anticipated that these tasks will be coordinated through a series of meetings of the steering committee to commence immediately following issuance of the Notices of Grant Award.

The coordinating center will develop and maintain a common data repository, containing common data files needed by the services demonstration projects. It is the intention of CMHS that the data be made available to the larger mental health and HIV/AIDS community as soon as feasible, in accordance with steering committee recommendations and in accordance with participant protection policy.

The coordinating center will also provide ongoing technical assistance on the data collection and evaluation issues to the services demonstration projects as needed. The coordinating center budget should be consistent with the purpose of the program, and should reflect the level of effort anticipated to carry out the proposed tasks.

The steering committee, working with the coordinating center, will prepare reports for submission to the project officer. An annual progress report will be prepared by the steering committee.

Applicants for the coordinating center should present a plan for how best to meet the overall responsibilities described above and the goals of the HIV/AIDS Mental Health Services Demonstration Program. In addition, previous relevant experience in data collection and evaluation, as well as facilities and resources available to complete the project, should be described.

Eligibility: Applications may be submitted by public and nonprofit private entities, such as community mental health centers, community-based organizations providing HIV/AIDS care and related services, State and local health departments, universities, colleges, hospitals, and alternative health and mental health care entities that serve medically disenfranchised populations. Entities may apply for either or both types of award (services demonstration project and coordinating center). Entities staffed largely by women and minorities are especially encouraged to apply.

Availability of funds: It is estimated that approximately $1.2 million total (direct and indirect costs) will be available in FY 94 and that additional funding up to a total of $3.4 million may be available through further collaboration with other agencies for services demonstration projects. It is anticipated that 8–12 services demonstration projects will be awarded under this Request for Applications (RFA) in FY 94. Actual funding levels will depend upon the availability of funds at the time of the award. It is expected that an additional $700,000 total (direct and indirect costs) will be available for a coordinating center.

Period of Support: Support may be requested for an initial period of up to 4 years. Annual awards will be made subject to continued availability of funds and progress achieved.

Application Receipt and Review Schedule: The schedule for receipt and review of applications under this announcement is as follows:

Receipt date	IRG review	Council review	Earliest start date
May 26, 1994.	July 1994	Sept. 1994.	Sept. 1994.

Applications must be received by the published application receipt date. An application received after the deadline may be acceptable if it carries a legible proof-of-mailing date assigned by the carrier and the proof-of-mailing date (private metered postmarks are *not* acceptable as proof of timely mailing) is not later than one week prior to the deadline date. If the receipt date falls on a weekend, it will be extended to the following Monday; if the date falls on a

national holiday, it will be extended to the following work day.

Consequences of Late Submission: Applications received after the above receipt date will not be accepted and will be returned to the applicant without review.

Part III—Special Requirements, Review/Award Criteria and Contacts for Additional Information

Letter of Intent: Organizations planning to submit an application for a services demonstration project and/or the coordinating center are encouraged to submit a letter of intent at least 30 days prior to the receipt date. Such notification is used by the

CMHS for purposes of review and program planning. This letter is voluntary and does not obligate the person/organization to submit an application.

In addition, the letter should be no longer than one page and should succinctly indicate:

—the number and title of the RFA
—the name of the potential applicant organization, city and state
—the name and affiliation of the proposed project director, i.e., the individual who will be assigned to coordinate the development and implementation of the project
—the overall scope of the proposed project, including a brief description of the likely goals and objectives

Letters of intent should be addressed to: Director, Office of Evaluation, Extramural Policy, and Review, Center for Mental Health Services, 5600 Fishers Lane, room 18C–07, Rockville, Maryland 20857, ATTN: RFA/Letter of Intent. FAX: 301/443–7912.

Coordination with Other Federal/Non-Federal Programs: Applicants seeking support under this announcement are encouraged to coordinate with other programs. Program coordination helps to better serve the multiple needs of the patient/client population, to maximize the impact of available resources, and to eliminate duplication of services. Applicants should identify the coordinating organizations by name and address and describe the process used/to be used for coordinating efforts. Letters of commitment specifying the kind(s) and level of support from organizations (both Federal and non-Federal) which have agreed to work with the applicant must be included in the application appendices. Examples of Federal programs with which applicants may find coordination productive are included in the complete application kit.

Public Health System Reporting Requirements: The services demonstration projects are subject to the Public Health Service Requirements. 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 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, including the State HIV/AIDS directors and the State mental health directors, no later than the application receipt date of May 26, 1994.

a. A copy of the face page of the application (Standard Form 424).

b. A summary of the project (PHSIS), *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.

State and local governments and Indian Tribal Authority applicants are not subject to the Public Health Service Reporting Requirements.

This subsection applies to services demonstration project applicants only.

Intergovernmental Review (E.O. 12372): Applications for services demonstration projects, submitted in response to this announcement are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR Part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application kit. The SPOC should send any state process recommendations to the following address: Director, Office of Evaluation, Extramural Policy, and Review, Center for Mental Health Services, 5600 Fishers Lane, Room 18C–07, Rockville, MD 20857, Attn: Spoc.

The due date for State process recommendations is *no later than 60 days* after the deadline date for the receipt of applications. The CMHS does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off. This subsection applies to the services demonstration project applicants only.

Role of Federal Staff in Cooperative Agreements: The Cooperative Agreement mechanism includes substantial post-award Federal programmatic participation in the conduct of the project. It is anticipated that CMHS staff participation in this program will be substantial. In addition to the general project officer function of monitoring the conduct and progress of the services demonstration projects and making recommendations about continuance of the project, CMHS staff will be active participants in planning and implementing the HIV/AIDS Mental Health Services Demonstration Program through participation on the steering committee, promoting exchange of relevant information among the services demonstration projects, and participating in and/or providing support services for training, evaluation, and data collection. CMHS staff will also monitor the function and activities of the coordinating center, assuring that progress is satisfactory, and required reporting is timely. A program representative from CMHS, BHRD and NIMH will participate on the steering committee, each with a single vote.

Application Procedures: All applicants must use application form PHS 5161–1 (Rev. 7/92), which contains Standard Form 424 (face page). The following information should be typed in Item Number 10 on the face page of the application form:

RFA# SM–94–02: HIV/AIDS Services Demonstration (for services demonstration projects).

RFA# SM–94–02: HIV/AIDS Coordinating Center (for coordinating center).

If an entity is applying for both cooperative agreements (services demonstration projects and coordinating center), then 2 *separate* face pages and applications should be submitted.

Application kit (including form PHS 5161–1 with Standard Form 424 and complete application procedures) may be obtained from: Global Exchange, Inc., 7910 Woodmont Avenue, Suite 400, Bethesda, MD 20814–3015, (301) 656–3100.

Applicants must submit: (1) an original copy signed by the authorized official of the applicant organization, with the appropriate appendices; and

(2) two additional, legible copies of the application and all appendices to the following address: Center for Mental Health Services Programs, Division of Research Grants, NIH, Westwood Building, room 240, 5333 Westbard Avenue, Bethesda, Maryland 20892.*

*If an overnight carrier or express mail is used, the Zip Code is 20816.

Review Process: Applications submitted in response to this RFA will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures for grants.

Applications that are accepted for review will be assigned to an Initial Review Group (IRG) composed primarily of non-Federal experts. Notification of the IRG recommendation will be sent to the applicant upon completion of the initial review. In addition, the IRG recommendations on technical merit of applications will undergo a second level of review by the appropriate advisory council whose review may be based on policy considerations as well as technical merit. Applications may be considered for funding only if the advisory council concurs with the IRG recommendation for approval.

Review Criteria: The following criteria will be used in the technical merit review of services demonstration project applications. The points noted in parentheses for each criterion indicate the maximum number of points the reviewers may assign to that criterion. These points will be used to calculate a raw score for each application. The raw score will be converted to the official priority score.

- adequacy of documentation of unmet need, including a description of special population(s) to be served, if applicable, and the availability of and access to the current mental health delivery system by people affected by and living with HIV/AIDS (30)
- adequacy and appropriateness of the goals and objectives, and approach, including the specific mental health services to be provided and the additional project elements that assure the development of an infrastructure (25);
- appropriateness of the proposed project in terms of (1) budget, (2) management plan, (3) personnel, (4) time frame, (5) resources, and (6) adequacy, availability, and accessibility of facilities (20)
- appropriateness of the proposed evaluation design and methodology (15)
- experience of the applicant in delivering mental health services (10)

The following criteria will be used in the technical merit review of the coordinating center applications. The points noted in parentheses for each criterion indicate the maximum number of points the reviewers may assign to that criterion. These points will be used to calculate a raw score for each application. The raw score will be converted to the official priority score.

- adequacy of the overall plan, addressing structure and scientific rigor of the evaluation, and plans for data quality (30)
- adequacy of plans for coordination, technical assistance, and training (25)
- qualifications and experience of the principal investigator and proposed staff in statistics, data analysis, evaluation, and large-scale data collection efforts (25)
- appropriateness of budget, personnel, facilities, resources, and time frame (20)

Award Criteria and Funding Preference: Services demonstration project applications recommended for approval by the IRG and the appropriate advisory council will be considered for funding on the basis of overall technical merit as determined through the review process, geographic distribution, evidence of agreement for cooperation with the coordinating center in the overall program evaluation, variety of settings (e.g., community mental health centers and community-based organizations providing HIV/AIDS care and related services), and the availability of funds. In addition, funding preference will be given to applicants that are based at, or have relationships with, entities providing comprehensive health services to people who are infected with HIV.

Coordinating center applications recommended for approval by the IRG and the appropriate advisory council will be considered for funding on the basis of overall technical merit as determined through the review process, suitability for working with the services demonstration projects funded, and the availability of funds.

Contacts for Additional Information

Questions concerning program issues may be directed to: Ms. Elaine Corrigan, Program Management Officer, CMHS HIV/AIDS Program, 5600 Fishers Lane, room 11C–21, Rockville, MD 20857, (301) 443–7817.

Questions regarding grants management issues may be directed to: Ms. Carole Edison, Grants Management Officer, Center for Mental Health Services, 5600 Fishers Lane, room 15–87, Rockville, Maryland 20857, (301) 443–4456.

Dated: March 15, 1994.

Richard Kopanda,

Acting Executive Officer, SAMHSA.

[FR Doc. 94–6865 Filed 3–23–94; 8:45 am]

BILLING CODE 4162–20–M

RIN 0905–ZA23

Mental Health Care Provider Education in HIV/AIDS

AGENCY: Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Request for applications.

SUMMARY: The Center For Mental Health Services (CMHS), of the Substance Abuse and Mental Health Services Administration (SAMHSA), is interested in supporting a limited number of proposals to train both traditional and nontraditional mental health care providers to address the psychological and the neuropsychiatric sequelae of HIV/AIDS.

Since 1986, first the National Institute of Mental Health (NIMH), and now CMHS, have provided support for a program to develop model educational approaches to train mental health care providers in neuropsychiatric and psychosocial aspects of HIV/AIDS. The focus has been on training traditional mental health care providers (psychiatrists, psychologists, nurses, social workers and marriage and family counselors), other first line providers of mental health services (e.g., medical students, primary care physicians), and nontraditional providers (e.g., the clergy and other spiritual providers, alternative health care workers, counselors).

The Health Resources and Services Administration (HRSA) supports a similar program, the National AIDS Education and Training (AETC) Centers Program, which consists of a network of 17 centers geographically distributed throughout the U.S.A., the Virgin Islands and Puerto Rico. This program emphasizes training primary care providers on the clinical aspects of HIV management; however, multiple AETCs offer training for allied health care providers.

This notice consists of three parts:

Part I covers information on the legislative authority and the applicable regulations and policies related to the Mental Health Care Provider Education in HIV/AIDS program.

Part II describes the programmatic goals and scope of the program and discusses eligibility, availability of funds, period of support and receipt date for applications.

Part III describes special requirements of the program, the application process,

the review and award criteria and provides contacts for additional information.

Part I—Legislative Authority and Other Applicable Regulations and Policies

Grants awarded under this RFA are authorized under section 303(a)(1) of the Public Health Service Act, (42 U.S.C. 242a).

Federal regulations at Title 45 CFR parts 74 and 92, generic requirements concerning the administration of grants, are applicable to these awards.

Grants must be administered in accordance with the PHS Grants Policy Statement (Rev. April 1, 1994).

The Catalog of Federal Domestic Assistance (CFDA) number for this program is 93.244.

Interim and final progress reports and financial status and expenditure reports will be required and specified to awardees in accord with PHS Grants Policy requirements.

Healthy People 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. This Request for Applications (RFA), Mental Health Care Provider Education in HIV/AIDS, is related to the priority of HIV/AIDS. Potential applicants may obtain a copy of Healthy People 2000 (Full Report: Stock No. 017–001–00474–0; or 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).

Promoting Non-use of Tobacco: Studies have clearly established that the use of tobacco products increases mortality and morbidity, not only for the primary users of these products but for those in close proximity to the user. Statistics published by the National Cancer Institute indicate that cigarette smoking and chewing of tobacco are responsible for as many as 1,500 deaths per day in the United States. Recent studies conducted by the Environmental Protection Agency indicate that prolonged exposure to second-hand smoke significantly increases the probability of developing heart and lung disease. Therefore, the CMHS strongly encourages all grantees to provide smoke-free project and work environments.

This program supports one of the tenants of health care reform that appropriate and adequate care be provided by trained providers. It also supports the HHS Secretary's themes of fostering independence through empowering the people, preventing future problems, and improving services to our customers.

Part II—Programmatic Goals and Scope, Eligibility and Application Receipt Date

The goal of this program is to enhance the Nation's ability to have an impact upon the HIV/AIDS epidemic by training the traditional mental health care providers and other health care workers who often are first-line providers of mental health services, such as medical students, primary care physicians, and the clergy and other spiritual providers.

Applicants will be expected to propose a comprehensive training program that addresses the needs of traditional providers (psychiatrists, psychologists, nurses, social workers and marriage and family counselors), other first line providers of mental health services (e.g., medical students, primary care physicians), and nontraditional providers (e.g., the clergy and other spiritual providers, alternative health care workers, counselors). Training programs proposed must target at least 5 provider groups. The program must address the neuropsychiatric and the psychosocial aspects of HIV/AIDS; coping with HIV/AIDS; and approaches to prevent the spread of HIV infection.

Applicants are expected to explore the programs offered by their local HRSA AETCs and other health care provider educators and, where appropriate, establish linkages.

The applicant should include a plan to train at least 1,000 mental health care providers and students in training programs for each of the 3 years of the grant. None of the training offerings may exceed 180 days. Applicants must include a plan to recruit gay and bisexual men, women and minorities as trainers and trainees.

The applicant should demonstrate specialized mental health expertise, e.g., a psychiatry, psychology or social work department in an academic institution, a mental health professional organization, or another mental health organization.

The following are activities that a Mental Health Care Provider Education in HIV/AIDS project must include:

Training Activities

- The incorporation of emerging research knowledge of neuropsychiatric and psychosocial aspects of HIV/AIDS into the curriculum.
- Training for providers on aspects of the needs of individuals at risk, including gay and bisexual men, racial and ethnic minorities, injecting drug users and their sex partners, sex workers, women, infants, children, adolescents, and sex partners of people with HIV/AIDS.
- Training for mental health professionals and personnel who serve people with serious mental illness, both in inpatient and outpatient settings.
- The recruitment of gay and bisexual men, women and individuals from minority populations as trainers and trainees.
- Training for providers in prevention strategies and risk reduction to decrease the transmission of HIV infection.
- Training for providers to recognize, treat, or refer individuals with the psychiatric and neuropsychiatric complications of HIV infection and their clinical manifestation such as delirium, dementia, organic mood disorder, depression, and adjustment disorders.
- Training for providers about pre- and post-HIV antibody testing counseling.

Integration of Mental Health and Health Training

- Evidence of collaboration with relevant community-based AIDS organizations, medical and health professions schools, mental health professional organizations, hospitals, substance abuse treatment providers, and other health professions organizations, and local training programs, such as the HRSA AETC Program.
- An integrated biopsychosocial approach to understanding HIV/AIDS.

Mental Health Expertise

- Mental health HIV/AIDS expertise demonstrated by key staff trained in the core mental health disciplines (psychiatry, psychology, marriage and family therapy/counseling, social work, nursing) and experienced with HIV/AIDS.
- Inclusion of at least five (5) provider groups in the training project (psychiatrists, psychologists, social workers, medical students, primary care residents, psychiatry residents, nurses, counselors, the clergy and other spiritual providers, etc.).

Evaluation

- An evaluation of the efficiency and effectiveness of the proposed project, including data on the relative effectiveness of different training techniques in developing clinical skills, attitudes, and knowledge needed to prevent HIV infection and to work with people with HIV/AIDS.

Eligibility: Applications may be submitted by any public or private nonprofit organization. Entities staffed

largely by women and minorities are encouraged to apply.

Availability of Funds: It is estimated that approximately $0.4 million will be available to support approximately 2–3 awards under this RFA in FY 94. Actual funding levels will depend upon the availability of appropriated funds.

Period of Support: Support may be requested for a period of up to 3 years. Annual awards will be made, subject to availability of funds and progress achieved.

Application Receipt and Review Schedule: The schedule for receipt and review of applications under this announcement is as follows:

Receipt date	IRG review	Council review	Earliest start date
May 26, 1994.	July 1994	Sept. 1994.	Sept. 1994.

Applications must be received by the published application receipt date to be accepted for review. However, an application received after the deadline may be acceptable if it carries a legible proof-of-mailing date, (private metered postmarks are not acceptable as proof of timely mailing), assigned by the carrier and the proof-of-mailing date is not later than one week prior to the deadline date. If the receipt date falls on a weekend, it will be extended to the following Monday; if the date falls on a national holiday, it will be extended to the following work day.

Consequences of Late Submission: Applications received after the above receipt date will not be accepted and will be returned to the applicant without review.

Subject to the availability of funds in future fiscal years, CMHS may reissue this announcement and publish future receipt dates and a notice of availability of funds in the **Federal Register**. Applicants are strongly encouraged to verify future receipt dates and the availability and terms of funding before preparing and submitting applications.

Part III—Special Requirements, Review/Award Criteria and Contacts for Additional Information

Letter of Intent: Organizations planning to submit an application in response to this announcement are encouraged to submit a letter of intent at least 30 days prior to the receipt date. Such notification is used by the CMHS for purposes of review and program planning. This letter is voluntary and does not obligate the person/organization to submit an application.

In addition, the letter should be no longer than one page and should succinctly indicate:

—The number and title of the RFA
—The name of the potential applicant organization, city and state
—The name and affiliation of the proposed project director, i.e., the individual who will be assigned to coordinate the development and conduct of the project
—The overall scope of the proposed project, including a brief description of the likely goals and objectives

Letters of intent should be directed to: Director, Office of Evaluation, Extramural Policy, and Review, Center for Mental Health Services, 5600 Fishers Lane, Room 18C–07, Rockville, Maryland 20857, ATTN: RFA/Letter of Intent, FAX: (301) 443–7912.

Coordination With Other Federal/Non-Federal Programs: Applicants seeking support under this announcement are encouraged to coordinate with other programs. Program coordination helps to better serve the multiple needs of the patient/client population and to maximize the impact of available resources, and to eliminate duplication of services. Applicants should identify the coordinating organizations by name and address and describe the process used (to be used) for coordinating efforts. Letters of coordination should be included in the application appendices. Examples of Federal programs with which applicants may find coordination productive are included in the complete application kit.

Single State Agency Coordination: Coordination with the Single State Agency (SSA) for mental health is encouraged to ensure communication, reduce duplication, and facilitate continuity. The application must include a copy of a letter sent to the SSA briefly describing the grant application. A list of SSAs can be found in the grant application kit. If the target population falls within the jurisdiction of more than one State, all representative SSAs should be involved.

Public Health System Reporting Requirements: This program is not subject to the Public Health System Reporting Requirements.

Intergovernmental Review (E.O. 12372): This program is not subject to the intergovernmental review requirements of Executive Order 12372, as implemented through HHS regulations a 45 CFR part 100.

Application Procedures: All applicants must use application form PHS 5161–1 (Rev. 7/92), which contains Standard Form 424 (face page). The following information should be typed in Item Number 10 on the face page of the application form:

RFA #SM–94–04: CMHS HIV/AIDS Education Program

Grant kits (including form PHS 5161–1 with Standard Form 424, complete application procedures, and accompanying guidance material for the narrative approved under OMB No. 0937–0189) may be obtained from: Global Exchange, Inc., 7910 Woodmont Avenue, Suite 400, Bethesda, MD 20814–3015, (301) 656–3100.

Applicants must submit: (1) An original copy signed by the authorized official of the applicant organization, with the appropriate appendices; and (2) two additional, legible copies of the application and all appendices to the following address:

Center for Mental Health Services Programs, Division of Research Grants, NIH Westwood Building, Room 240, 5333 Westbard Avenue, Bethesda, Maryland 20892*

*If an overnight carrier or express mail is used, the Zip Code is 20816.

Only one application seeking Public Health Service (PHS) support for the same programmatic service activities with the same population may be submitted to SAMHSA and that same application may be submitted in response to only one SAMHSA Program Announcement or RFA.

Review Process: Applications submitted in response to this RFA will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures for grants.

Applications that are accepted for review will be assigned to an Initial Review Group (IRG) composed primarily of non-Federal experts. Notification of the IRG's recommendation will be sent to the applicant upon completion of the initial review. In addition, the IRG recommendations on technical merit of applications will undergo a second level of review by the appropriate advisory council whose review may be based on policy considerations as well as technical merit. Applications may be considered for funding only if the advisory council concurs with the IRG's recommendation for approval.

Review Criteria: The points noted in the parentheses for each criterion indicate the maximum number of points the reviewers may assign to that criterion. These points will be used to calculate a raw score for each application. The raw score will be converted to the official priority score.

Significance of the Project (30)

• Appropriateness of the proposed project to the goals of the announcement.

• Degree of creativity of the training program.

• Consistency of the proposed project relative to the state of the art with respect to knowledge of biologic, neuropsychiatric, and psychosocial aspects of HIV/AIDS.

Adequacy and Appropriateness of Project Plans (30)

• In terms of the applicant's stated goals and objectives.

• In terms of the proposed trainers and trainees, especially from special populations (i.e., appropriate inclusion of gay and bisexual men, women and minorities), and resources.

• In terms of the project management plan.

• In terms of the implementation plan.

• In terms of collaborations with relevant community agencies.

Adequacy and Appropriateness of Evaluation Plans (20)

• In terms of the applicant's stated goals and objectives.

• In terms of the proposed staffing and resources.

• In terms of the project management plan.

• In terms of the implementation plan.

• In terms of procedures to identify, recruit, and retain trainers and trainees.

Appropriateness of Staffing, Project Organization, and Resources (20)

• Qualifications and experience of the project director and other key personnel.

• Adequacy of available resources (e.g., facilities, equipment).

• Feasibility of the project.

• Capability and experience of the applicant organization with similar projects.

• Adequacy of support for the project from other relevant organizations.

• Appropriateness of proposed budget for each of the requested years (the committee may recommend either increases or decreases in the budget based on their review of the application or on the adequacy of the budget justification).

Award Criteria: Applications recommended for approval by the Initial Review Group (IRG) and the appropriate advisory council will be considered for funding on the basis of their overall technical merit as determined through the review process. Other award criteria will include:

• programmatic balance.

• geographic distribution.

• availability of funds.

Contacts for Additional Information

Questions concerning program issues may be directed to: Ms. Elaine Corrigan, Program Management Officer, HIV/AIDS Program, Center for Mental Health Services, 5600 Fishers Lane, room 11C–21, Rockville, MD 20857, (301) 443–7817.

Questions regarding grants management issues may be directed to: Ms. Carole Edison, Grants Management Officer, Center for Mental Health Services, 5600 Fishers Lane, room 15–87, Rockville, Maryland 20857, (301) 443–4456.

Dated: March 15, 1994.

Richard Kopanda,

Acting Executive Officer, SAMHSA.

[FR Doc. 94–6864 Filed 3–23–94; 8:45 am]

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RIN 0905–ZA22

Substance Abuse Prevention Demonstration Grants for High Risk Youth Populations

AGENCY: Center for Substance Abuse Prevention, Substance Abuse and Mental Health Services Administration (SAMHSA), HHS.

ACTION: Availability of funds and request for applications.

SUMMARY: The Center for Substance Abuse Prevention (CSAP) announces the availability of support for projects that demonstrate and evaluate comprehensive strategies to prevent and/or reduce the use of alcohol, tobacco, and other drugs (ATOD), including inhalants and steroids, among youth at high risk for such behaviors.

Since its inception, an important component of CSAP's mission has been to direct its efforts toward youth at high risk for using ATOD. To this end, CSAP has funded a number of projects to demonstrate the effectiveness of various preventive interventions to reduce the use of ATOD, and to change the behavior and attitudes of high risk youth about ATOD. In this Announcement, four related but distinct efforts (program priority areas) are proposed:

• High Risk Youth (Module A)

• Female Adolescents (Module B)

• Alcohol and Other Drug-Related Violence Among High Risk Youth (Module C)

• Replications of Model Programs for the Prevention of Alcohol, Tobacco, and Other Drug (ATOD) use Among High Risk Youth (Cooperative Agreements) (Module D)

It should be noted that support for three of these program priority areas (High Risk Youth, Female Adolescents, and AOD-Related Violence Among High Risk Youth) will be in the form of prevention demonstration grants, while the fourth (Replications) will provide support for cooperative agreements. Compared with demonstration grant programs, cooperative agreements involve substantially greater involvement on the part of the Federal funding agency in the conduct of the project.

Any single project for which support is requested under this announcement may be addressed to only one of the above program priority areas. Applicants seeking support for more than one project, whether in the same priority area or in different priority areas, must submit a separate and different application for each project.

Eligibility: Applications may be submitted by public organizations, such as units of State or local governments or eligible agencies of the Federal government, and by private nonprofit organizations such as community-based organizations, universities, colleges, and hospitals.

In accordance with section 517(b)(3) of the Public Health Service Act, applications from community-based organizations will be given special consideration by CSAP in its award decision-making process.

Target Population: High Risk Youth: Youth who experience multiple risk factors are considered to be at high risk for alcohol and other drug use. Section 517(g) of the Public Health Service (PHS) Act identifies the following groups of youth who are likely to be at high risk.

Youth under the age of 21 who: (a) Are children of substance abusers;

(b) Are victims of physical, sexual, or psychological abuse;

(c) Have experienced chronic failure in school;

(d) Have dropped out of school;

(e) Have become pregnant;

(f) Are economically disadvantaged;

(g) Have committed a violent or delinquent act;

(h) Are experiencing mental health problems;

(i) Have attempted suicide;

(j) Have experienced long-term physical pain due to injury.

The PHS Act (in section 517(b)(1)) specifies that priority be given to substance abuse prevention projects directed at children of substance abusers, latchkey children, children at risk of abuse or neglect, preschool children eligible for services under the Head Start Act, children at risk of dropping out of school, children at risk of becoming adolescent parents, and

children who do not attend school and who are at risk of being unemployed. CSAP will therefore give special consideration in its award decision-making process to projects addressing these populations and their prevention needs.

Conceptual Framework: Based on research and knowledge gleaned from CSAP's previous demonstration projects, CSAP expects applicants to propose a comprehensive prevention approach that is conceptualized, implemented, and evaluated in a logical manner. To ensure comprehensiveness, CSAP strongly recommends that applicants use a risk/protective factor approach, an approach that delineates factors that appear to be correlated with the use of ATOD among children and youth (risk factors) and that appear to protect youth from ATOD use (protective factors). These risk and protective factors can be organized according to six major life areas or "domains"—the individual, family, school, peer group, neighborhood/community, and society. Each domain represents an important sphere of influence in the lives of children and youth.

To ensure that the demonstration is based in a logically sound framework, CSAP strongly recommends that applicants use the logic model, a model that articulates the links between the specific risk and protective factors that have been identified and are to be addressed, the specific project objectives, the proposed intervention strategies, and the anticipated outcomes.

CSAP strongly encourages applicants to use the risk/protective factor approach and the logic model. However, applicants may propose alternative frameworks and will be given fair and due consideration, so long as the applicant provides a clear description of any alternative frameworks, the alternative frameworks are comprehensive and logical, and the applicant offers a rationale for their selection over the risk/protective factor approach and/or the logic model.

Guidelines for using the risk/protective factor approach and the logic model for ATOD prevention programs targeting high risk youth populations are included as part of the complete application kit.

This notice consists of four parts:

Part I covers information on the legislative authority and applicable regulations and policies of the Substance Abuse Prevention Demonstration Grants for High Risk Youth Populations Program.

Part II is a summary of the application receipt date, estimate of funds available, anticipated number of awards, period of support, and project start dates.

Part III describes the four programmatic priority areas (Modules A–D) under which CSAP is inviting applications.

Part IV provides additional guidance related to the application process and requirements, review criteria, award decision criteria, and contacts for additional information.

Part I—Legislative Authority and Other Applicable Regulations and Policies

Grants awarded under this Program Announcement are authorized under section 517 of the Public Health Service Act, (42 U.S.C. 290bb–23) as amended.

The Catalog of Federal Domestic Assistance (CFDA) number for this program is 93.144.

Federal regulations at title 45 CFR parts 74 and 92, generic requirements concerning the administration of grants, are applicable to these awards.

Grants must be administered in accordance with the PHS Grants Policy Statement (Rev. April 1, 1994).

Interim progress reports, a final report, and Financial Status Reports (FSRs) will be required and specified to awardees in accord with PHS Grants Policy Requirements.

Healthy People 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. This Announcement, "Substance Abuse Prevention Demonstration Grants for High Risk Youth Populations," is related to the priority areas of Alcohol, Tobacco, and Other Drugs (ATOD), HIV Infection, and Violent and Abusive Behaviors. Potential applicants may obtain a copy of Healthy People 2000 (Full Report: Stock No. 017–001–00474–0) or Summary Report: Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone 202–783–3238).

Non-Use of Tobacco: The medical dangers and high risk of addiction associated with first-hand use of tobacco products have been thoroughly documented (for example, see Boyle, 1993). Moreover, data presented in leading medical journals (for example, New England Journal of Medicine, June 10, 1993) and reported widely in the press, associate environmental exposure to tobacco smoke (passive smoking) with increased rates of cancer and other pulmonary diseases among people of all ages and with increased rates of asthma among children. Further, scientific evidence supports the connection between the use of smokeless tobacco products, such as chewing tobacco and snuff, and cancer of the mouth, jaw and throat.

Critical questions now facing public health experts concern the most effective methods for preventing youth from using tobacco products in the first place and for preventing and/or reducing infants' and children's exposure to smoke in both public and private environments. A combined approach involving public policy, media awareness, and prevention education strategies appears to be a promising way to address this serious problem; however, careful development, implementation, and evaluation of specific tobacco use prevention strategies is required to establish their efficacy.

The Center for Substance Abuse Prevention recognizes that its target populations are vulnerable to a variety of preventable health and social problems, including substance abuse. Therefore, CSAP believes that preventative education concerning use of tobacco products must be a priority for grantees. Further, CSAP encourages all grantees to provide smoke-free programs and work environments.

Health Care Reform: The Public Health Service is committed to furthering the aims of Health Care Reform. By preventing and/or reducing the use of alcohol, tobacco, and other drugs among youth, prevention programs can enhance the overall health status of participants. As a consequence, ATOD prevention programs can contribute to a reduction in health care costs related to the medical illnesses, disorders, and conditions associated with ATOD.

Secretarial Themes for the Fiscal Year 1995 Legislative Program: In a Special Message For All Health and Human Service (HHS) Employees, the HHS Secretary articulated three key priorities to support a Department-wide continuous improvement process. These priorities are: fostering independence through empowering the people served, preventing future problems, and improving services to customers through modern management approaches. Each of the four demonstration programs proposed in this Announcement supports the Secretary's priorities. By addressing alcohol, tobacco, and other drug use and related health and social problems among high risk youth, these programs hold substantial promise for reducing future public health problems among the target population. In addition, the programs seek to empower

communities, including youth, to identify particular ATOD problems facing their communities and to design interventions to address them. Further, these proposed programs encourage applicants to consider enhancements to service delivery systems, such as increasing access and coordination of programs, thereby supporting the Secretary's emphasis on improving service to customers.

PART II.—SUMMARY TABLE

Module	Applic. receipt date	Est. funds available	Estimated number of awards	Period of support	Estimated award date
A	May 24, 1994	$4.7 m	17	Up to 5 years	Sept. 1994.
B	May 24, 1994	4.0 m	15	Up to 5 years	Sept. 1994.
C	May 24, 1994	2.0 m	5	Up to 5 years	Sept. 1994.
D:					
(Pt A)	May 24, 1994	2.0 m	8	Up to 5 years	Sept. 1994.
(Pt B)		1.0 m	4		

Subject to the availability of funds in future fiscal years, CSAP may reissue this announcement and publish future receipt dates and a notice of availability of funds in the **Federal Register**. Because the President's 1995 budget request proposes to consolidate SAMHSA's categorical substance abuse prevention demonstrations, certain aspects of this program could change. Therefore, applicants are strongly encouraged to verify the availability and terms of funding for new awards for this program.

Consequences of Late Submission: Applications must be received by the above receipt date to be accepted for review. An application received after the deadline may be acceptable if it carries a legible proof-of-mailing date (assigned by the carrier) and that date is not later than one week prior to the deadline date. However, private metered postmarks are not acceptable as proof of timely mailing.

Part III—Program Priority Areas

Module A: High Risk Youth

Introduction: CSAP will provide support in the high risk youth priority area for projects that will demonstrate and assess the effectiveness of comprehensive strategies to prevent and/or reduce the use of alcohol, tobacco and other drugs (ATOD), including inhalants and steroids, among youth at high risk for such behaviors.

This program priority area takes several major steps forward from CSAP's earlier High Risk Youth Demonstration Grants Program. Specifically: All programs in this priority area are to include strategies for the prevention and reduction of tobacco and alcohol use among high risk youth in addition to strategies for the prevention of use of any other drugs that may be included or emphasized in the program.

It strongly recommends a multiple risk factor approach for designing prevention programs. With the understanding that substance use is a function of multiple factors in multiple risk factor domains (viz., the individual, the family, the school, the peer group, the neighborhood/community, and society), a multiple risk factor approach is considered necessary to respond comprehensively and effectively to the problem of substance use among youth.

The program further differs from its predecessor in that applicants are asked to involve youth and others in the community both in identifying the relevant risk factors for ATOD use that are to be addressed and in selecting appropriate interventions to address these risk factors.

It also requires all programs that serve youth 12 years of age and over to ascertain the effectiveness of their intervention strategies in reducing the incidence and prevalence of alcohol, tobacco, and/or other drug use. Programs serving youth 12 years and over are required to obtain incidence measures in addition to assessing the effectiveness of the intervention strategies in reducing the risk factors or enhancing the protective factors on which the project is focused. This will be the first time CSAP will be receiving data on common outcome variables, specifically on the incidence and reduction of use for alcohol and tobacco and other drugs. These common outcomes will be generated by programs using culturally tailored strategies and addressing different combinations of risk factors.

It also tests the hypothesis that factors that place youth at risk for ATOD use may also place them at risk for engaging in violent acts.

The high risk youth priority area also has a special interest in effective strategies that are designed to positively influence youth by the time they reach 8th grade. Recent studies lead us to believe that it is important to intervene with prevention programs prior to 8th grade because the inception of substance use frequently occurs at about this age. CSAP also has a special interest in youth residing in public housing.

Program Goals and Objectives: One of CSAP's most fundamental program goals is the prevention of ATOD use among high risk youth. This implies the elimination of the problems associated with such use, such as engaging in acts that interfere with the achievement, maintenance, and restoration of optimal health at the individual, family, and community levels. As part of its mission to decrease the incidence and prevalence of ATOD use and resulting problems, CSAP is dedicated to identifying and disseminating strategies that prevent or delay the use of alcoholic beverages, tobacco products, and other drugs among children and youth.

To fulfill this goal, CSAP has established the following outcome objectives to demonstrate the effectiveness of the projects supported under this Announcement:

1. To decrease the incidence of ATOD use among high risk youth by

(a) Identifying and reducing factors in the individual, the family and significant others, the school, the peer group, the neighborhood/community, and society that place youth at high risk for ATOD use;

(b) Enhancing factors in the individual, the family and significant others, the school, the peer group, the neighborhood/community, and society that may strengthen youth resiliency and protect youth from using alcohol, tobacco, and other drugs.

2. To delay and reduce the consumption of alcoholic beverages, and the use of tobacco products and other drugs among high risk youth.

Recommended Approach: CSAP invites applications that address, at a minimum, the following questions:

1. What combination of strategies is most effective in improving family management practices and/or establishing a healthy family environment for various racial/ethnic/gender populations? Which risk factors and risk factor domains must be addressed?

2. What combination of strategies is most effective in increasing bonding/commitment to school for populations differing with respect to age, gender and race/ethnicity? Which risk factors and risk factor domains must be addressed?

3. Which combination of strategies is most effective (and hence, which risk factors and risk factor domains must be addressed) in decreasing the influence and association of drug-using peer groups on members of the target population and/or to increase the association and influence of non-drug-using peer groups on the target population? For whom are they effective?

4. What combination of strategies is most effective in increasing a negative attitude toward alcohol, tobacco, and other drug use by: (a) The target population; or (b) the peer group; or (c) the family; or (d) the school; or (e) the community? Which risk factors and risk factor domains must be addressed?

These questions are in addition to the ATOD-specific questions listed in the Outcome Evaluation section of part IV.

All applications are to address the prevention and reduction in use of alcoholic beverages and tobacco products and other drugs. Also applicants are strongly encouraged to develop policies that promote nonuse of tobacco products by staff, clients, and visitors at project sites.

Contact for Additional Information: F. Tommie Johnson, Division of Demonstrations for High Risk Youth Populations, Center for Substance Abuse Prevention, Rockwall II, Room 9B–03, 5600 Fishers Lane, Rockville, Md. 20857. (301) 443–0353.

Module B: Female Adolescents

Introduction: Through its High Risk Youth initiative, CSAP has sought to develop model projects that demonstrate successful techniques to alter the behaviors and attitudes toward, and prevent and/or reduce the use of alcohol, tobacco and other drugs (ATOD), including inhalants and steroids, among youth at high risk for such behavior.

CSAP recognizes that female adolescents are at great risk for ATOD use and other related negative outcomes, and present a unique challenge to individuals and organizations that seek to provide outreach and prevention services to them. Female adolescents (ages 10 to 21) may use ATOD for different reasons than males, have different needs and problems associated with their use of ATOD, and require different intervention strategies to successfully prevent and decrease their ATOD use.

While we know that gender differences in ATOD use exist, we know very little about what exactly these differences are.

We know that interventions designed for males—such as using confrontational strategies—may not be effective for females. We do not know nearly enough, however, about how to design effective interventions for females.

What factors place female adolescents at risk for ATOD abuse, sexually-transmitted diseases (STDs) including HIV/AIDS, early pregnancy/childbirth and single parenting, school dropout and delinquency, and poverty and un/under-employment? What strategies can be devised that will address these factors, and that will successfully reach out to young women not often targeted by traditional school, social service or medical programs? What prevention strategies will result in changes in attitudes and behaviors of young women with respect to their ATOD use and related problems, and how can we measure such outcomes?

This Announcement will support demonstration programs that seek to answer questions such as those above, and to develop, implement, document, evaluate, and disseminate information about comprehensive strategies to address and respond to the unique needs of female adolescents.

Program Goals and Objectives: The overriding goal of this program priority area is to demonstrate strategies that decrease ATOD use among female adolescents and promote optimal health at the individual, family, and community levels. More specifically, the goals are:

1. *Primary Prevention:* To decrease (and delay) the incidence of ATOD use among female adolescents by:

(a) Identifying and specifying methods to reduce factors in the individual, family and/or significant others, school, peer group, neighborhood/community, and society/media that increase young women's vulnerability to initiating ATOD use; and

(b) Enhancing factors in the individual, family and/or significant others, school, peer group, neighborhood/community and society/media that strengthen young women's resiliency and protect them against using alcohol, tobacco, and other drugs.

2. *Secondary Prevention:* To decrease the prevalence of ATOD use among female adolescents by providing appropriate early intervention strategies to female adolescents who have already initiated ATOD use or who have engaged in other problem behaviors which are associated with ATOD use, such as early sexual activity, truancy, or running away from home.

3. To decrease the incidence and prevalence of negative outcomes associated with ATOD use among female adolescents by addressing risk factors that significantly contribute to these outcomes, especially childhood sexual and physical abuse. Related negative outcomes include early pregnancy and parenthood; HIV transmission and AIDS, and other sexually-transmitted diseases; adolescent mental disorders, including eating disorders, depression, and suicidal behaviors; school dropout; involvement in prostitution, delinquency, or violent behaviors that may lead to criminal justice involvement; and homelessness.

Target Population: Where appropriate, applicants are encouraged to target the following populations who, traditionally, have been underserved: (a) Female adolescents, ages 10–21, not normally targeted by traditional school, social service or medical programs, such as young women who have dropped out of school or female adolescents in the work force.

(b) Female adolescents who have been involved with the criminal/juvenile justice system;

(c) Female adolescents with HIV/AIDS or other STDs, or those at especially high risk for these diseases;

(d) Female adolescents with disabilities;

(e) Female adolescents who are lesbian or bisexual;

(f) Female adolescents who have a current or past history of physical/sexual abuse or incest.

The applicant must clearly document that the target group chosen is at high risk for ATOD use by specifying the relevant risk factors.

Although applicants may target female adolescents aged 10–21, provisions must be made in the data collection plan to disaggregate data for participants aged 12–21. Collecting data on females aged 12–21 will allow for comparisons with other SAMHSA programs targeting females.

In identifying female adolescents who are "at risk" for ATOD use, CSAP proposes this framework for considering risk (See Resnick, 1993):

Risk factors are: (1) Those environmental forces that have a negative impact on the individual by producing an increased vulnerability to ATOD use. These include family dysfunction, including childhood physical/sexual abuse and incest; high risk neighborhoods/environments; and poverty.

(2) Those visible indicators of problems in individuals, which represent the onset of potentially negative behaviors related to ATOD use and other negative outcomes. These may often be found in public records, and include poor school performance and involvement with child protective services, such as out-of-home placement in the foster care system.

Risk factors for the use of alcohol, tobacco, and other drugs may be found in six domains: The individual, the family, the school, peer groups, the neighborhood/community, and society.

Primary prevention efforts for ATOD use should identify female adolescents who are affected by multiple risk factors (environmental forces and visible indicators). Secondary prevention efforts should target female adolescents who may have already initiated ATOD use or have engaged in other problem behaviors such as early sexual activity, truancy, or running away from home.

Recommended Approach: CSAP encourages applicants to develop comprehensive programs that will address one or more of the following questions:

1. What combination of strategies is most effective in improving the self-image, including body image, and the generalized self-esteem and self-efficacy of female adolescents?

2. What combination of strategies is most effective in developing the competencies or life skills of female adolescents in such areas as intra/interpersonal communications and problem-solving?

3. Which combination of strategies is most effective in improving the family functioning and strengthening the families of female adolescents, and increasing adolescents' levels of parenting skills so that they will be prepared to parent effectively and appropriately when they have children?

4. What combination of strategies is most effective in combatting the long-lasting effects of sexual abuse/assault?

5. What combination of strategies is most effective in promoting healthy life styles and life skills (e.g., negotiation, conflict-handling, self-assertion) among female adolescents?

These questions are in addition to the ATOD-specific questions listed in the Outcome Evaluation section of Part IV.

Applicants are asked to involve representatives of youth and others in the community to: (1) Identify the risk factors for ATOD use that are to be addressed in the project and (2) select the appropriate interventions.

Successful interventions should also impact not only on ATOD use, but on other negative outcomes associated with ATOD use. Related negative outcomes include adolescent pregnancy and parenting;

HIV/AIDS and other sexually-transmitted diseases; adolescent mental disorders, including eating disorders and depression; suicide; violent acts and criminal justice involvement; and homelessness. CSAP is especially interested in programs which will address physical/sexual abuse, teen pregnancy, and HIV/AIDS and STDs, in addition to ATOD use.

Contact for Additional Information: Ulonda B. Shamwell, M.S.W., Division of Demonstrations for High Risk Populations, Center for Substance Abuse Prevention, Rockwall II, room 9B–03, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–4564.

Module C: Alcohol and Other Drug-Related Violence Among High Risk Youth

Introduction and Background: CSAP announces the availability of funds to support projects that demonstrate and evaluate comprehensive strategies to prevent alcohol and other drug-related (AOD-related) violence among or affecting youth aged 6 to 14. Under this program priority area, applicants should propose prevention demonstrations directed to youth who are at high risk for becoming witnesses, victims, or perpetrators of violent acts associated with the use of alcohol and other drugs (AOD).

For the purpose of this Announcement, CSAP defines violence as a public health, social, and economic issue that affects people of all races, ethnicities, and socioeconomic classes with enormous consequences to all Americans. CSAP recognizes that substance abuse is both correlated with and causes violence and that, in turn, violence give rise to substance abuse. Thus, substance abuse and violence are inextricably intertwined. Violence may be understood as any act that causes psychological, emotional, or physical harm to individuals and/or communities, or that causes damage to property. In this context, violence arises from substance use and abuse, the trade in illicit substances, racism, misogyny, homophobia, among other factors, and results in homicide; assaults, including rape and sexual assault; spouse abuse and battering; child physical and sexual abuse; child neglect; suicide; and vandalism and other forms of property destruction. This broad CSAP definition of violence illustrates the fact that violence affects its victims, witnesses, and perpetrators.

CSAP recognizes that violence is linked to a host of social and health problems that plague many communities; however, the Center is particularly concerned with the relationship of violence to the use and abuse of alcohol and other drugs.

The Center seeks to identify those strategies that will be effective in preventing and/or reducing AOD-related violence among or affecting youth, ages 6 to 11 and 12 to 14. CSAP wishes to fund prevention programs that include strategies targeting risk/protective factors in the individual, family, school, peer group, neighborhood/community, and society.

Because AOD-related violence is a highly complex problem, effective prevention of it requires a comprehensive, community-based approach. Community-based initiatives offer advantages over more individually-focused strategies by encouraging the various segments of the community to accept an active role in AOD prevention. Further, the community-based approach emphasizes that a wide range of environmental factors influence youth who become involved with AOD-related violence. Therefore, efforts predicated on this approach avoid the error of developing programs based on a conceptual framework that blames the victim.

This demonstration grant program differs from its predecessor, the High Risk Youth Demonstration Grant Program, in two significant ways: (1) It encourages applicants to examine risk factors that are common to both AOD use/abuse and AOD-related violence, and (2) it asks applicants to involve all appropriate segments of the community in the prevention effort targeted to high risk youth. Applicants are expected already to have established a community coalition capable of addressing risk factors in multiple domains. Members of the community, including youth, should be involved in identifying relevant risk/protective factors and in designing interventions to address them.

Program Goals and Objectives: The overall goal of this program priority area is to demonstrate strategies that will: (1) prevent or reduce those factors that place youth aged 6–14 at risk for AOD-related violence, and (2) reduce the incidence and prevalence of AOD-

related violent acts and of AOD use among the target population.

To achieve these goals, CSAP encourages applicants to design projects that will positively influence the target population by:

1. Increasing children's and youth's communication and other social and life skills, including conflict-handling skills.

2. Promoting youth bonding/commitment to school, church, and/or community.

3. Improving communication and other necessary skills among participants' parents to reduce the level of family conflict and domestic violence.

4. Increasing school policies, procedures, and staff attitudes that promote school bonding/commitment.

5. Linking children and youth with positive community role models.

6. Organizing media awareness and media advocacy initiatives to address inappropriate portrayal of AOD and violence.

Target Population: In keeping with CSAP's emphasis on primary prevention and early intervention, the target population for this program is youth. Children experience developmental challenges requiring them to master age-specific tasks; their particular needs and the approaches appropriate to meet those needs vary significantly from age to age. This program, therefore, divides the target population into two sub-populations: children and youth aged 6 to 11, and youth aged 12 to 14.

Within both sub-populations, youth may experience factors or conditions that increase their vulnerability to AOD use and to being witnesses, victims, or perpetrators of AOD-related violence. These risk factors can be organized according to six domains: The individual, family/significant others, school, peer group, neighborhood/community, and society. Youth who experience risk factors in multiple domains are considered to be at "high risk."

Recommended Approach: CSAP invites applications that will permit CSAP to answer questions such as, but not limited to, those identified here:

1. What combination of strategies is effective in developing communication, social, and life skills among youth at risk for becoming witnesses, victims, and/or perpetrators of AOD-related violence?

2. Which combination of strategies is effective in improving family functioning to reduce levels of family violence and AOD use?

3. What combination of strategies is effective in promoting and sustaining the involvement of youth at risk for AOD-related violence in positive, pro-social activities?

4. What strategies are effective in promoting a community-based approach to identifying and addressing the AOD-related problems in the target population?

5. Which strategies are suitable and effective in AOD-related violence prevention with sub-sets of youth (for example, by age, gender, race/ethnicity/culture) as well as with their families, schools, peers, and communities?

6. What strategies are effective in changing the behavioral norms that support violence in communities experiencing high rates of AOD use?

These questions are in addition to the ATOD-specific questions listed in the Outcome Evaluation section of part IV.

CSAP strongly recommends that applicants propose to implement comprehensive, community-based prevention strategies that address multiple risk and/or protective factors in three or more domains. Applicants may choose to target one or both of the designated sub-populations of high risk youth; that is, applicants may propose programs for 6 to 11 year olds and/or 12 to 14 year olds.

Applicants should design interventions to influence not only alcohol and other drug use and AOD-related violence, but also such associated conditions and outcomes as lack of neighborhood structure, lack of positive role-models, school drop-out, and vandalism.

Programs are asked to address risk factors outside the individual that can precipitate, precede, or co-exist with AOD use and AOD-related violence. Applicants are particularly encouraged to design prevention projects that involve significant persons in the youthful participant's family and social network, especially siblings.

At the same time that programs should be comprehensive, they should also take into account the particular needs of individual program participants. Strategies should be developmentally appropriate.

Strategies must also be tailored to meet the cultural, linguistic, gender, and ethnic characteristics of program participants.

In order to ensure a community-based approach, applicants are requested to demonstrate that they have in existence a coalition consisting of community members who are willing and able to address relevant risk/protective factors. Representatives of the community, including youth, should be involved in identifying the relevant risk/protective factors and in developing the strategies to address them.

Applicants are encouraged to consider implementing improvements in the way services are delivered in their community to ensure that the local service delivery system can support the multifaceted, community-based prevention approach recommended for AOD and AOD-related violence prevention. For example, applicants should consider the need and appropriateness of linking and coordinating services through formal or informal agency and organizational agreements.

CSAP recommends that vigorous recruitment and innovative strategies for retaining participants be an integral part of the proposed project. Applicants are requested to discuss how they will accomplish this in their applications.

Youth at high risk for AOD use may also be at risk for HIV/AIDS. As appropriate and feasible, applicants are urged to consider this ancillary problem of substance use in designing their interventions.

Award Criterion: Consistent with HHS policy, in addition to the award criteria listed in part IV of this **Federal Register** Notice, CSAP will give consideration to applications from Historically Black Colleges and Universities in making funding decisions under this priority area.

Contact for Additional Information: Rose C. Kittrell, M.S.W., Division of Demonstrations for High Risk Populations, Center for Substance Abuse Prevention, Rockwall II, room 9B–03, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–0353.

Module D: Replications of Model Programs for the Prevention of Alcohol, Tobacco, and Other Drug Use Among High Risk Youth (Cooperative Agreements)

Introduction: CSAP announces the availability of Cooperative Agreement Awards to support projects that demonstrate and evaluate strategies to replicate one of twelve identified models of High Risk Youth Substance Abuse Prevention. Utilizing Cooperative Agreement Awards to support replication projects will ensure coordination of a national effort to increase knowledge about the mechanics of demonstration project replication. Through extensive technical assistance and consultation, this mechanism will facilitate efforts to standardize and integrate information forwarded to, and derived from ongoing program efforts.

Definition of Replication: All projects identified in this Announcement as ready for replication (referred to as "replicant" projects) are CSAP funded

High Risk Youth projects that have demonstrated promising strategies in altering the behaviors and attitudes toward and preventing and/or reducing the use of alcohol and other drugs (AOD) among youth at high risk for such behaviors. The identified replicant projects are a representative sample of the most promising projects that were chosen based on specific criteria. Criteria for choosing these projects is described in this module under "Recommended Approach."

This replication effort is a pilot project to determine whether, and to what extent, the identified promising models may be:

Part A. Replicated by entities other than the original developers of the demonstration; or

Part B. Replicated by the original developers of the demonstration.

Although CSAP has stressed the importance of demonstrating project replicability, until now it has not provided funding specifically for a replication initiative. This replication is a pilot project and, as such, is limited by the scope and range of identified projects. Subject to the results of this effort, CSAP expects that future replication initiatives may be more inclusive with respect to expanding the identified replicant population as well as with other aspects, such as introducing a wider range of variables that may be incorporated into the replication.

CSAP recognizes the difficulty inherent in reproducing an existing project regardless of who developed it and would prefer to define replication in a broad enough sense to give applicants some flexibility in their approach to this effort. For purposes of this announcement, replicability may be defined as reproducing original projects as closely as possible in all aspects, or as reproducing an identified project and adapting it in some respects to meet particular needs of an applicant. For example, the applicant might wish to determine if an urban-developed project could, with appropriate alterations in interventions, be successfully reproduced in a suburban or rural area. In making the choice to alter a project for replication purposes, the applicant should carefully examine the circumstances, resources, evaluation, etc., of the chosen project, and be able to present a logical case for linking the final choice of the project being replicated to expected outcomes.

Therefore, at this time, CSAP is not inviting applications that propose to change the cultural group or age group of the target population, although such an adaptation might provide some interesting outcomes. Because of its nature as a pilot project and because of the limited number of applications to be funded, introducing too many variables into this current effort would be counter-productive. The instruction regarding cultural groups is not relevant to all the identified replicant projects, as some of them are multicultural.

CSAP will accept applications which propose to reproduce the identified projects in their entirety, unless advised by the replicant project that replicating all components would not be practicable within the context of the replication.

CSAP legislation did not require the original replicant projects to address tobacco use prevention. However, replications will be expected to address tobacco use prevention if the replicant project addressed this issue.

This initiative should increase CSAP's knowledge of the mechanics of demonstration project replication—its costs, pitfalls and probability of success—as well as increase knowledge in the general area of preventing ATOD use and abuse by high risk youth. CSAP invites applications that will provide information regarding:

1. Whether interventions and techniques that have been promising in modifying ATOD use under a given set of circumstances can be as or more promising with a change in circumstances, e.g., a different administering agency, a different geographical/demographic area, different personnel, etc.

2. How minor alterations in program objectives or implementation will affect replicability and outcomes.

3. How the general replication process may be effected and evaluated both from CSAP's standpoint and the standpoint of the organizations implementing the replications. This Announcement requires, in addition to the outcome evaluation, a process evaluation that includes an evaluation of the overall replication process as well as other areas generally addressed in a process evaluation.

Program Goals and Objectives: CSAP's overriding program goal is the elimination of ATOD use among high risk youth and of the problems associated with such use that interfere with the achievement, maintenance, and restoration of optimal health at the individual, family, and community levels. As part of its mission to decrease the incidence and prevalence of ATOD use and the resulting problems, CSAP is dedicated to identifying and disseminating strategies that prevent or delay the use of alcoholic beverages, tobacco products, and other drugs among youth. The identification of effective replication models will add to this knowledge. If CSAP can demonstrate that promising interventions and strategies can be replicated in diverse areas and, ultimately, among diverse populations, and if CSAP can determine the effectiveness of these promising approaches, the field of ATOD prevention will have been advanced and youth will be better served.

Recommended Approach: CSAP subjected all of its High Risk Youth grantees' projects to a multi-level screening process, the criteria for which included comprehensiveness, theoretical foundation, empowerment of served populations, cultural appropriateness, strength of evaluation design, accessibility to the target population, coordination, and overall readiness for replication. The selected projects represent a spectrum of completion that includes projects now in their fourth year, as well as projects which are completed and no longer receive CSAP funding. Through this process, CSAP has identified the replicable projects listed in the matrix that follows. Abstracts for each of the identified projects have been included in the complete application kit.

All of the identified grantees have been contacted and have agreed to be included in the replication effort. They have developed manuals describing their projects and containing information regarding their specific aims, target population(s), approach/methods, project management and implementation plans, project staffing and organization, staff skill levels (including job descriptions), financial resources required, participant protection plans, and an overview of their perceptions of what the necessary ingredients are to effectively replicate the project. High Risk Youth Replicant manuals are available to potential applicants through the National Clearinghouse on Alcohol and Drug Information (NCADI), 1–800–729–6686. CSAP suggests that organizations who anticipate applying to replicate any of the 12 following projects look first at the abstract(s), and then obtain and examine carefully the applicable manual(s) from NCADI. If, after scrutinizing the information prepared by potential replicants, applicants desire additional information, they may call the project they wish to replicate. Replicant organizations will participate in Technical Assistance Workshops sponsored by CSAP. These workshops are planned to take place within a 60-

day period following publication of this announcement.

Upon award of a Cooperative Agreement to replicate a project, a grantee may obtain further technical assistance and training from the replicant agency. Upon request of the applicant (in the application budget), provision will be made in the individual awards for projects funded to reimburse the replicant agency for such assistance. Negotiations will be conducted directly between the grantee and the replicant agency. It is strongly recommended that the applicant discuss such technical assistance with the replicant agency prior to writing the application in order to provide an accurate estimate of the required cost.

REPLICATION CANDIDATES

Grant No.	Grantee agency	State	Ethnicity
1246	Youth Health Services Inc	WV	Caucasian.
1295	Lancaster Schools	PA	Multiple.
1397	Colorado State University	CO	Multiple.
1756	Schertz-Cibola School District	TX	Multiple.
2205	Red Cliff Band	WI	Native American.
1800	Progressive Life Center, Inc	DC	African American.
3073	Southwest Regional Laboratory	CA	Hispanic.
2403	Lac du Flambeau Band	WI	Native American.
0230	Asian Youth Project	CA	Asian.
0618	Student Assistance Services	NY	Multiple.
0767	Boys and Girls Clubs	NY	Multiple.
1405	Metro Atlanta Council of Alcohol and Drugs	GA	African American.

CSAP will accept applications that attempt to replicate an identified model with as much fidelity as possible, regarding comprehensiveness, targeted domains, setting, target population, demographics, level of staff expertise, etc. Applicants wishing to adapt a project to specific needs in their area may do so, but should provide sufficient justification for proposed changes.

Applicants are expected to provide a logical rationale for choosing a particular project for replication, that is, linking this choice to an identified need for such a project in their area and proposed outcomes for the target population.

It is important that applicants understand that they are proposing not only to replicate an existing project, but that this project is, as well, a high risk youth project. Consequently they must be prepared to address: a. Outcomes to assess the impact of the interventions to be delivered on participating youth,

b. The process of implementing and conducting a project targeted to a high risk youth population, and

c. The process of implementing and conducting the project as a replication.

Questions that need to be addressed that pertain to High Risk Youth participant outcomes may be found in Module A, under Recommended Approach. For this effort, CSAP invites applications that will, additionally, address the following replication-specific questions:

• Does the fidelity with which projects are replicated affect participant outcomes and the overall success of the project as a replication? In what respects?

• How can lessons learned from the replicants' implementation process be applied to improve a like project?

• What impact did the availability of ancillary services and resources have on: (a) The success of the replicant project; and (b) how closely the applicant's available resources must parallel those of the replicant in order to conduct a successful project?

• How can the impact of such intangibles as combinations of personnel attributes and characteristics on the success of the replicant project be measured; and how can this information be used in developing a replication?

Evaluation: All applications must include a plan for documenting program implementation and performance, particularly with regard to the replication process (process evaluation), and for measuring results (outcome evaluation), as outlined in part IV of this notice. It is important to note that the replication requires an evaluation that exceeds the usual evaluation requirements. The evaluation design should provide for evaluating outcomes with respect to the effect of the intervention on participants, just as it would in any other High Risk Youth project. The process evaluation, however, requires a two-part approach. On one level, the process evaluation would parallel the process evaluation in the replicant project. On an additional level, data would need to be collected to ascertain how the project worked as a replication. All applications, in their process evaluation design, should pay particular attention to documenting implementation as it relates to the replication process.

It is the purpose of this effort to replicate promising interventions, and assess their effectiveness. Regardless of the evaluation design of the original replicant project, the evaluation plan for this application should be rigorous and should be designed to answer the specific questions detailed in the High Risk Youth priority area (Module A, Recommended Approach), and in the Evaluation section of part IV of this notice.

Special Requirements

Role of Federal Staff in Cooperative Agreements: The Cooperative Agreement mechanism includes significant post-award Federal programmatic participation in the conduct of the project. It is anticipated that CSAP staff participation in this program will be substantial. Such involvement may include: Provision of extensive technical assistance; contribution of guidance to enhance the potential replication of results; provision of support services for training, evaluation, and data collection both for the benefit of individual grantee evaluations and with respect to any national evaluation CSAP may conduct; arrangement of meetings designed to support activities of the individual cooperative agreement awardees; membership on policy steering or other working groups established to facilitate accomplishment of the project goals; authorship or co-authorship of publications to make results of the project available to other prevention programs.

Role of Awardee in Cooperative Agreements: The awardee is expected to participate/cooperate fully with CSAP

staff in the implementation and evaluation of the project. Activities include compliance with all aspects of the terms and conditions for the cooperative agreement, cooperation with guidance provided by and requests from CSAP staff, and response to all requests for client interviews and admissions.

Review Criteria: In addition to the criteria listed in Part IV of this **Federal Register** Notice, the criteria listed below for replications will be included in the technical merit review of applications for replications.

General

• Potential as a demonstration project to make a significant contribution to knowledge regarding replicability of existing projects as effective strategies for substance abuse prevention in youth.

Proposed Approach and Activities

• Adequacy of overall replication plan, including understanding of replicant's project's theoretical basis and context for execution, as well as its application to the area/population being chosen, plans for execution of interventions, etc.

• Evidence indicating that the applicant has thoroughly researched the chosen replicant project and is cognizant of what replicating that project will entail, including evaluation costs and the kind, amount, and cost of technical assistance the applicant may need to acquire from the replicant project.

Evaluation Plan

• Qualifications of evaluator, particularly as they relate to appropriate educational background and experience with research and evaluation in the ATOD field.

Personnel, Management Plan, and Resources

• Qualifications of the Program Director, chief evaluator, and other key personnel, particularly as they relate to counterpart personnel in the project chosen for replication.

Contact for Additional Information: Rose C. Kittrell, M.S.W., Division of Demonstrations for High Risk Populations, Center for Substance Abuse Prevention, Rockwall II, room 9B–03, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–0353.

Part IV—Additional Guidance for Applicants

Coordination With Other Federal/Non-Federal Programs: Applicants seeking support under this announcement are encouraged to coordinate with other Federal, State, and local public and private programs serving their target population. Program coordination helps to better serve the multiple needs of the client population, to maximize the impact of available resources, and to prevent duplication of services. Applicants should identify, by name and address, all organizations with which they are coordinating and describe the process to be used for coordinating efforts. Special consideration will be given in the award decision-making process to applications that demonstrate a coordinated approach to providing comprehensive substance abuse prevention and related services. Copies of letters of commitment from organizations that have agreed to collaborate with the applicant to implement the proposed project must be provided in an appendix to the application, entitled "Letters of Commitment from Collaborating Organizations/Agencies/Individuals." These letters must specify the kind(s), level(s), and period of support the organization has agreed to commit.

Single State Agency Coordination: Coordination with the Single State Agency (SSA) for alcohol and other drug abuse is encouraged to ensure communication, reduce duplication, and facilitate continuity. Therefore, a copy of a letter sent by the applicant to the SSA that briefly describes the application should be included in an appendix to the application entitled "Letters to/from SSAs." A list of SSAs can be found in the grant application kit. If the target population falls within the jurisdiction of more than one State, all representative SSAs should be involved. Evidence of support for the proposed project from the SSA will be considered in making funding decisions.

Intergovernmental Review (Executive Order 12372): Applications submitted in response to this Announcement are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR part 100. Executive Order 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application and to receive any necessary instructions on the State review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application kit. The SPOC should send the recommendations from the State review process to the following office at CSAP (not to the Division of Research Grants, NIH, which is the central receipt point for applications): Office of Review, Center for Substance Abuse Prevention, Rockwall II Building, room 630, 5600 Fishers Lane, Rockville, MD 20857, ATTN: SPOC.

The due date for the State review process recommendations is no later than 60 days after the deadline date for the receipt of applications. CSAP does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cutoff.

Public Health System Reporting Requirements: The Public Health System Impact Statement (PHSIS) is intended to keep State and local health officials apprised of proposed health services grant applications submitted by community-based, non-governmental organizations within their jurisdictions.

Community-based, non-governmental service providers who are not transmitting their applications through the State must submit a PHSIS to the head(s) of the appropriate State and local health agencies in the area(s) to be affected no later than the pertinent receipt date for applications. The PHSIS consists of the following information:

a. A copy of the face page of the application (Standard Form 424).

b. A summary of the project (PHSIS), 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.

State and local governments and Indian Tribal Authority applicants are not subject to the Public Health System Reporting Requirements.

Application Submission Procedures: All applicants must use application form PHS 5161–1 (Rev. 7/92), which contains Standard Form 424 (face page).

Grant application kits (including form PHS 5161–1 with Standard Form 424, complete application procedures, and accompanying guidance materials for the narrative approved under OMB No. 0937–0189) may be obtained from: National Clearinghouse on Alcohol and Drug Information (NCADI), Post Office Box 2345, Rockville, Maryland 20852, 1–800–729–6686.

An audio-cassette of the Announcement is also available from the above address.

Applicants must submit: a. An original copy of the application signed

by the authorized official of the applicant organization, with a complete set of the appropriate appendices; and

b. Two additional, legible copies of the application and all appendices. Faxes are not permissible.

The above materials should be sent to the following address: Center for Substance Abuse Prevention Programs, Division of Research Grants, NIH, Westwood Building, room 240, 5333 Westbard Avenue, Bethesda, Maryland 20892.*

The Division of Research Grants (DRG) serves as the central receipt point for applications. When received, applications will be screened for eligibility, completeness, and compliance with instructions for submission.

Evaluation: This Announcement requires more rigor in the conceptualization, design and implementation of projects and in their evaluation than the previous High Risk Youth Demonstration Grant Program. The goal is to achieve and document measurable reductions in ATOD use incidence, prevalence, and related negative consequences among appropriately aged high risk youth populations, in addition to assessing the effectiveness of specified intervention strategies in reducing the risk factors, or enhancing the protective factors on which the project is focused.

CSAP will support only applicant projects that have a well developed and comprehensive evaluation plan. The evaluation plan must be conceptually and procedurally integrated with the overall project, and must have both an outcome evaluation component and a process evaluation component (discussed below).

Since the purpose for issuing this Announcement is to reduce the incidence and prevalence of ATOD use and its related negative consequences and to assess the effectiveness of specified intervention strategies with selected high risk youth populations, instruments should be used which will provide periodic measures of all delineated indicators. Applicants must specify the means to be used to collect these data. Applicants are required to collect baseline data, yearly progress report data, end of project data, and follow-up data on all indices.

The evaluation plan must present a sound methodology for the collection, storage, analysis, and interpretation of data. The evaluation plan must utilize psychometrically sound measures and instruments for data collection. Applicants must describe the selection of instruments to be used and must provide information about their normative properties, including the appropriateness of their use for the culture(s) under study. The presented evaluation methods, measures and instruments must be sensitive and relevant to the target groups of the community with respect to age and gender distribution, reading level, and culture. The evaluation plan must also present a time-line for carrying out all evaluation procedures.

The evaluation plan must be designed and carried out by a professional who is highly experienced in comparative evaluation methodology, independent of the project, and able to work closely with the grantee.

A range of from fifteen to twenty-five percent of the funds available may be used for the evaluation component.

Process Evaluation

Process evaluation is a quantitative and qualitative description of a project that documents its evolution from inception through implementation and completion. The purpose of the process evaluation is to document what happened in the project and what was learned, what barriers existed to inhibit implementation, what was done to overcome these barriers, and what should be done differently in future projects. A process evaluation should also document the context for the project, that is, how the program fit into the community and interacted with the existing relevant human service programs and resources that were available to serve the target population. The use of resources and the acceptability and appropriateness of the program activities for the target population to meet the project objectives should also be addressed. Formal and on-going linkages between project objectives and program interventions should be developed to ensure feedback and appropriate project modifications.

Outcome Evaluation

The purpose of the outcome evaluation is to determine the effectiveness of the intervention, and applicants must propose an evaluation design which will allow this determination to be made. Outcome evaluation assesses whether the project was effective in achieving its goals, objectives and activities. The plan to generate, process and analyze data should be detailed and clearly articulated. For the purposes of this grant program, the outcome evaluation must: (a) Identify the specific factors to be addressed according to the terms of the model selected to conceptualize the program;

(b) Specify the proposed interventions to be implemented detailing frequency and intensity of exposure of each intervention proposed, per member of target population;

(c) Specify the desired outcomes in relation to both the identified factors (generally these are intermediate outcome measures), and the selected interventions;

(d) Identify the instruments for measuring the factors to be addressed and for monitoring changes related to desired outcomes and submit copies of any non-standard instruments;

(e) Specify the indicators of ATOD use to be monitored;

(f) Identify the instruments to be used for gathering those measurements related to ATOD indicators;

(g) Describe the plan for data collection, data processing and data analysis.

The outcome evaluation design should be as rigorous as possible. Whenever feasible, the outcome evaluation design should employ a time series design that allows for comparisons within and between control or matched comparison groups. For capturing changes at the community level, a pre-post with repeated measures design, for community indicators, is acceptable. For measuring changes at the individual/group level, control or comparison groups, utilizing either random assignment or matched comparison, should be used. However, if an applicant chooses another design without the use of a randomized control or matched comparison group, the applicant must describe the alternate design in detail and explain the method for determining the effectiveness of the intervention. If the target group(s) is to be randomly selected, indicate the method for randomization of target and control group. If a matched comparison group is to be used, detail the method for matching the groups. In all cases, applicants must include a discussion of plans to deal with attrition, accretion, and other threats to internal and external validity. All applicants must also collect baseline data, yearly progress report data, and end of project data on all indices. In accordance with the age guidelines provided in the Modules, these data should be designed to answer questions that include, but are not limited to, the following: (Additional questions specific to each priority area are included in the Recommended Approach section of each module).

*If an overnight carrier or express mail is used, the correct ZIP Code is 20816.

1. What measurable changes have occurred as a result of the combination of intervention strategies regarding the number of new users in the target population, compared to the control/comparison group, for each of the following substances:

- Alcoholic beverages;
- All types of tobacco products; and
- Other drugs such as marijuana, cocaine, crack/cocaine, inhalants, steroids, heroin, etc.?

2. What measurable changes have occurred as a result of the combination of intervention strategies regarding the number of users in the target population, compared to the control/comparison group, who have used each of the following substances in the past month:

- Alcoholic beverages;
- All types of tobacco products; and
- Other drugs such as marijuana, cocaine, crack/cocaine, steroids, inhalants, heroin, etc.?

3. What measurable changes have occurred as a result of the combination of intervention strategies regarding the amount of regular use of alcoholic beverages, all types of tobacco products, and other drugs such as marijuana, cocaine, crack/cocaine, steroids, inhalants, heroin, etc., by the users in the target population, as compared to the control/comparison group?

4. What measurable changes have occurred as a result of the combination of intervention strategies regarding the numbers of the target population compared to the control/comparison group, who disapprove of the use of alcoholic beverages, tobacco products, and other drug use?

5. What measurable changes have occurred as a result of the combination of intervention strategies regarding participants' and control/comparison groups' perceptions of harm associated with ATOD use?

6. What measurable changes have occurred as a result of the combination of intervention strategies regarding the target population's, compared to the control/comparison group's, self-reported involvement in physical fighting, victimization, assault injuries, aggressive behavior, carrying and usage of weapons, and activities that bring youth in contact with the juvenile/criminal justice system?

Grantees will be required to collect uniform baseline and yearly data on some indicators using standardized instruments common to all grantees. Details regarding the specific instruments, data collection and analysis, aggregation to group, and procedures for transmitting the results to CSAP will be provided at the first grantee meeting following award. OMB clearance will be obtained for these instruments.

Substance abuse and related problems have frequently been measured through surveys and archival indicator data. CSAP encourages applicants to make use of such available data in their communities, such as crime statistics and Drug Abuse Warning Network (DAWN) data.

CSAP Cross-Site Evaluation: In addition to the requirement for individual project evaluation, CSAP is planning to conduct a cross-site evaluation of the High Risk Youth Demonstration Grant Program. All applicants must provide written assurance that they will cooperate fully in the conduct of the cross-site evaluation.

Review Process: Applications accepted for review will be assigned, at the central receipt point (Division of Research Grants, NIH), to an Initial Review Group (IRG) composed primarily of non-Federal experts. Applications will be reviewed by the IRG for technical merit in accordance with established PHS/SAMHSA peer review procedures for grants. Notification of the IRG's recommendation will be sent to the applicant upon completion of the initial review. In addition, the IRG recommendations on the technical merit of applications will undergo a second level of review by the appropriate advisory council, whose review may be based on policy considerations as well as technical merit. Applications may be considered for funding only if the advisory council concurs with the IRG's recommendation for approval.

Review Criteria: The following criteria will be included in the technical merit review of all applications and apply to priority areas A, B, C and D. Additional criteria specific to replications are identified in Module D.

General

- Potential as a demonstration project to make a significant contribution to knowledge of effective substance abuse prevention strategies for youth of different ages, of different cultures, and/or from different environments, e.g., urban, suburban, or rural areas.

Proposed Approach and Activities

- Adherence to the risk/protective factor framework and the logic model in conceptualizing the proposal or adequate explanation of and rationale for alternative framework(s) selected.
- Comprehensiveness and clarity of the applicant's approach, and appropriateness of the identified intermediate and long-term objectives (For Modules A, B, and C, a comprehensive approach is defined as one with interventions targeting three or more risk factor domains. For Module D, applicants are expected to address the same domains as in the replicant project. For Modules A, B, C, and D, applicants not using the risk/protective factor model are expected to demonstrate the comprehensiveness of the selected alternative approach.)
- Adequacy and appropriateness of the proposed strategies and interventions to fulfill the applicant's stated objectives for the specified population, taking age, culture, and gender into consideration.
- Accessibility and acceptability of program to the target population and community; adequacy of procedures to identify, recruit, and retain the target population; and adequacy of procedures to empower program participants such that they actively participate in the planning and implementation of the prevention process, including the inclusion of youth and other community members in the identification of risk and protective factors and interventions (or, in the case of projects proposing an alternative conceptual framework, inclusion of youth and other community members in identifying problems and approaches in terms consistent with the conceptual framework selected).
- Commitment and ability to implement a gender-appropriate and culturally competent project, as evidenced in such areas as staffing, intervention strategies, instrumentation, and evaluation.

Evaluation Plan

- Clarity, feasibility, appropriateness, completeness, and adequacy, including adequacy of resources of the evaluation plan to meet the requirements for process and outcome evaluation as outlined in this Announcement. For the outcome evaluation, particularly, the adequacy of the design and methodology to demonstrate the effectiveness of the intervention must be shown.

Personnel, Management Plan, and Resources

- Evidence of (1) capability and experience of the applicant organization; (2) appropriate qualifications of the Program Director, Chief Evaluator, and other key personnel.
- Feasibility of the proposed project in terms of (1) time frames, (2) adequacy, availability and accessibility of facilities and resources, and (3)

reasonable and effective project management plan.

• Documentation of specific commitments from proposed collaborators for resources committed to the project (e.g., shared staff, work space, training or other services) as well as support for the project from relevant sources (e.g., Government agencies, community agencies, other local groups).

Budget

• Appropriateness of the budget for each year of the proposed activities.

Participant Protection

• Adequacy of procedures for the protection of participants.

Award Decision Criteria: Applications recommended for approval by the Initial Review Group and by the appropriate advisory council will be considered for funding primarily on the basis of their overall technical merit as determined through the review process.

Other award considerations will include:

• Availability of funds.

• Geographic (within the U.S.) and urban/rural balance.

• Balance among types of prevention strategies in CSAP's grant portfolio.

• Balance among multi-cultural populations in CSAP's grant portfolio.

• Evidence of support for the proposed project from the Single State Agency for Alcohol and/or Drug Abuse.

• Applications from community-based organizations.

• Applications that address the needs of children of substance abusers, latchkey children, children at risk of abuse or neglect, preschool children eligible for services under the Head Start Act, children at risk of dropping out of school, children at risk of becoming adolescent parents, and children who do not attend school and who are at risk of being unemployed.

• Evidence that project will demonstrate a coordinated approach to providing comprehensive substance abuse and prevention and related services to the target population.

Contacts for Additional Information

Questions concerning program issues may be directed to: Michele M. Basen, M.P.A. or Catherine D. Nugent, M.S., Division of Demonstrations for High Risk Populations, Center for Substance Abuse Prevention, Rockwall II, room 9B–03, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–9110.

Questions regarding grants management issues may be directed to: Margaret E. Heydrick, Grants Management Officer, Center for Substance Abuse Prevention, Rockwall II Building, room 640, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3958.

Note: For the hearing impaired, a TDD machine is available. However, prior notification, including date and time of TDD call, must be given by voice to (301) 443–9110 to ensure staff coverage of the TDD. The TDD number is (301) 443–2261.

Dated: March 18, 1994.

Richard Kopanda,

Acting Executive Officer SAMHSA.

[FR Doc. 94–6863 Filed 3–23–94; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT–777414

Applicant: Regional Environmental Consultants, San Diego, CA

The applicant requests a permit to take (collect, identify and sacrifice) Riverside fairy shrimp (*Streptocephalus woottoni*) to determine the presence or absence of the species obtained from vernal pools and soil samples in Riverside and San Diego Counties, California. Sacrificed species will be maintained as voucher specimens for scientific research.

PRT–676811

Applicant: U.S. Fish and Wildlife Service, Regional Director, Region 2

The applicant requests an amendment to their current permit to include activities for the endangered Holy Ghost ipomopsis (*Ipomopsis sancti-spiritus*) and the flat-tailed horned lizard (*Phyrynosoma mcallii*) if and when it becomes Federally protected as threatened under the U.S. Endangered Species Act for the purpose of scientific research and enhancement of propagation and survival of the species as prescribed by Service recovery documents.

PRT–704930

Applicant: U.S. Fish and Wildlife Service, Regional Director, Region 6

The applicant requests an amendment to their current permit to include take activities for the Winkler cactus (*Pediocactus winkleri*) and the water howellia (*Howellia aquatilis*), if and when they become Federally protected as endangered or threatened under the U.S. Endangered Species Act and take activities for the threatened Penland alpine fen mustard (*Eutrema penlandii*) and the endangered kodachrome bladderpod (*Lesquerella tumulosa*) for the purpose of scientific research and the enhancement of propagation and survival of the species as prescribed by Service recovery documents.

PRT–702631

Applicant: U.S. Fish and Wildlife Service, Regional Director Region 1

The applicant requests an amendment to their current permit to include take activities for the water howellia (*Howellia aquatilis*), if and when it becomes Federally protected as threatened under the U.S. Endangered Species Act for the purpose of scientific research and the enhancement of propagation and survival of the species as prescribed by Service recovery documents.

PRT–788026

Applicant: Oakhill Center for Rare & Endangered Species, Oklahoma City, OK

The applicant requests a permit to import one pair of captive-born Amur leopards (*Panthera pardus orientalis*) from the Cricket St. Thomas Wildlife Park, England, for the purpose of enhancement of propagation and survival of the species.

PRT–787993

Applicant: Texas A & M Univ., College Station, TX

The applicant requests a permit to import up to 600 blood samples obtained opportunistically from Galapagos tortoises (*Gechelone elephantopus*) on the Galapagos Islands for DNA analysis to enhance the survival of the species.

PRT–788029

Applicant: New York Zoological Society, Bronx, NY

The applicant requests a permit to import one captive-born white-naped crane (*Grus vipio*) from the Hong Kong Zoological & Botanical Gardens, to enhance the propagation and survival through breeding.

PRT–786709

Applicant: LeRoy Bouck, South Jordan, UT

The applicant requests a permit to import a pair of Blythe's tragopans (*Tragopan blythi*) from Glenn Howe, Aylmer, Ontario, for breeding to enhance the propagation and survival of the species.

PRT–786831

Applicant: Exotic Animals, Tarzana, CA

The applicant requests a permit for multiple exports and reimports for a pair of captive-bred tigers (*Panthera tigris*) for the purpose of enhancement of survival through conservation education.

PRT–787926

Applicant: Elizabeth Jacqueline Garcia, Davis, CA

The applicant requests a permit to take (conduct nest surveys) California clapper rail (*Rallus longisrostris obsoletus*) in Marin County, California, to determine their reproductive success.

PRT–787833

Applicant: Tanganyika Wildlife Co., Wichita, KS

The applicant requests a permit to export one captive-bred female tiger (*Panthera tigris*) to Parque Zoologico International in Tijuana, Mexico, for the purpose of enhancement of survival through conservation education.

PRT–683118

Applicant: Clyde Bros./Johnson Circus Corp, Seagoville, TX

The applicant requests a permit to conduct multiple exports and imports with 9.4 captive-bred tigers (*Panthera tigris*) and 2.1 captive-bred Siberian tigers (*Panthera tigris altaica*) as part of a travelling circus exhibition for the purpose of enhancement of survival through conservation education.

PRT–786956

Applicant: Reid Park Zoo, Tucson, AZ

The applicant requests a permit to export three captive-bred female black and white ruffed lemurs (*Lemur variegatus variegatus*) to Parque Zoologico de Leon, Mexico, for the purpose of enhancement of survival through conservation education.

PRT–766711

Applicant: IAE, Ferndale, MI

The applicant requests a permit to purchase and export in foreign commerce a pair of captive-bred cheetahs (*Acinonyx jubatus*) from the Hoedspruit Cheetah Project, South Africa, to the Metro Toronto Zoo, Ontario, Canada, to enhance the propagation and survival through breeding and conservation education.

PRT–787506

Applicant: Lloyd Mercer, Hope, AR

The applicant requests a permit to import the sport-hunted trophy of one bontebok (*Damaliscus dorcas dorcas*) culled from the captive herd maintained by L. Kock, "Verborgenfontein", Merriman, Republic of South Africa, for the purpose of enhancement of survival of the species.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 420(c), Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: March 21, 1994.

Susan Jacobsen,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 94–6970 Filed 3–23–94; 8:45 am]

BILLING CODE 4310–55–P

Notice of Availability of the Agency Draft Recovery Plan for White Irisette for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability and public comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of an agency draft recovery plan the white irisette (*Sisyrinchium dichotomum*). This rare perennial herb grows on circumneutral soils on a few scattered mountain slopes in western North Carolina and northern South Carolina. Only seven populations of white irisette are currently known to exist. The Service solicits review and comments from the public on this draft plan.

DATES: Comments on the agency draft recovery plan must be received on or before May 23, 1994, to receive consideration by the Service.

ADDRESSES: Persons wishing to review the agency draft recovery plan may obtain a copy by contacting the Asheville Field Office, U.S. Fish and Wildlife Service, 330 Ridgefield Court, Asheville, North Carolina 28806 (Telephone 704/665–1195). Written comments and materials regarding the plan should be addressed to the Field Supervisor at the above address. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Nora Murdock at the address and telephone number shown above (Ext. 231).

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals or plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, established criteria for recognizing the recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that a public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

The primary species considered in this draft recovery plan is white irisette (*Sisyrinchium dichotomum*). The areas of emphasis for recovery actions are mountain slopes with circumneutral soils in Polk and Rutherford Counties, North Carolina, and Greenville County, South Carolina. Habitat protection, reintroduction, and preservation of genetic material are major objectives of this recovery plan.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of the plan.

Authority

The authority for this action is Section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: March 17, 1994.

Brian P. Cole,

Field Supervisor.

[FR Doc. 94–6986 Filed 3–23–94; 8:45 am]

BILLING CODE 4310–55–M

Bureau of Land Management

Notice of Intent To Prepare an Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior, Susanville District Office, California, [CA–020–5101–10–B039; CACA–31406, NVN–57250].

ACTION: Notice of Intent to Prepare an Environmental Impact Statement (EIS).

SUMMARY: This Notice of Intent to Prepare an Environmental Impact Statement is published in accordance with the regulations under Title 40, Code of Federal Regulations, Part 1501.7. The Bureau of Land Management (BLM), Susanville District will, together with the California Public Utilities Commission (CPUC) direct the preparation of a joint Environmental Impact Statement and Environmental Impact Report (EIS/EIR) for a proposed 345 kilovolt electric power transmission line. The joint EIS/EIR is to be prepared by a third party contractor. The BLM will be the lead Federal agency, and with the CPUC as the lead California State agency will produce this joint EIS/EIR to satisfy the requirements of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), respectively. The following Federal agencies have indicated that they will participate as cooperating agencies in the preparation of the EIS/EIR. U.S. Forest Service (Modoc and Toiyabe National Forests); Department of Defense (Sierra Army Depot); U.S. Fish and Wildlife Service; Bureau of Indian Affairs (Sacramento Area Office); Bonneville Power Administration.

The EIS/EIR will assess the environmental impacts of the approval, construction, operation and maintenance of a 345,000 volt (345KV) electric power transmission line approximately 160 miles long, running from the vicinity of Alturas, California through Modoc, Lassen, and Sierra Counties, California, through Washoe County, Nevada to the vicinity of Reno, Nevada. The project has been proposed by the Sierra Pacific Power Company of Reno, Nevada, and is referred to as the Alturas Intertie. The project would affect Federal, State and private lands. Possible alternatives to the project include: (1) Project and route alternatives presented in the proponent's application; (2) no action or project denial(s) alternative; (3) approval of one or more of the proposed alternative projects; (4) any reasonable project and route alternatives identified as a result of the scoping; and (5) combinations of any of the above.

The National Environmental Policy Act requires the BLM to take into account the environmental impacts that could result from a major Federal action. The CPUC is required to consider the same potential impacts of a proposed action within the State of California under the California Environmental Quality Act. The EIS/EIR we are preparing will give the BLM and the CPUC the information needed to make a decision based on understanding of environmental consequences and take actions that protect, restore and enhance the environment. NEPA (and CEQA) also requires us to discover and address concerns the public and other governmental agencies may have about a proposed project. This process is called "scoping". The main goal of the scoping process is to focus the analysis in the EIS/EIR on the important environmental issues, and to separate those issues that are not significant and do not require detailed study. the EIS/EIR will also evaluate possible alternatives to the project, or portions of the project, and make recommendations on how to avoid or lessen environmental impacts of the project.

The purpose of this notice is to invite members of the public, affected Federal, State, and local agencies, any affected Indian tribes, the proponent of the action, and other interested persons to participate in the scoping process for this project by providing written and verbal comments or recommendations concerning the issues to be analyzed in the EIS/EIR.

DATES: Written comments will be accepted until May 6, 1994. Public and governmental agency scoping sessions will be held in Reno, NV, Susanville, CA and Alturas, CA at locations and dates that will be announced soon.

ADDRESSES: Because this is a combined Federal EIS and State EIR, the Bureau of Land Management and the California Public Utilities Commission have agreed that all written comments will be collected at one location. Written comments on the combined Federal EIS and State EIR must therefore be sent to the California Public Utilities Commission (Attn: Julie Halligan, Project Manager); Commission Advisory and Compliance Division, Environmental and Energy Advisory Branch; 505 Van Ness Ave., Room 3207; San Francisco, CA 94102. Written comments should reference BLM case number CACA–31406, and the "Alturas Intertie Project".

FOR FURTHER INFORMATION CONTACT: This Federal Notice of Intent to prepare an EIS is issued by the District Manager, Bureau of Land Management, 705 Hall Street, Susanville, California 96130. Any Federal agencies or Indian tribes wishing to participate as a Federal Cooperating Agency should send a letter prior to May 1, 1994 to the BLM Susanville District Manager at this address, describing only the extent to which they want to be involved. (Scoping comments must be sent separately to the CPUC address given above.) The letter must reference case number CACA–31406. For further information on the Federal action, write to the District Manager or call Peter Humm, BLM Project Manager, at (916) 257–5381 or 257–0456.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management Susanville District Manager will be responsible for issuing the Record of Decision for public (BLM) land, and the Forest Supervisors for the Modoc National Forest and the Toiyabe National Forest will be responsible for issuing Records of Decision for National Forest System lands.

Sierra Pacific Power Company (SPPCo) of Reno, Nevada, has submitted right-of-way applications to the Bureau of Land Management and the United States Forest Service for the purpose of constructing, operating and maintaining a 345KV electric power transmission line from Alturas to Reno. Permits would also be needed from the California Public Utilities Commission and the Public Service Commission of Nevada. SPPCo proposes to buld this line to provide increased reliability and electric power capability to the Reno/Lake Tahoe area. The line would tap into a Bonneville Power Administration electric transmission line north of Alturas, CA, and run approximately 160 miles south to tie into the existing SPPCo electric power grid near Reno, NV. The proposed route generally parallels U.S. Highway 395 from Alturas to the vicinity of Wendel, CA, then runs east of Honey Lake and Herlong, CA, then south in the vicinity of Highway 395 again to the Reno area. This proposed route parallels the proposed Tuscarora gas pipeline route for much of the distance between Alturas and Herlong. The proposal includes the construction of two new electrical substations, one northwest of Alturas and one near Bordertown, Nevada. The existing SPPCo North Valley Road substation, near McCarran Blvd. in

Reno, would be improved to allow a tie-in by the new 345KV line. SPPCo proposes to build the powerline using tubular steel H-Frame structures, made of a steel which will weather to a dark brown color. The structures would support six non-reflective ("non-specular") stranded aluminum/steel conducting wires (one inch in diameter), arranged in three pairs of two wires, plus two steel "shield" wires which protect the line from lightning strikes. The shield wires would be ⅜" diameter stranded steel wires with fiberoptic cables inside the wires for SPPCo transmission operational communications.

The proposed line route would follow existing dirt and paved roads to the extent possible. New road construction would be limited as much as possible, and there are likely to be areas where the structures would be installed using helicopters.

Dated: March 15, 1994.

Herrick E. Hanks,

District Manager.

[FR Doc. 94–6757 Filed 3–23–94; 8:45 am]

BILLING CODE 4310–40–M

[WO–230–08–6310–02]

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the requirements should be made directly to the Bureau Clearance Officer and the Office of Management and Budget, Paperwork Reduction Project (1004–0102), Washington, DC 20503, telephone (202) 395–7340.

Title: Road Use Fees Paid Report.

OMB Approval Number: 1004–0102.

Abstract: This form is used to provide information needed to terminate a timber sale contract containing road amortization and road maintenance requirements.

Bureau Form Number: 5400–2 (formerly 5450–8).

Frequency: One for each relevant timber sale contract.

Description of Respondents: Individual, partnership, and corporate timber sale purchasers.

Estimated Completion Time: 15 minutes.

Annual Response: An average of 100.

Annual Burden Hours: 25.

Bureau Clearance Officer: Marsha Harley, (202) 452–5014.

J. David Almand,

Acting Assistant Director, Land and Renewable Resources.

[FR Doc. 94–6980 Filed 3–23–94; 8:45 am]

BILLING CODE 4310–84–M

[NM–030–4210–04; NMNM 82657]

Issuance of Exchange Conveyance Document and Order Providing for Opening of Public Land in Grant County, NM

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice informs the public of the conveyance of 40.00 acres of public land (surface estate) out of Federal ownership. This notice will also open 41.24 acres of acquired land to the operation of the public land laws.

FOR FURTHER INFORMATION CONTACT: Stephanie Hargrove, Acting Area Manager, Mimbres Resource Area, 1800 Marquess, Las Cruces, New Mexico 88005.

SUPPLEMENTARY INFORMATION: The United States issued an exchange conveyance document to Hurt Cattle Company, Incorporated, on September 16, 1993, for the following described land (surface estate) in Grant County, New Mexico, pursuant to Section 206 of the Act of October 21, 1976 (43 U.S.C. 1716):

New Mexico Principal Meridian

T. 26 S., R. 15 W.,
Sec. 34, SE¼SW¼.

Containing 40.00 acres.

In exchange for the above-described land, the United States acquired the following land (surface estate) within Grant County, New Mexico:

New Mexico Principal Meridian

T. 27 S., R. 15 W.,
Sec. 7, lot 2.

Containing 41.24 acres.

The purpose of this exchange was to resolve the unauthorized use of public land for a ranch headquarters. The public interest was served through completion of this exchange.

The values of the Federal public land and the non-Federal land in the exchange were equal.

At 9 a.m. on April 25, 1994, the land acquired by the United States shall be open to the operation of the public land laws, generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All applications received at or prior to 9 a.m. on April 25, 1994 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Dated: March 11, 1994.

Frank Splendoria,

Acting State Director.

[FR Doc. 94–6985 Filed 3–23–94; 8:45 am]

BILLING CODE 4310–FB–M

[ID–942–04–406A–02]

Idaho: Filing of Plats of Survey; Idaho

The plat of survey of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m., March 11, 1994.

The plat representing the dependent resurvey of a portion of the subdivisional lines and the subdivision of section 11, Township 4 South, Range 34 East, Boise Meridian, Idaho, Group No. 848, was accepted March 2, 1994.

This survey was executed to meet certain administrative needs of the Bureau of Indian Affairs.

All inquiries concerning the survey of the above-described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706.

Dated: March 11, 1994.

Gary T. Oviatt,

Acting Chief Cadastral Surveyor for Idaho.

[FR Doc. 94–6983 Filed 3–23–94; 8:45 am]

BILLING CODE 4310–GG–M

[AZ–930–4210–06; AZA–28475]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Postal Service has filed application AZA–28475, to withdraw 5.60 acres, more or less, (243,997.70 square feet) of public land from location and entry under the mining laws. The purpose of the withdrawal is to acquire land adjacent to the existing Riviera Post Office site to allow for expansion of the facility. This application is in compliance with regulations found in 43 CFR 2310.1–2.

Publication of this notice closes the land for up to 2 years from location and entry under the United States mining laws only. The land will remain open to all other uses applicable to withdrawn public lands. It has been and will remain open to the mineral leasing laws.

DATE: Comments and requests for a meeting should be received on or before June 22, 1994.

ADDRESS: Comments and meeting requests should be sent to the Arizona State Director, Bureau of Land Management (BLM), 3707 North 7th Street, Phoenix, Arizona 85014, or P.O. Box 16563, Phoenix, Arizona 85011–6563.

FOR FURTHER INFORMATION CONTACT: John Mezes, BLM, Arizona State Office, 602–650–0509.

SUPPLEMENTARY INFORMATION: On February 18, 1994, the U.S. Postal Service filed application AZA–28475 to withdraw the following described public land from location and entry under the United States mining laws, subject to valid existing rights. The U.S. Postal Service currently has an existing facility located on withdrawn lands in Bullhead City. This withdrawal will not overlap the existing withdrawal but will be adjacent to and will supplement it. This additional withdrawal will allow space for needed expansion of the existing facility and for additional parking areas. The Bullhead City area is one of the fastest growing areas in Arizona. Land proposed for withdrawal in this application are located in Mohave County and are described as follows:

Gila and Salt River Meridian

T. 20 N., R. 22 W., (North Parcel)
Sec. 20, Beginning at the NW corner of the SW¼ of the NW¼ of said section 20;
thence S. 89 50′55″., 50.00 feet to the TRUE POINT OF BEGINNING;
thence S. 89 50′55″E., 240.00 feet;
thence S. 00 01′35″E., 140.00 feet;
thence S. 89 50′55″E., 20.00 feet;
thence N. 00 01′35″W., 200.00 feet;
thence N. 89 50′55″W., 260.00 feet;
thence S. 00 01′35″E., 60.00 feet to the TRUE POINT OF BEGINNING.

The parcel described contains 18,400.00 square feet or approximately 0.42 acres.

T. 20 N., R. 22 W., (South Parcel)
Sec. 20, Beginning at the NW corner of the SW¼ of the NW¼ of said section 20;
thence S. 00 01′35″E., 140.00 feet;
thence S. 89 50′55″E., 50.00 feet to the TRUE POINT OF BEGINNING;
thence S. 89 50′55″E., 564.00 feet;
thence S. 00 01′35″E., 400.00 feet;
thence N. 89 50′55″W., 564.00 feet;
thence N. 00 01′35″W., 400.00 feet, to the TRUE POINT OF BEGINNING.

The parcel described contains 225,597.70 square feet or approximately 5.18 acres.

Total area to be withdrawn aggregates 243,997.70 square feet or approximately 5.60 acres.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the BLM.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the Arizona State Director within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the lands will be segregated as specified above unless the application is denied or cancelled or the withdrawal is approved prior to that date.

Dated: March 11, 1994.

Herman L. Kast,

Deputy State Director, Lands and Renewable Resources.

[FR Doc. 94–6981 Filed 3–23–94; 8:45 am]

BILLING CODE 4310–32–P

Bureau of Land Management

[WY–930–4210–06; WYW 132074]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, has filed an application to withdraw 90.00 acres of National Forest System lands for 20 years to protect capital investments in the Libby-Lewis Recreation Area. This notice closes the land for up to 2 years from location and entry under the United States mining laws. The land will remain open to mineral leasing and to all other uses which may be made of National Forest System lands.

DATES: Comments and request for meeting should be received on or before June 22, 1994.

ADDRESSES: Comments should be sent to the Wyoming State Director, BLM, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001.

FOR FURTHER INFORMATION CONTACT: Janet Booth, BLM Wyoming State Office, (307) 775–6124.

SUPPLEMENTARY INFORMATION: On February 17, 1994, the U.S. Department of Agriculture filed an application to withdraw the following described National Forest System lands from location and entry under the United States mining laws, subject to valid existing rights:

Sixth Principal Meridian, Wyoming

Medicine Bow National Forest

T. 16 N., R. 79 W.,
Sec. 17, W½NW¼SW¼NE¼, SW¼SW¼NE¼, SE¼NE¼NW¼, SE¼NW¼, N½NE¼SW¼, N½NW¼NW¼SE¼.

The area described contains 90.00 acres in Albany County.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the Wyoming State Director within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the land will be segregated as specified above unless the application is denied or cancelled or the withdrawal is approved prior to that date. During the segregative period, the Forest Service will continue to permit uses within the statutory authorities pertinent to National Forest lands and subject to discretionary approval.

Dated: March 16, 1994.

F. William Eikenberry,

Associate State Director.

[FR Doc. 94–6982 Filed 3–23–94; 8:45 am]

BILLING CODE 4310–22–M

National Park Service

Subsistence Resource Commission Meeting

AGENCY: National Park Service, Interior.

ACTION: Subsistence Resource Commission meeting.

SUMMARY: The superintendent of Wrangell-St. Elias National Park and the Chairperson of the Subsistence Resource Commission for Wrangell-St. Elias National Park announce a forthcoming meeting of the Wrangell-St. Elias National Park Subsistence Resource Commission.

The following agenda items will be discussed:

(1) Superintendent's welcome.

(2) Introduction of Commission members and guests.

(3) Election of Chair and Vice Chair.

(4) Review SRC role and purpose.

(5) Approval of minutes of previous meeting.

(6) SRC membership status.

(7) Update on Federal Subsistence Management Program.

(8) Update on C&T process for Upper Tanana and Copper River Basin.

(9) Superintendent's report:

a. Caribou management update.

b. Resource Management Program update.

(10) SRC resident zone boundary recommendations update.

(11) Follow-up discussion regarding process for addition of Tetlin and Northway as resident zone communities.

(12) Review current federal customary and traditional determinations for wolverine (GMU 11), sheep (GMU 12), goat (GMUs 11 & 12), and brown bear (GMUs 11 & 12).

(13) Public and other agency comments.

(14) Adjournment.

DATES: The meeting will be held Wednesday, April 6, 1994. The meeting will start at 9 a.m. and adjourn around 5 p.m.

LOCATION: The meeting will be held at the Caribou Cafe in Glennallen, Alaska.

FOR FURTHER INFORMATION CONTACT: Cordell Roy, Acting Superintendent, PO Box 29, Glennallen, Alaska 99588. Phone (907) 822–5234.

SUPPLEMENTARY INFORMATION: The Subsistence Resource Commissions are authorized under title VIII, section 808, of the Alaska National Interest Lands Conservation act, Public Law 96–487, and operate in accordance with the provisions of the Federal Advisory Committees Act.

John M. Morehead,

Regional Director.

[FR Doc. 94–6990 Filed 3–23–94; 8:45 am]

BILLING CODE 4310–70–M

Subsistence Resource Commission Meeting

AGENCY: National Park Service, Interior.

ACTION: Subsistence Resource Commission meeting.

SUMMARY: The Superintendent of Gates of the Arctic National Park and the Chairperson of the Subsistence Resource Commission for Gates of the Arctic National Park announce a forth coming meeting of the Gates of the Arctic National Park Subsistence Resource Commission.

The following agenda items will be discussed:

(1) Call to order.

(2) Roll call.

(3) Approval of summary of minutes.

(4) Review agenda.

(5) Superintendent's introductions and review of SRC function and purpose.

(6) Superintendent's management reports.

(7) Public and other agency comments.

(8) Old business:

a. Federal Subsistence Program update.

b. Review public comments on draft recommendations 9 and 10.

c. Secretarial response to Hunting Plan Recommendations 7 and 8.

d. Resource Management Plan review.

(9) New Business:

a. Subsistence Data Management update.

b. Community harvest reporting.

(10) Set time and place of next SRC meeting.

(11) Adjournment.

DATES: The meeting will be held Wednesday through Friday, April 6–8, 1994. Meeting times will be: 7–11 p.m. on the 6th, 1–5 p.m. and 7–11 p.m. on the 7th, and 8 a.m. to noon on the 8th.

LOCATION: The meetings will be held at the City Hall in Anaktuvuk Pass, Alaska.

FOR FURTHER INFORMATION CONTACT: Stephen P. Martin, Superintendent, PO Box 74680, Fairbanks, Alaska 99707. Phone (907) 456–0281.

The Subsistence Resource Commissions are authorized under title VIII, section 808, of the Alaska National Interest Lands Conservation Act, Public Law 96–487, and operate in accordance with the provisions of the Federal Advisory Committee Act.

John M. Morehead,

Regional Director.

[FR Doc. 94–6991 Filed 3–23–94; 8:45 am]

BILLING CODE 4310–70–M

National Capital Region; National Capital Memorial Commission; Public Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Commission will be held on Thursday, March 24, 1994, at 1 p.m., at the National Building Museum, room 312, 5th and F Streets, NW.

The Commission was established by Public Law 99–652, the Commemorative Works Act, for the purpose of preparing and recommending to the Secretary of the Interior, Administrator, General Services Administration, and Members of Congress broad criteria, guidelines, and policies for memorializing persons and events on Federal lands in the National Capital Region (as defined in the National Capital Planning Act of 1952, as amended), through the media of monuments, memorials and statues. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary and Administrator, and to serve as information focal point for those persons seeking to erect memorials on Federal land in the National Capital Region.

The members of the Commission are as follows: Director, National Park Service, Chairman, National Capital Planning Commission, The Architect of the Capitol, Chairman, American Battle Monuments Commission, Chairman, Commission of Fine Arts, Mayor of the District of Columbia, Administrator, General Services Administration, Secretary of Defense.

The purpose of the meeting will be to review site proposals for the Air Force Memorial. The meeting will be open to the public. Any person may file with the Commission a written statement concerning the matters to be discussed. Persons who wish to file a written statement or testify at the meeting or who want further information concerning the meeting may contact the Commission at 202–619–7097. Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the Office of Land Use Coordination, National Capital Region,

1100 Ohio Drive, SW., Room 201, Washington, DC, 20242.

Dated: March 9, 1994.

John G. Parsons,

Acting Regional Director, National Capital Region.

[FR Doc. 94-6989 Filed 3-23-94; 8:45 am]

BILLING CODE 4310-70-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 22-55]

Peanut Butter and Peanut Paste

AGENCY: United States International Trade Commission.

ACTION: Rescheduling of public hearing.

SUMMARY: The Commission has rescheduled to May 12, 1994, from April 28, 1994, its public hearing in this investigation.

The schedule for filing notices of appearances and briefs and the holding of a prehearing conference in conjunction with the hearing has been revised as follows: requests to appear at the hearing must be filed with the Secretary to the Commission not later than May 5, 1994; the prehearing conference will be held at the U.S. International Trade Commission Building at 9:30 a.m. on May 9, 1994; the deadline for filing prehearing briefs is May 5, 1994; the hearing will be held at the U.S. International Trade Commission Building at 9:30 a.m. on May 12, 1994; and the deadline for filing posthearing briefs is May 19, 1994.

EFFECTIVE DATE: March 17, 1994.

FOR FURTHER INFORMATION CONTACT: Jim McClure (202-205-3191), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000.

SUPPLEMENTARY INFORMATION: The subject investigation was instituted by the Commission on January 18, 1994. Notice of the investigation and the schedule for its conduct, including the April 28 hearing, was published in the **Federal Register** of January 26, 1994 (59 FR 3734).

For further information concerning the conduct of this investigation and rules of general application see the Commission's notice of investigation cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 204, (19 CFR part 204).

This notice is published pursuant to section 204 of the Commission's rules (19 CFR 204.4).

Issued: March 18, 1994.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 94-6932 Filed 3-23-94; 8:45 am]

BILLING CODE 7020-02-P

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 290 (Sub No. 5) (94-2)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Interstate Commerce Commission.

ACTION: Approval of rail cost adjustment factor and decision.

SUMMARY: The Commission has approved a second quarter 1994 rail cost adjustment factor (RCAF) and cost index filed by the Association of American Railroads. The second quarter RCAF (Unadjusted) is 1.024. The second quarter RCAF (Adjusted) is 0.826, an decrease of 1.7 percent from the first quarter 1994 RCAF (Adjusted) of 0.840. Maximum second quarter 1994 RCAF rate levels may not exceed 98.3 percent of maximum first quarter 1994 RCAF rate levels.

EFFECTIVE DATE: April 1, 1994.

FOR FURTHER INFORMATION CONTACT: John C. Pertino, (202) 927-6229, Robert C. Hasek, (202) 927-6239. TDD for hearing impaired: (202) 927-5721.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or telephone (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

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

Pursuant to 5 U.S.C. 605(b), we conclude that our action will not have an adverse economic impact on a substantial number of small entities. The economic impact on small entities is not likely to be significant within the meaning of the Regulatory Flexibility Act.

Decided: March 17, 1994.

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

Sidney L. Strickland,

Secretary.

[FR Doc. 94-7113 Filed 3-23-94; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 30186 (Sub No. 2)]

Tongue River Railroad Co.; Construction and Operation of Additional Rail Line in Rosebud and Big Horn Counties, MT

In the Draft Environmental Impact Statement (DEIS) served July 17, 1992, the Commission's Section of Environmental Analysis (SEA) addressed the Tongue River Railroad Company's (TRRC's) proposal to construct and operate a 41-mile rail line from Ashland to Decker, Montana (the Extension). The proposed rail line would serve as an extension to TRRC's already-approved but not yet built 89-mile rail line from Miles City to Ashland, Montana.

In the DEIS, SEA preliminarily concluded that because of the environmental impacts associated with TRRC's proposed route, the Four Mile Creek Alternative would be environmentally preferable should the Commission decide to grant TRRC's construction application. However, based on comments to the DEIS, SEA's further investigation, TRRC's alignment changes to the proposed route, and a more comprehensive Mitigation Plan, SEA now believes that the Four Mile Creek Alternative would have more adverse consequences on the environment than TRRC's current proposed route. Generally, when a substantial change is made to the approach a Federal agency has taken in a DEIS, the rules of the Council on Environmental Quality implementing the National Environmental Policy Act require the preparation of a Supplement to the DEIS [40 CFR 1502.9(c)]. Because SEA no longer believes that the Four Mile Creek Alternative would be the environmentally preferable route if the Commission grants TRRC's application, SEA has prepared this Supplement to the DEIS (Supplement).

The "no build" alternative has been carefully considered by SEA. This alternative would be environmentally neutral since construction and operation of the proposed Extension and the related environmental impacts would not occur. Because TRRC already has obtained Commission authority to construct and operate a rail line

between Miles City and Ashland, TRRC would be able to serve new mines in the project area even if the Commission denied the proposed Extension. Moreover, with the "no build" alternative, the present movement of coal from the Decker mines would be unaffected because the Burlington Northern Railroad is already providing service to these mines via an alternate route. In sum, the "no build" alternative would preserve the environmental status quo.

SEA invites comments on the Supplement. SEA specifically requests comments on (1) the environmental preferability of TRRC's current proposed route versus the Four Mile Creek Alternative; (2) the "no build" alternative; and (3) any other feasible alternatives. These comments should provide as much substantive information and supporting evidence as possible.

SEA will consider all comments to this Supplement and the prior comments to the DEIS before issuing a Final Environmental Impact Statement (FEIS). The FEIS will take into account all the comments received during the entire environmental review process and include SEA's final environmental recommendations to the Commission. The Commission will then consider the FEIS and the entire environmental record in making its decision in this proceeding.

Send an original and 10 copies of comments referring to Finance Docket No. 30186 (Sub No. 2) to: Dana White, Section of Environmental Analysis, room 3214, Interstate Commerce Commission, Washington, DC 20423. Questions regarding this Supplement or requests for copies of the Supplement should be directed to Ms. White or Elaine K. Kaiser, Chief, Section of Environmental Analysis at (202) 927-6214. TDD for hearing impaired: (202) 927-5721.

Also, a copy of the comments should be sent to TRRC's representative: Mr. Thomas Ebzery, Village Center I, suite 165, 1500 Poly Drive, Billings, MT 59102.

Date made available to the public: March 17, 1994.

Comment due date: May 9, 1994.

By the Commission, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Sidney L. Strickland,

Secretary.

[FR Doc. 94-7114 Filed 3-23-94; 8:45 am]

BILLING CODE 7035-01-P

[Docket No. AB-397 (Sub-No. 1X)]

Tulare Valley Railroad Co.; Abandonment Exemption—in Kings and Tulare Counties, CA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission, pursuant to 49 U.S.C. 10505, exempts from the prior approval requirements of 49 U.S.C. 10903, *et seq.* the abandonment by Tulare Valley Railroad Company of 29.5 miles of rail line: (1) Between milepost 0.3 at Corcoran and milepost 15.1 at Tulare; and (2) between milepost 23.8 at Visalia and milepost 38.5 at Cutler, in Kings and Tulare Counties, CA, subject to environmental, historic preservation and standard labor protective conditions.

DATES: Provided no formal expression of intent to file a financial assistance offer has been received, this exemption will be effective on April 23, 1994. Formal expressions of intent to file financial assistance offers [1] under 49 CFR 1152.27(c)(2) must be filed by April 3, 1994. Petitions to stay must be filed by April 4, 1994. Requests for a public use condition must be filed by April 13, 1994. Petitions to reopen must be filed by April 13, 1994.

ADDRESSES: Send pleadings referring to Docket No. AB-397 (Sub-No. 1X) to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representative: Fritz R. Kahn, Klein & Bagileo, 1101 30th Street NW., Washington, DC 20007.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar (202) 927-5660. [TDD for hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Decided: March 16, 1994.

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

Sidney L. Strickland,

Secretary.

[FR Doc. 94-7115 Filed 3-23-94; 8:45 am]

BILLING CODE 7035-01-P

[1] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with Department of Justice Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States* v. *Ownbey Enterprises, Inc.*, Civ No. 4:91-CV-0064-HLM, was lodged with the United States District Court for the Northern District of Georgia on March 11, 1994. This Consent Decree resolves a judicial enforcement action brought by the United States against the defendant pursuant to section 9006 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6991e, for injunctive relief and civil penalties. In its Compliant, the United States alleged that the defendant failed to comply with an administrative consent order signed by defendant.

The proposed Consent Decree provides that the defendant will pay a civil penalty of $27,500 in settlement of claims alleged in the Complaint. In addition, the Decree requires that the defendant remediate petroleum contamination identified in the administrative consent order.

The Department of Justice will receive for a period of 30 days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Ownbey Enterprises, Inc.*, D.O.J. Ref. No. 90-7-1-607.

This proposed Consent Decree may be examined at the offices of the United States Attorney, Northern District of Georgia, Richard Russel Building, Room 1800, 75 Spring Street, Atlanta, Georgia 30335; at the Office of Regional Counsel, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC (20005), 202-624-0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $3.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 94-6999 Filed 3-23-94; 8:45 am]

BILLING CODE 4410-01-M

Notice of Lodging of Consent Decrees Under Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on March 11, 1994, four proposed Consent Decrees in *United States* v. *Wedzeb Enterprises, Inc., et al.* (Civil No. IP90–1877C) were lodged with the United States District Court for the Southern District of Indiana. The proposed Consent Decrees concern the hazardous waste site known as the Wedzeb Site located in Lebanon, Indiana, approximately 30 miles northwest of Indianapolis. Under the four consent decrees, Cooper Industries, Inc., Doerr Electric Corporation, Emerson Electric Co., Federal Signal Corporation, and Westinghouse Electric Corporation will pay a total of $140,000 to the Hazardous Substances Superfund to resolve claims asserted against them under section 107(a)(3) of CERCLA, 42 U.S.C. 9607(a)(3).

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decrees. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Environmental Enforcement Section, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20530, and should refer to *United States* v. *Wedzeb Enterprises, Inc., et al.* and D.J. reference 90–11–2–135.

The proposed Consent Decrees may be examined at the office of the United States Attorney, Southern District of Indiana, 500 U.S. Courthouse, 46 East Ohio Street, Indianapolis, Indiana 46204; at the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604; and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. Copies of the proposed Consent Decrees may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting copies, please enclose a check in the amount of $15.50 (25 cents per page reproduction cost) payable to the Consent Decree Library.

John C. Cruden,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 94–6998 Filed 3–23–94; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Advanced Lead-Acid Battery Consortium

Notice is hereby given that, on March 2, 1994, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the Advanced Lead-Acid Battery Consortium ("ALABC"), a discrete program of the International Lead Zinc Research Organization, Inc. ("ILZRO"), filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing a change in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Wirtz Manufacturing Company, Inc., Port Huron, MI, has become a member of the ALABC.

No other changes have been made in either the membership or planned activity of the ALABC. Membership in this group research project remains open, and the ALABC intends to file additional written notification disclosing all changes in membership.

On June 15, 1992, the ALABC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on July 29, 1992, 57 FR 33522.

The last notification was filed with the Department on August 31, 1993. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on October 1, 1993, 58 FR 51382.

Joseph H. Widmar,

Deputy Assistant Attorney General, Antitrust Division.

[FR Doc. 94–6997 Filed 3–23–94; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Monsanto Company

Notice is hereby given that, on January 19, 1994, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1994, 15 U.S.C. 4301 *et seq.* ("the Act"), Monsanto Company ("Monsanto"), on behalf of Monsanto, E.I. DuPont de Nemours & Company and the General Electric Company, has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing: (1) The identities of the parties to and (2) the nature and objectives of a joint research and development program for the advancement of integrated *in situ* treatment technologies. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are Monsanto Company, St. Louis, MO; E.I. DuPont de Nemours & Company, Wilmington, DE; and the General Electric Company, Schenectady, NY.

The area of planned activity is to combine expertise, technology and resources from the parties to advance integrated *in situ* treatment technologies to remediate organic and metal contaminants in soils. The technologies to be integrated into a viable system include electro-kinetics with one or more technologies involving: (a) Treatment zone formation via hydrofracturing, trenching, sheet piling, etc.; (b) *in situ* destruction via biotreatment, catalysis, etc.; (c) adsorption/precipitation technology; and (d) surfactant flushing or other separation technology.

Joseph H. Widmar,

Deputy Assistant Attorney General Antitrust Division.

[FR Doc. 94–6996 Filed 3–23–94; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Multidisciplinary Analysis and Design Industrial Consortium

Notice is hereby given that, on December 30, 1993, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the Multidisciplinary Analysis and Design Industrial Consortium has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing: (1) The identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identifies of the parties are General Motors Corporation, Detroit, MI; Allison Engine Company Indianapolis, IN; Ford Motor Company, Dearborn, MI; Lockheed Aeronautical Systems Company, Marietta, GA; Northrop Corp.—B2 Division, Pico Rivera, CA; United Technologies Research Center, E. Hartford, CT; Boeing Defense and Space

Group, Philadelphia, PA; General Electric Corporate Research & Development, Schenectady, NY; Grumman Aerospace & Electronics, Bethpage, NY; McDonnell-Douglas Aerospace, St. Louis, MO; Rockwell International-NAA, El Segundo, CA; and Vought Aircraft Corp., Dallas, TX.

The parties intend to identify opportunities for joining aspects of their independent research and development efforts pertaining to implementation of integrated multidisciplinary design, analysis and optimization systems on heterogeneous computer networks. The objectives are to:

(1) Define the generic systems architecture and software requirements for an integrated multidisciplinary design, analysis, and optimization system that could service a broad range of U.S. industries;

(2) Identify what must be added to the generic technology base to implement an integrated multidisciplinary design, analysis and optimization system for specific product development efforts of interest to U.S. industries, and facilitate efforts to fill such gaps; and

(3) Participate in national, industry and academic policy development to influence such policy development in directions that will be synergistic with such objectives.

Joseph H. Widmar,

Deputy Assistant Attorney General, Antitrust Division.

[FR Doc. 94–6995 Filed 3–23–94; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Osinet Corp.

Notice is hereby given that, on December 6, 1993, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), OSINET Corporation ("OSINET") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing a change in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the change is as follows: Intergraph ceased membership in OSINET effective September 8, 1993.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and OSINET intends to file additional written notification disclosing all changes in membership.

On April 15, 1991, OSINET filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 19, 1991 (56 FR 58400).

The last notification was filed with the Department on August 24, 1993. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on October 28, 1993 (58 FR 58019).

Joseph H. Widmar,

Deputy Assistant Attorney General, Antitrust Division.

[FR Doc. 94–7000 Filed 3–23–94; 8:45 am]

BILLING CODE 4410–01–M

Pursuant to the National Cooperative Research and Production Act of 1993—Portland Cement Association

Notice is hereby given that, on February 22, 1994, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), the Portland Cement Association ("PCA") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing a change in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, BoxCrow Cement is no longer a member of the PCA.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and PCA intends to file additional written notification disclosing all changes in membership.

On January 7, 1985, PCA filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on February 5, 1985, 50 FR 5015.

The last notification was filed with the Department on January 6, 1994. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on March 1, 1994, 59 FR 9771.

Joseph H. Widmar,

Deputy Assistant Attorney General, Antitrust Division.

[FR Doc. 94–7001 Filed 3–23–94; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Center for Manufacturing Sciences, Inc.

Notice is hereby given that, on February 15, 1994, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), National Center for Manufacturing Sciences, Inc. ("NCMS") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, NCMS has added Flame-Spray Industries, Inc., Port Washington, NY; International Business Machine Corporation, Armonk, NY; Knowledge Based Systems, Inc., College Station, TX; Lead Time Services, Inc. (d/b/a/ RJ Associates), San Jose, CA; Micromet Instruments, Inc., Newton Center, MA; Munro & Associates, Inc., Troy, MI: Productivity Technologies, Inc., Sunnyvale, CA; and SP³ Inc., Mountain View, CA as active members; and Les Chefs Mailleurs De La Qualite Inc., Quebec, CANADA as an affiliate member. The following companies have been deleted from NCMS membership: Allied Screw Products, Inc., Bordie Products, Inc., Chromalloy Compressor Technologies Corporation, Mechatronic Technologies, Inc., Thixomat, Inc., Composites Automation Consortium, Inc., DemMaTec Foundation, Inc., New Mexico State University, Rio Grande Technology Foundation, and University of Kentucky Center for Robotics and Manufacturing Systems.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NCMS intends to file additional written notification disclosing all changes in membership.

On February 20, 1987, NCMS filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 17, 1987 (52 FR 8375). The last notification was filed with the Department on November 9, 1993. A notice was published in the **Federal Register** pursuant to section 6(b) of the

Act on December 17, 1993 (58 FR 66022).

Joseph H. Widmar,

Deputy Assistant Attorney General, Antitrust Division.

[FR Doc. 94-6994 Filed 3-23-94; 8:45 am]

BILLING CODE 4410-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-382]

Entergy Operations, Inc.; Partial Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Entergy Operations, Inc. (the licensee) to partially withdraw its May 8, 1991, application as supplemented by letters dated March 6, 1992, and January 28, 1993, for proposed amendment to Facility Operating License No. NPF-38 for the Waterford Steam Electric Station, Unit 3, located in St. Charles Parish, Louisiana.

The amendment revised the Technical Specifications (TSs) by revising the fuel oil amounts to the feed and storage tanks for the emergency diesel generators, clarifying the testing for the interconnecting piping, and revising the specific gravity of the fuel oil.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on June 26, 1991, (56 FR 29274) as revised April 14, 1993, (58 FR 19478). However, by supplemental letter dated March 6, 1992, the licensee partially withdrew the proposed change pertaining to the revised frequency of testing of the diesel generator.

For further details with respect to this action, see the application for amendment dated May 8, 1991, as supplemented by letters dated March 6, 1992, (which partially withdrew the application for license amendment), and January 28, 1993. The above documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at the University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122.

Dated at Rockville, Maryland, this 16th day of March 1994.

For the Nuclear Regulatory Commission.

David L. Wiggington,

Senior Project Manager, Project Directorate IV-1, Division of Reactor Projects—III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 94-6923 Filed 3-23-94; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-366]

Georgia Power Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 132 to Facility Operating License No. NFP-5 issued to Georgia Power Company, et al. (the licensee), which revised the Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit 2, located in Appling County, Georgia. The amendment is effective as of the date of issuance.

The amendment modified the Technical Specifications (TS) to permit an increase in the allowable leak rate for the main steam isolation valves (MSIVs) and deleted the TS requirements for the MSIV leakage control system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the **Federal Register** on November 5, 1993 (58 FR 59081). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment (59 FR 9780).

For further details with respect to the action see: (1) The application for amendment dated October 1, 1993, as revised January 6, 1994, and supplemented February 3, 1994, (2) Amendment No. 132 to License No. NPF-5, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555, and at the local public document room located at Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513.

Dated at Rockville, Maryland, this 17th day of March 1994.

For the Nuclear Regulatory Commission.

Kahtan N. Jabbour,

Project Manager, Project Directorate II-3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 94-6922 Filed 3-23-94; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 72-3 (50-261)]

Carolina Power and Light Co.; Issuance of Amendment Materials License No. SNM-2502

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Materials License No. SNM-2502 held by the Carolina Power and Light Company for the receipt and storage of spent fuel at the H.B. Robinson Independent Spent Fuel Storage Installation (ISFSI), located on the H.B. Robinson Steam Electric Plant Unit 2 site, Darlington County, South Carolina. The amendment is effective as of the date of issuance.

The amendment deletes the requirement to inspect the interior of the Horizontal Storage Module (HSM) at the ISFSI located at the H.B. Robinson Steam Electric Plant, Unit 2 site, as requested by the licensee by letter dated November 1, 1993.

Pursuant to 10 CFR 72.56, the Commission has determined that the granting of the amendment is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest.

The amendment complies with the standards of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the exemption and license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration and does not present a genuine issue as to whether the health and safety of the public will be significantly affected.

The Commission has determined that the issuance of the amendment will not result in any significant environmental

impact and that, pursuant to 10 CFR 51.22(c)(11), an environmental assessment need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see: (1) Amendment No. 10 to Materials License No. SNM–2502, and (2) the Commission's letter to the licensee dated March 17, 1994, and (3) the request for amendment dated November 1, 1993. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, and at the Local Public Document Room at the Nuclear Information Depository, Hartsville Memorial Library, 220 N. Fifth Street, Hartsville, South Carolina 29550.

Dated at Rockville, Maryland, this 17th day of March 1994.

For the Nuclear Regulatory Commission.

Charles J. Haughney,

Chief, Storage and Transport Systems Branch, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 94–6921 Filed 3–23–94; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Meeting Agenda

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on April 7–9, 1994, in room P–110, 7920 Norfolk Avenue, Bethesda, Maryland. Notice of this meeting was published in the **Federal Register** on February 15, 1994.

Thursday, April 7, 1994

8:30 a.m.–8:45 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding conduct of the meeting and comment briefly regarding items of current interest. During this session, the Committee will discuss priorities for preparation of ACRS reports.

8:45 a.m.–10:15 a.m.: ABB–CE System 80+ Standard Plant Design (Open)—The Committee will hear presentations by and hold discussions with representatives of ABB–CE and the NRC staff regarding the Final Design Approval (FDA) for the System 80+ Standard Plant.

10:30 a.m.–11:30 a.m.: Proposed Final Rule on Protection Against Malevolent Use of Vehicles at Nuclear Power Plants (Open/Closed)—The Committee will review and comment on the Proposed Final Rule on Protection Against Malevolent Use of Vehicles at Nuclear Power Plants. Representatives of the NRC staff will participate. Representatives of the industry and other interested parties will participate, as appropriate.

A portion of this session may be closed to discuss Safeguards and Security information.

11:30 a.m.–12:30 p.m.: Recirculation Sump Strainer Clogging (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the vulnerability of U.S. nuclear power plants to recirculation sump strainer clogging and actions taken by the NRC staff to rectify this problem.

1:30 p.m.–2:30 p.m.: PRA Implementation Plan (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the NRC staff plan to implement the recommendations of the PRA Working Group and the PRA-related recommendations of the Regulatory Review Group.

2:30 p.m.–3:30 p.m.: Report of the Planning and Procedures Subcommittee (Open/Closed)—The Committee will hear a report of the Planning and Procedures Subcommittee on matters related to the conduct of ACRS business and internal organizational and personnel matters relating to the ACRS staff members.

A portion of this session may be closed to discuss matters that relate solely to internal personnel rules and practices of this advisory Committee, and matters the release of which would represent a clearly unwarranted invasion of personal privacy.

3:30 p.m.–3:45 p.m.: Election of Member-at-Large (Open)—The Committee will elect the Member-At-Large to the Planning and Procedures Subcommittee.

4:00 p.m.–5:30 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters considered during this meeting, including Final Design Approval for the ABWR, and issues stemming from the review of evolutionary plant designs and their applicability to operating nuclear power plants. Representatives of the NRC staff will participate, as appropriate.

Friday, April 8, 1994

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding conduct of the meeting.

8:35 a.m.–10:15 a.m.: Restart of Brunswick Nuclear Plant (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and the licensee regarding the problems that led to the shutdown of the Brunswick Nuclear Power plant, including the core shroud cracking issue, and the actions taken by the licensee and the staff to rectify these problems.

10:30 a.m.–11:30 a.m.: Future ACRS Activities (Open)—The Committee will discuss topics proposed for consideration during future ACRS meetings.

11:30 a.m.–11:45 a.m.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss responses from the NRC Executive Director for Operations to recent ACRS comments and recommendations.

12:45 p.m.–4:30 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters considered during this meeting.

4:30 p.m.–6:30 p.m.: Strategic Planning (Open)—The Committee will discuss issues of significant importance to the ACRS and the Commission.

Saturday, April 9, 1994

8:30 a.m.–12 noon: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports to the Commission on matters considered during this meeting.

12 Noon–12:30 p.m.: ACRS Subcommittee Activities (Open)—The Committee will hear reports and hold discussions regarding the status of ACRS subcommittee activities.

12:30 p.m.–1 p.m.: Miscellaneous (Open)—The Committee will discuss miscellaneous matters related to the conduct of Committee activities and complete discussion of topics that were not completed during previous meetings as time and availability of information permit.

Procedures for the conduct of and participation in ACRS meetings were published in the Federal Register on September 30, 1993 (58 FR 51118). In accordance with these procedures, oral or written statements may be presented by members of the public, electronic recordings will be permitted only during the open portions of the meeting, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS Executive Director, Dr. John T. Larkins, as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for

such statements. Use of still, motion picture, and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting the ACRS Executive Director prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with subsection 10(d) Public Law 92–463 that it is necessary to close portions of this meeting noted above to discuss information that involves the internal personnel rules and practices of this advisory Committee per 5 U.S.C. 552b(c)(2); to discuss information the release of which would represent a clearly unwarranted invasion of personal privacy per 5 U.S.C. 552b(c)(6); and to discuss safeguards and security information exempted from disclosure by a statute that establishes particular criteria for withholding or refers to particular types of matters to be withheld per 5 U.S.C. 552b(c)(3).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting the ACRS Executive Director, Dr. John T. Larkins (telephone 301–492–4516), between 7:30 a.m. and 4:15 p.m. EST.

Dated: March 18, 1994.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 94–6920 Filed 3–23–94; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Chicago Stock Exchange, Incorporated; Application for Unlisted Trading Privileges in an Over-the-Counter Issue and To Withdraw Unlisted Privileges in an Over-the-Counter Issue

March 17, 1994.

On March 11, 1994, the Chicago Stock Exchange, Inc. ("CHX"), submitted an application for unlisted trading privileges ("UTP") pursuant to section 12(f)(1)(C) of the Securities Exchange Act of 1934 ("Act") in the following over-the-counter ("OTC") security, *i.e.*, a security not registered under section 12(b) of the Act.

File No.	Symbol	Issuer
7–12150	PHYB	Pioneer Hi-Bred International, Common Stock, $1.00 par value.

The above-referenced issue is being applied for as a replacement for the following security, which forms a portion of the Exchange's program in which OTC securities are being traded pursuant to the granting of UTP.

The CHX also applied to withdraw UTP pursuant to section 12(f)(4) of the Act for the following issue:

File No.	Symbol	Issuer
7–12151	IMMU	Immunomedics, Common Stock, $.01 par value.

A replacement issue is being requested due to lack of trading activity.

Comments

Interested persons are invited to submit, on or before April 7, 1994, written comments, data, views and arguments concerning this application. Persons desiring to make written comments should file three copies with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

Commentators are asked to address whether they believe the requested grant of UTP as well as the withdrawal of UTP would be consistent with section 12(f)(2), which requires that, in considering an application for extension or withdrawal of UTP in an OTC security, the Commission consider, among other matters, the public trading activity in such security, the character of such trading, the impact of such extension on the existing markets for such security, and the desirability of removing impediments to and the progress that has been made toward the development of a national market system.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–6874 Filed 3–23–94; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–33780; File No. SR–NASD–93–66]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change Relating to Filing Requirements for Use of Mutual Fund Rankings and Elimination of Sunset Provisions in Pre-Filing Requirements of Advertising and Government Securities Rules

March 17, 1994.

On February 7, 1994, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("SEC" or "Commission")[1] a proposed rule change pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[2] and rule 19b–4 thereunder.[3] The proposed rule change amends Article III, section 35 of the NASD Rules of Fair Practice[4] and section 8 of the NASD Government Securities Rules[5] to: (1) Require filing of advertisements and sales literature relating to investment companies; (2) made the pre-filing requirement of Article III, subsection 35(c)(2) of the Rules of Fair Practice and in subsection 8(c)(1)(B) of the Government Securities Rules permanent; and (3) properly reference the "Advertising Regulation Department" throughout Article III, section 35 of the Rules of Fair Practice and the Government Securities Rules.

Notice of the proposed rule change, together with the substance of the proposal, was provided by issuance of a Commission release (Securities Exchange Act Release No. 33603, February 8, 1994) and by publication in the **Federal Register** (59 FR 7282, February 15, 1994). One comment letter favoring the proposed rule change was received. This order approves the proposed rule change.

As the number of mutual funds has increased substantially in recent years, so has the number of mutual fund ranking entities ("Ranking Entities"). Ranking Entities, as well as mutual funds and fund affiliates, categorize and rank mutual funds by, for example, fund type, performance over a given period of years, total return, standardized yield calculated pursuant to Commission

[1] The NASD initially submitted the proposed rule change on November 4, 1993. However, on February 7, 1994, the NASD filed Amendment No. 1, which amended and superseded the original rule filing.

[2] 15 U.S.C. 78s(b)(1) (1988).

[3] 17 CFR 240.19b–4 (1993).

[4] NASD Manual, Rules of Fair Practice, Article III, Sec. 35 (CCH) ¶ 2195.

[5] NASD Manual, Government Securities Rules, Sec. 8 (CCH) ¶ 2428.

rules, the variations in sales charges, and risk/reward. References to such rankings in mutual fund advertisements and sales literature have also increased substantially in recent years as members have attempted to boost the sale of fund shares by touting the performance of various mutual funds.

The Commission believes that it is important that the NASD review and regulate the use of ranking materials and the development of customized rankings in order to prevent the misleading use of such rankings. The NASD, therefore, has proposed to amend Article III, section 35(c) of the NASD Rules of Fair Practice to require that copies of mutual fund rankings and the data on which the rankings are based be submitted to the Association's Advertising Regulation Department for review. The proposed rule change requires members filing advertisements or sales literature for review which use or incorporate mutual fund rankings to include in the filing a copy of the ranking or comparison.[6]

Subsection 35(c)(1) will require that any member that files any investment company advertisements or items of sales literature pursuant to subsection 35(c)(1) which include or incorporate rankings or comparisons of the investment company with other investment companies, shall include a copy of the ranking or comparison used in the advertising or sales literature. The requirements of this provision will permit the staff to immediately determine whether the use of the ranking complies with the Guidelines, and avoid the need for the NASD staff to research the ranking or attempt to obtain a copy of the source information in order to verify the accuracy of the material.

The proposed rule change amends subsection 35(c)(2), which currently requires certain advertisements to be filed by members 10 days prior to use, to require such pre-use filing for all investment company advertisements or items of sales literature which incorporates rankings or comparisons of the investment company with other investment companies where the ranking or comparison is not generally published or is the creation, directly or indirectly, of the investment company, its underwriter or an affiliate.[7] While the NASD is concerned about permitting ranking categories to be created by investment companies or their affiliates, rather than by a Ranking Entity, customized ranking nonetheless may provide meaningful information to the investor. Such filing also must include a copy of the data, ranking or comparison on which the ranking or comparison is based.

The NASD also is amending Article III, subsection 35(c)(2) of the Rules of Fair Practice and subsection 8(c)(1)(B) of the Government Securities Rules to eliminate sunset provisions relating to collateralized mortgage obligations ("CMOs"). This change would make the pre-filing requirement for CMO advertisements permanent.

Finally, the NASD is modifying references to the Advertising Department to reference the Advertising Regulation Department in Article III, Section 35 of the Rules of Fair Practice and the Government Securities Rules.

The Commission finds that the proposed rule change is consistent with the provisions of section 15A(b)(6) of the Act[8] because it ensures that the use of rankings of investment companies in advertising and sales literature is accurate and presents investors with fair and meaningful data upon which to make an informed investment decision. With respect to the proposed elimination of the sunset provisions for the prefiling of CMO advertisements, the Commission believes that the positive regulatory benefits seen since implementation of the provision, i.e., the reduction in misleading advertising, warrants making the prefiling requirement provision permanent. Finally, the clarifications referring to the phrase "Advertising Regulation Department," rather than "Advertising Department" will reduce unnecessary confusion among NASD members.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that File No. SR–NASD–93–66 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. 94–6873 Filed 3–23–94; 8:45 am]

BILLING CODE 8010–01–M

[6] The NASD also has proposed Guidelines for the Use of Rankings in Mutual Fund Advertisements and Sales Literature ("Guidelines") on which the NASD review will be based. See Securities Exchange Act Release No. 33606 (Feb. 8, 1994), 59 FR 7276 (Feb. 15, 1994) (noticing File No. SR–NASD–93–69).

[7] The proposed Guidelines permit the use of a ranking based on a category or subcategory created by a fund or a fund affiliate rather than by a Ranking Entity, so long as the ranking is based on the performance measurements of a Ranking Entity.

[8] 15 U.S.C. 78o–3.

DEPARTMENT OF STATE

Bureau of Political-Military Affairs

[Public Notice 1968]

Consideration of Defense Articles and Defense Services Marketing License Requests for South Africa

AGENCY: Department of State.

ACTION: Public notice.

SUMMARY: Pursuant to section 38 of the Arms Export Control Act, notice is hereby given that the Department of State will on a case-by-case basis consider licenses and approvals for (1) marketing proposals to sell United States Munitions List items to South Africa and for (2) export of the minimum basic operational and maintenance data necessary to support such proposals. However, exports of defense articles and services subject to the United Nations arms embargo on South Africa will not be approved while the embargo remains in force.

EFFECTIVE DATE: March 24, 1994.

FOR FURTHER INFORMATION CONTACT: John Clarkson, Political-Military Affairs Officer, Office of Export Control Policy, Defence Trade Policy, Bureau of Political-Military Affairs, Department of State (202) 647–4231.

SUPPLEMENTARY INFORMATION: South Africa is currently under a mandatory arms export embargo imposed by the United Nations Security Council, and is a proscribed destination for exports of defense articles and services pursuant to 22 CFR 126.1. However, it is contemplated that the embargo may end once certain events take place. Because of this, the Department of State will now consider, on a case-by-case basis, granting licenses and approvals for proposals to sell defense articles and defense services to South Africa and to export the minimum amount of basic operations and maintenance technical data necessary to support such proposals, so long as assurances are received that this data will be used in support of such proposals and for no other purpose. Approvals for the export of the aforementioned technical data will only be granted if the Director, Office of Defense Trade Controls, receives reliable assurances from the foreign end-user that it will only use the technical data for evaluation and informational purposes related to the proposed sale, and not for any other purposes. The Department of State will not grant licenses for the actual sale or export of defense articles and defense services (other than for the aforementioned technical data and for

exceptions in accordance with current policy as provided for in § 126.1(c)) while the U.N. arms embargo against South Africa and U.S. regulations prohibiting the export to South Africa of defense articles and services are in force.

Section 126.1(e) also provides that any person who knows or has reason to know of a proposal to sell or transfer to a country referred to in § 126.1, or to any person acting on its behalf, any defense articles, defense services or technical data subject to the ITAR must immediately inform the Office of Defense Trade Controls. Effective immediately, this requirement no longer applies to South Africa. However, the obligation to inform the Office of Defense Trade Controls of actual sales or transfers to South Africa remains in place.

The licenses and approvals subject to this policy include proposals, within the meaning of 22 CFR 126.1(e), to sell or transfer defense articles and services. This policy also covers licenses and approvals to export the minimum basic technical data in the form of operations and maintenance information related to a defense article or service which is necessary to support a sales proposal. For this purpose, a proposal is defined as the communication of information in sufficient detail to permit an intended purchaser to decide either to acquire the particular equipment in question or to enter into a manufacturing license agreement or technical assistance agreement. This would include a presentation which describes the equipment's performance characteristics, price, and probable availability for delivery. This policy does not cover technical data which discloses the details of design, development, production or manufacture of any defense item. Nor does it permit the use, with respect to articles originating in or for export to South Africa, of any exemptions except those already permitted by § 126.1 (i.e., §§ 123.17 and 125.4(b)(13)). Furthermore, the requirements of § 126.8, regarding proposals to foreign persons relating to significant military equipment, remain in place.

This action has been taken pursuant to section 38 of the Arms Export Control Act (22 U.S.C. 2778) and § 126.7 of the ITAR in furtherance of the foreign policy of the United States.

Dated: March 14, 1994.

Robert L. Gallucci,

Assistant Secretary, Bureau of Political-Military Affairs, Department of State.

[FR Doc. 94–6872 Filed 3–23–94; 8:45 am]

BILLING CODE 4710–25–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent to Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at the Huntsville International Airport, Huntsville, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent to Rule on Application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at the Huntsville International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before April 25, 1994.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: FAA/Airports District Office, 120 North Hangar Drive, suite B, Jackson, Mississippi 39208–2306.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Eugene B. Conrad, Executive Director, of the Huntsville-Madison County Airport Authority at the following address: Box 20008, 1000 Glenn Hearn Blvd., Huntsville, Alabama 35824.

All carriers and foreign air carriers may submit copies of written comments previously provided to the Huntsville-Madison County Airport Authority under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Elton E. Jay, Principal Engineer, FAA Airports District Office, 120 North Hangar Drive, suite B, Jackson, Mississippi 39208–2306, telephone number 601–965–4628. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at the Huntsville International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On March 14, 1994, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Huntsville-Madison County Airport Authority was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than June 29, 1994.

The following is a brief overview of the application.

Level of the proposed PFC: $3

Actual charge effective date: June 1, 1992

Estimated charge expiration date: October 31, 2008

Total estimated net PFC revenue: $20,832,051

Estimated PFC revenues to be used on projects in this application: $11,221,831

Brief description of proposed project(s): land acquisition, Part 107.14 security upgrades, construct airport maintenance/snow removal equipment storage facility, airport master plan update, air carrier apron rehabilitation, fire station expansion, runway/taxiway sign upgrade, and acquire disabled passenger lift device

Class or classes of air carriers which the FAA has previously approved exemption from the requirement to collect PFCs: Air taxi/commercial operators, certified air carriers, and certified route air carriers having fewer than 500 annual enplanements.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.** In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the office of the Huntsville-Madison County Airport Authority.

Issued in Atlanta, Georgia, on March 15, 1994.

Troy R. Butler,

PFC Program Manager, Southern Region.

[FR Doc. 94–6794 Filed 3–23–94; 8:45 am]

BILLING CODE 4910–13–M

Approval of Noise Compatibility Program; Wittman Regional Airport Oshkosh, WI

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by Winnebago County under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR part 150. These findings are

made in recognition of the description of federal and nonfederal responsibilities in Senate Report No. 96–52 (1980). On August 18, 1993 the FAA determined that the noise exposure maps submitted by Winnebago County under part 150 were in compliance with applicable requirements. On February 14, 1994, the Administrator approved the Wittman Regional Airport noise compatibility program. All of the recommendations of the program were approved.

EFFECTIVE DATE: The effective date of the FAA's approval of the Wittman Regional Airport noise compatibility program is February 14, 1994.

FOR FURTHER INFORMATION CONTACT: William J. Flanagan, Federal Aviation Administration, Airports District Office, room 102, 6020 28th Avenue South, Minneapolis, Minnesota 55450, (612) 725–4463. Documents reflecting this FAA action may be reviewed at this location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Wittman Regional Airport, effective February 14, 1994.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program that sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) part 150 is a local program, not a federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR part 150 program recommendations is measured according to the standards expressed in part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR part 150, § 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the FAA Minneaposis—Airports District Office in Minneapolis, Minnesota.

Winnebago County submitted to the FAA on December 29, 1992 the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from April 1985 through December 1992. The Wittman Regional Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on August 18, 1993. Notice of this determination was published in the **Federal Register** on September 9, 1993.

The Wittman Regional Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to the year 1997. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on August 18, 1993 and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained thirteen (13) proposed actions for noise mitigation on and off the Airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR part 150 have been satisfied. The overall program, therefore, was approved by the Assistant Administrator for Airports effective February 14, 1994.

Outright approval was granted for all five (5) of the land use program elements. They included dedication of navigational easements, acquisition of land, recommendations for zoning, programming of public improvements and implementation of a public information program. The one (1) continuing program measure was also approved. It provided for future updating of the part 150 study.

The seven (7) noise abatement measures were approved as voluntary measures. They included a runway use program, use of departure and arrival procedures and a traffic pattern procedure.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on February 14, 1994. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of Winnebago County.

Issued in Minneapolis, Minnesota on March 1, 1994.

David R. Dyrstad,

Acting Manager, Minneapolis Airports District Office, FAA Great Lakes Region.

[FR Doc. 94–6969 Filed 3–23–94; 8:45 am]

BILLING CODE 4910–13–M

Noise Exposure Map Notice; Receipt of Noise Compatibility Program and Request for Review; New Austin Airport at Bergstrom Air Force Base Austin, TX

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by the city of Austin for the New Austin Airport at Bergstrom Air Force Base under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for the New Austin Airport at Bergstrom Air Force Base under Part 150 in conjunction with the noise exposure maps and that this program will be approved or disapproved on or before August 10, 1994.

EFFECTIVE DATE: The effective date of the FAA's determination on the noise exposure maps and the start of its review of the associated noise compatibility program is February 11, 1994. The public comment period ends April 12, 1994.

FOR FURTHER INFORMATION CONTACT: William A. Perkins, Department of Transportation, Federal Aviation Administration, 2601 Meacham Boulevard, Fort Worth, Texas 76173–0652, (817) 222–5652. Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for the New Austin Airport at Bergstrom Air Force Base are in compliance with applicable requirements of part 150, effective February 11, 1994. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before August 10, 1994. This notice also announces the availability of this program for public review and comment.

Under section 103 of Title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, Government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by the FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The city of Austin submitted to the FAA on February 11, 1994, noise exposure maps, descriptions and other documentation which were produced during the FAR part 150 Noise Study, February 1994. It was requested that the FAA review this material as the noise exposure maps, as described in section 103(a)(1) of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 104(b) of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by the city of Austin. The specific maps under consideration are Figure 10.1—1993 Existing Conditions (NEM) following page 10.2 and Figure 10.2—1998 NEM following page 10.3 in the submission.

The FAA has determined that these maps for the New Austin airport at Bergstrom Air Force Base are in compliance with applicable requirements. This determination is effective on February 11, 1994. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in Appendix A of FAR Part 150. Such determination does not constitute approval of the applicant's data, information, or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of Section 107 of the Act.These functions are inseparable from the ultimate land use control and plannng responsibilities of local Government.These local responsibilities are not changed in any way under Part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under Section 103 of the Act. The FAA has relied on the certification by the airport operator, under § 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for the New Austin Airport at Bergstrom Air Force Base also effective on February 11, 1994 Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before August 10, 1994.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., room 617, Washington, DC 20591.

Federal Aviation Administration, Texas Airport Development Office, 2601 Meacham Boulevard, Fort Worth, TX 76173–0650,

Mr. Charles Gates, Director of Aviation, division of Aviation, 3600 Manor Road, Austin, TX 78723.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Fort Worth, Texas, February 11, 1994.

John M. Dempsey,

Manager, Airports Division.

[FR Doc. 94–6968 Filed 3–23–94; 8:45 am]

BILLING Code 4910–13–M

Environmental Impact Statement: Northwest Arkansas Regional Airport, Benton County, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability.

SUMMARY: The FAA is issuing this notice to advise the public that a Draft Environmental Impact Statement (DEIS) for a proposed replacement air carrier airport for Drake Field (Fayetteville, Arkansas) to be located in Benton County, Arkansas, will be available for a period of forty-five (45) days beginning on the date of publication in the **Federal Register** of this notice of availability of the document. A public hearing on the DEIS will be held at 6 p.m. on May 5, 1994, in the Springdale, Arkansas, Holiday Inn, located at 1500 South 48th Street, in Springdale, Arkansas.

ADDRESSES: Copies of the DEIS will be available for review at the following locations: Offices of the Northwest Arkansas Regional Airport Authority, 100 West Center Street, suite 300, Fayetteville, Arkansas; Bentonville Public Library, 125 West Central, Bentonville, Arkansas; Fayetteville Public Library, 217 East Dickerson Street, Fayetteville, Arkansas; Rogers Public Library, 711 Dixieland Road, Rogers, Arkansas; Siloam Springs Public Library, 401 West University, Siloam Springs, Arkansas; Springdale Public Library, 1205 West Maple, Springdale, Arkansas; Bella Vista Public Library, 305 Towncenter West, Bella Vista, Arkansas; Elkins Public Library, 221 Perry Lane, Elkins, Arkansas; Gentry Public Library, Main Street, Gentry, Arkansas; Gravette Public Library, Charlotte Street, Gravette, Arkansas; Greenland Public Library, 8 East Ross Street, Greenland, Arkansas; Lincoln Public Library, 107 West Bean Street, Lincoln, Arkansas; Pea Ridge Public Library, East Pickens Street, Pea Ridge, Arkansas; Prairie Grove Public Library, 123 South Neal Street, Prairie Grove Arkansas; West Fork Public Library, 266 West Main Street, West Fork, Arkansas; Winslow, Public Library, 420 Main Street, Winslow, Arkansas; University of Arkansas Mullins Library, room 206, Mullins Library, University of Arkansas, Fayetteville, Arkansas and Federal Aviation Administration, 2601 Meacham Boulevard, Fort Worth Texas.

FOR FURTHER INFORMATION CONTACT: Bradley C. Kutchins, Project Manager, ASW–630J, Federal Aviation Administration, Southwest Regional Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0630. Telephone (817) 222–5661.

SUPPLEMENTAL INFORMATION: In April, 1993, the Northwest Arkansas Regional Airport Authority and its consultants submitted a Preliminary Draft Environmental Assessment to the FAA for the proposed airport. In May, 1993, the FAA determined that an Environmental Impact Statement (EIS) was warranted. A Notice of Intent to prepare an EIS was published in the **Federal Register** on May 28, 1994.

The FAA intends to consult and coordinate with Federal, state, and local agencies which have jurisdiction by law or have special expertise with respect to any environmental impacts associated with the proposed project. The FAA is currently making the DEIS available to Federal, state, and local agencies and the public in order to allow a review of the document and to solicit comments. A Final EIS will be prepared following the forty-five (45) day comment period.

Project Description

The Northwest Arkansas Regional Airport Authority proposes to construct the Northwest Arkansas Regional Airport which would replace commercial service at Drake Field. The primary components of the proposed action would consist of the following items: (1) Land acquisition; (2) 8,800-feet by 150-feet runway with high intensity runway lights, medium intensity approach lighting system and approach light system with sequence flasher; (3) 8,800-feet by 75-feet parallel taxiway with high intensity taxiway lights; (4) instrument landing system for both ends of the runway (to include localizer, glide slope, and middle and outer markers); (5) terminal building with associated motor vehicle parking and support facilities; (6) terminal area ramp paving; (7) air traffic control tower; and (8) an airport access road. Alternatives to the proposed action include no action, expansion of Carter Field in Rogers, Arkansas, and development of a new airport at another site.

Agencies and members of the public may submit written statements to the following address: Federal Aviation Administration, Airports Division, Fort Worth, Texas, 76193–0630.

Issued on: March 17, 1994.

Edward N. Agnew,

Acting Manager, Airports Division.

[FR Doc. 94–6962 Filed 3–23–94; 8:45 am]

BILLING CODE 4910–13–M

Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly notice of PFC approvals and disapprovals. In January 1994, there were four applications approved.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IV of the Omnibus Budget Reconciliation Act of 1990) (Public L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158). This notice is published pursuant to paragraph (d) of section 158.29.

PFC Applications Approved

Public Agency: Memphis-Shelby County Airport Authority, Memphis, Tennessee.

Application Number: 93–02–C–00–MEM.

Application Type: Impose and Use PFC Revenue.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $24,026,000.

Earliest Permissible Charge Effective Date: August 1, 1992.

Estimated Charge Expiration Date: December 1, 1994.

Class of Air Carriers Not Required to Collect PFC's: No change from previously approved application of May 28, 1992.

Brief Description of Projects Approved for Collection and Use:

Land acquisition, roadways, and utilities,

Third parallel runway.

Brief Description of Project Approved for Collection Only: Reconstruct and extend runway 18L–36R.

Brief Description of Project Approved for Use Only: Taxiway and other projects.

Decision Date: January 14, 1994.

FOR FURTHER INFORMATION CONTACT: Jerry O. Bowers, Memphis Airports District Office, (901) 544–3495.

Public Agency: County of Palm Beach, West Palm Beach, Florida.

Application Number: 93–01–C–00–PBI.

Application Type: Impose and Use PFC Revenue.

PFC Level: $3.00.

Total Approved NET PFC Revenue: $38,801,096.

Earliest Permissible Charge Effective Date: April 1, 1994.

Estimated Charge Expiration Date: April 1, 1999.

Class of Air Carriers Not Required to Collect PFC's: Air Taxi and commercial operators filing FAA Form, 1800–31.

Determination: Approved. Based on information submitted by the public agency, the FAA has determined that each proposed class accounts for less than 1 percent of the total enplanements at Palm Beach International Airport.

Brief Description of Projects Approved for Collection and Use:

Construct north federal inspection station facilities,
Acquire 24.5 acres of land—runway 13/31 runway protection zone,
Construct miscellaneous taxiway and hold pads,
Part 107.14 security improvements,
Inner perimeter road west extension.

Brief Description of Projects Approved for Collection Only:

West enplane roadway with canopy,
Acquire land in Part 150—noise compatibility plan(s) 1995, 1996, 1997, 1998, and 1999.
Extend runway 13/31 and overlay,
East enplane roadway and deplane extension, Aircraft rescue and firefighting (ARFF) vehicle replacement, Extend inner perimeter road west—phase three,
Connector to Palm Beach International Airport,
Part 150 noise compatibility study.

Brief Description of Project Approved for Collection At PBI for Use At North County General Aviation Airport: North County construction package "A" (entrance road, primary and secondary runways and taxiways, and environmental mitigation).

Brief Description of Project Approved for Collection Only AT PBI for Future Use At North County General Aviation Airport: Install instrument landing system (ILS) and very high frequency omnidirectional radio range station (VOR) with distance measuring equipment (DME).

Decision Date: January 26, 1994.

FOR FURTHER INFORMATION CONTACT: Ilia A. Quinones, Orlando Airports District Office, (407) 648–6583.

Public Agency: City of Billings, Billings, Montana.

Application Number: 93–01–C–00–BIL.

Application Type: Impose and Use PFC Revenue.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $5,622,136.

Earliest Permissible Charge Effective Date: April 1, 1994.

Estimated Charge Expiration Date: June 1, 2002

Class of Air Carriers Not Required To Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use:

Construct ARFF vehicle access/service roads,
Purchase safety and maintenance equipment,
Prepare airport utility master plan,
Upgrade airside generator,
Prepare airport access master plan,
Pfc application preparation.

Brief Description of Projects Approved for Collection Only:

Relocation and upsizing of sanitary sewer,
Extension and upgrading waterlines,
Construct terminal loop road access to highway 3.

Brief Description of Projects Approved-in-Part for Collection and Use:

Local share of Airport Improvement Program (AIP) projects:
Construct ARFF/airfield maintenance building,
Replace ARFF vehicles,
Overlay runway 10R–28L,
Upgrade water lines and sanitary sewer,
Prepare hangar site,
Install distance-to-go marker signing,
Install terminal building access control system,
Expand regional airline ramp,
Expand airfield access control system,
Change airfield guidance signs,
Upgrade and expand air carrier aprons,
Purchase snow removal equipment,
Modify security check point and install interactive television,
Improve storm drainage system PFC application.

Determination: Approved in part. The improvement to the storm drainage system is not completely PFC eligible as reflected in a special condition in the AIP grant; accordingly, the PFC collection amount was reduced.

Purchase and replacement of communications equipment and command vehicle

Determination: Approved in part. The project element to purchase a command vehicle is not AIP eligible; therefore, this project element is not PFC eligible.

Decision Date: January 26, 1994.

FOR FURTHER INFORMATION CONTACT: David P. Gabbert, Helena Airports District Office, (406) 449–5271.

Public Agency, Jacksonville Port Authority, Jacksonville, Florida.

Application Number: 93–01–C–00–JAX.

Application Type: Impose and Use PFC Revenue.

PFC Level: $3.00.

Total Approved Net PFC Revenue: $12,258,255.

Earliest Estimated Charge Effective Date: April 1, 1994.

Estimated Charge Expiration Date: July 1, 1997.

Class of Air Carriers not Required to Collect PFC's: Air taxi/commercial operators filing FAA Form 1800–31.

Determination: Approved. Based on information submitted by the public agency, the FAA has determined that the proposed class accounts for less than 1 percent of the total enplanements at Jacksonville International Airport.

Brief Description of Projects Approved for Collection and Use:

Rehabilitate runway 7/25,
Runway 7/25 extension.

Brief Description of Projects Approved for Collection Only:

Runway 25 glide slope/medium intensity approach lighting system with runway alignment indicator lights (MALSR),
New ARFF station,
Taxiway reconstruction—phase I,
Taxiway reconstruction,—phase J,
Taxiway guidance signs,
Runway 13/31 lighting.

Decision Date: January 28, 1994.

FOR FURTHER INFORMATION CONTACT: Carlos E. Maeda, Orlando Airports District Office, (407) 648–6583.

Issued in Washington, DC on March 15, 1994.

Ellis A. Ohnstad,

Acting Manager, Airports Financial Assistance Division.

CUMULATIVE LIST OF PFC APPLICATIONS PREVIOUSLY APPROVED

State, application number, airport and city	Date approved	Level of PFC	Total approved net PFC revenue	Earliest charge effective date	Estimated charge expiration date [1]
Alabama:					
92-01-I-00-HSV., Huntsville Intl-Carl T Jones Field, Huntsville	03/06/1992	$3	$19,002,366	06/01/1992	11/01/2008
93-01-U-00-HSV., Huntsville Intl-Carl T Jones Field, Huntsville	06/03/1993	3	0	09/01/1993	11/01/2008
92-01-C-00-MSL., Muscle Shoals Regional, Muscle Shoals	02/18/1992	3	104,100	06/01/1992	02/01/1995
Arizona:					
92-01-C-00-FLG., Flagstaff Pulliam, Flagstaff	09/29/1992	3	2,463,581	12/01/1992	01/01/2015
93-01-C-00-YUM., Yuma MCAS/Yuma International, Yuma	09/09/1993	3	1,678,064	12/01/1993	06/01/2003
California:					
92-01-C-00-ACV., Arcata, Arcata	11/24/1992	3	188,500	02/01/1993	05/01/1994
93-01-C-00-CIC., Chico Municipal, Chico	09/29/1993	3	137,043	01/01/1994	06/01/1997
92-01-C-00-IYK., Inyokern, Inyokern	12/10/1992	3	127,500	03/01/1993	09/01/1995
93-01-C-00-LGB., Long Beach-Daugherty Field, Long Beach	12/30/1993	3	3,533,766	03/01/1994	03/01/1998
93-01-C-00-LAX., Los Angeles International, Los Angeles	03/26/1993	3	360,000,000	07/01/1993	07/01/1998
93-01-C-00-MRY., Monterey Peninsula, Monterey	10/08/1993	3	3,960,855	01/01/1994	06/01/2000
92-01-C-00-OAK., Metropolitan Oakland International, Oakland	06/26/1992	3	12,343,000	09/01/1992	05/01/1994
93-01-I-00-ONT., Ontario International, Ontario	03/26/1993	3	49,000,000	07/01/1993	07/01/1998
92-01-C-00-PSP., Palm Springs Regional, Palm Springs	06/25/1992	3	81,888,919	10/01/1992	11/01/2032
92-01-C-00-SMF., Sacramento Metropolitan, Sacramento	01/26/1993	3	24,045,000	04/01/1993	03/01/1996
92-01-C-00-SJC., San Jose International, San Jose	06/11/1992	3	29,228,826	09/01/1992	08/01/1995
93-01-U-00-SJC., San Jose International, San Jose	02/22/1993	3	0	05/01/1993	08/01/1995
93-03-C-00-SJC., San Jose International, San Jose	06/16/1993	3	16,245,000	08/01/1995	05/01/1997
92-01-C-00-SBP., San Luis Obispo County-Mochesney Fie, San Luis Obispo	11/24/1992	3	502,437	02/01/1995	02/01/1995
92-01-C-00-STS., Sonoma County, Santa Rosa	02/19/1993	3	110,500	05/01/1993	04/01/1995
91-01-I-00-TVL., Lake Tahoe, South Lake Tahoe	05/01/1992	3	928,747	08/01/1992	03/01/1997
Colorado:					
92-01-C-00-COS., Colorado Springs Municipal, Colorado Springs	12/22/1992	3	5,622,000	03/01/1993	02/01/1996
92-01-C-00-DVX., Denver International (new), Denver	04/28/1992	3	2,330,734,321	07/01/1992	01/01/2026
93-01-C-00-EGE., Eagle County Regional, Eagle	06/15/1993	3	572,609	09/01/1993	04/01/1998
93-01-C-00-FNL., Fort Collins-Loveland, Fort Collins	07/14/1993	3	207,857	10/01/1993	06/01/1996
92-01-C-00-GJT., Walker Field, Grand Junction	01/15/1993	3	1,812,000	04/01/1993	03/01/1998
93-01-C-00-GUC., Gunnison County, Gunnison	08/27/1993	3	702,133	11/01/1993	03/01/1998
93-01-C-00-HDN., Yampa Valley, Hayden	08/23/1993	3	532,881	11/01/1993	04/01/1997
93-01-C-00-MTJ., Montrose County, Montrose	07/29/1993	3	1,461,745	11/01/1993	02/01/2009
93-01-C-00-PUB., Pueblo Memorial, Pueblo	08/16/1993	3	1,200,745	11/01/1993	08/01/2010
92-01-C-00-SBS., Steamboat Springs/Bob Adams Field, Steamboat Springs	01/15/1993	3	1,887,337	04/01/1993	04/01/2012
92-01-C-00-TEX., Telluride Regional, Telluride	11/23/1992	3	200,000	03/01/1993	11/01/1997
Connecticut:					
93-01-C-00-HVN., Tweed-New Haven, New Haven	09/10/1993	3	2,490,450	12/01/1993	06/01/1999
93-01-I-00-BDL., Bradley International, Windsor Locks	07/09/1993	0	0	10/01/1993	.....
Florida:					
93-01-C-00-DAB., Daytona Beach Regional, Daytona Beach	04/20/1993	3	7,967,835	07/01/1993	11/01/1999
92-01-C-00-RSW., Southwest Florida International, Fort Myers	08/31/1992	3	252,548,262	11/01/1992	06/01/2014
93-02-U-00-RSW., Southwest Florida International, Fort Myers	05/10/1993	3	0	11/01/1992	06/01/2014
92-01-C-00-EYW., Key West International, Key West	12/17/1992	3	945,937	03/01/1993	12/01/1994
92-01-C-00-MTH., Marathon, Marathon,	12/17/1992	3	153,556	03/01/1993	06/01/1995
92-01-C-00-MCO., Orlando International, Orlando	11/27/1992	3	167,574,527	02/01/1993	02/01/1998
93-02-C-00-MCO., Orlando International, Orlando	09/24/1993	3	12,957,000	12/01/1993	02/01/1998
93-01-I-00-PFN., Panama City-Bay County International, Panama City	12/01/1993	3	76,422,988	02/01/1994	10/01/2007
92-01-C-00-PNS., Pensacola Regional, Pensacola	11/23/1992	3	4,715,000	02/01/1993	04/01/1996
92-01-I-SRQ., Sarasota-Bradenton International, Sarasota	06/29.1992	3	38,715,000	09/01/1992	09/01/2005
92-01-I-00-TLH., Tallahassee Regional, Tallahassee	11/13/1992	3	8,617,154	02/01/1993	12/01/1998
93-02-U-00-TLH., Tallahassee Regional, Tallahassee	12/30/1993	3	0	02/01/1993	06/01/1998
93-01-C-00-TPA, Tampa International, Tampa	07/15/1993	3	87,102,000	10/01/1993	09/01/1999
Georgia:					
93-01-C-CSG., Columbis Metropolitan, Columbia	10/01/1993	3	534,633	12/01/1933	06/01/1995
91-01-C-00-SAV., Svannah International, Savannah	01/23/1992	3	39,501,502	07/01/1992	03/01/2004
92-01-I-00-VLD., Valdosta Regional, Valdosta	12/23/1992	3	260,526	03/01/1993	10/01/1997
Idaho:					
93-01-C-00-SUN., Friedman Memorial, Hailey	06-29/1993	3	188,000	09/01/1993	09/01/1997
92-01-C-00-IDA., Idaho Falls Municipal, Idaho Falls	10/30/1992	3	1,500,000	01/01/1993	01/01/1998
92-01-C-00-TWF., Twin Falls-Sun Valley Regional, Twin Falls	08/12/1992	3	270,000	11/01/1992	05/01/1998
Illinois:					
93-01-C-00-MDW., Chicago Midway, Chicago	06/28/1993	3	79,920,958	09/01/1993	08/01/2001
93-01-C-00-ORD., Chicago O'Hare International, CHicago	06/28/1993	3	500,418,285	09/01/1993	10/01/1999
92-01-I-00-RFD, Greater Rockford, Rockford	07/24/1993	3	1,177,348	10/01/1992	10/01/1996
93-02-U-00-RFD., Greater Rockford, Rockford	09/02/1993	3	0	12/01/1993	10/01/1996

CUMULATIVE LIST OF PFC APPLICATIONS PREVIOUSLY APPROVED—Continued

State, application number, airport and city	Date approved	Level of PFC	Total approved net PFC revenue	Earliest charge effective date	Estimated charge expiration date [1]
92-01-I-00-SPI., Capital Springfield	03/27/1992	3	562,104	06/01/1992	02/01/1994
93-02-U-00-SPI., Capital, Springfield	04/28/1993	3	0	06/01/1992	02/01/1994
93-03-I-00-SPI, Capital, Springfield	11/24/1993	3	4,585,443	06/01/1992	02/01/2006
Indiana:					
92-01-C-00-FWA., Fort Wayne International, Fort Wayne	04/05/1993	3	26,563,457	07/01/1993	03/01/2015
93-01-C-00-IND., Indianapolis International, Indianapolis	06/28/1993	3	117,344,750	09/01/1993	07/01/2005
Iowa:					
93-01-C-00-DSM., Des Moines Municipal, Des Moines	11/29/1993	3	6,446,507	03/01/1994	04/01/1997
92-01-I-00-DBQ., Dubuque Regional, Dubuque	10/06/1992	3	148,500	01/01/1993	05/01/1994
93-01-C-00-SUX., Sioux Gateway, Sioux City	03/12/1993	3	204,465	06/01/1993	06/01/1994
Kentucky:					
93-01-C-00-LEX., Blue Grass, Lexington	08/31/1993	3	12,378,791	11/01/1993	05/01/2003
93-01-C-00-PAH., Barkley Regional, Paducah	12/02/1993	3	386,550	03/01/1994	12/01/1998
Louisiana:					
92-01-I-00-BTR., Baton Rouge Metropolitan, Ryan Field, Baton Rouge	09/28/1992	3	9,823,159	12/01/1992	12/10/1998
93-02-U-00-BTR., Baton Rouge Metropolitan, Ryan Field, Baton Rouge	04/23/1993	3	0	12/01/1992	12/01/1998
93-01-C-00-MSY., New Orleans International/Moisant Fi, New Orleans	03/19/1993	3	77,800,372	06/01/1993	04/01/2000
93-02-U-00-MSY., New Orleans International/Moisant Fi, New Orleans	11/16/1993	3	0	06/01/1993	04/01/2000
93-01-I-00-SHV., Shreveport Regional, Shreveport	11/19/1993	3	33,050,278	02/01/1994	02/01/2019
Maine:					
93-01-C-00-PWM., Portland International Jetport, Portland	10/29/1993	3	12,233,751	02/01/1994	05/01/2002
Maryland:					
92-01-I-00-BWI., Baltimore-Washington International, Baltimore	07/27/1992	3	141,866,000	10/01/1992	09/01/2002
Massachusetts:					
93-01-C-00BOS., General Edward L Logan International, Boston	08/24/1993	3	598,800,000	11/01/1993	10/01/2011
92-01-C-00-ORH., Worcester Municipal, Worcester	07/28/1992	3	2,301,382	10/01/1992	10/01/1997
Michigan:					
92-01-C-00-DTW., Detroit Metropolitan-Wayne County, Detroit	09/21/1992	3	640,707,000	12/01/1992	06/01/2009
92-01-I-00-ESC., Delta County, Escanaba	11/17/1992	3	158,325	01/01/1993	08/01/1996
93-01-C-00-FNT., Bishop International, Flint	06/11/1993	3	32,296,450	09/01/1993	09/01/2030
92-01-I-00-GRR., Kent County International, Grand Rapids	09/09/1992	3	12,450,000	12/01/1992	05/01/1998
92-01-C-00-CMX., Houghton County Memorial, Hancock	04/29/1993	3	162,986	07/01/1993	01/01/1996
93-01-C-00-IWD., Gogebic County, Ironwood	05/121/1993	3	74,690	08/01/1993	10/01/1998
93-01-C-00-LAN., Capital City, Lansing	07/23/1993	3	7,355,483	10/01/1993	03/01/2002
92-01-I-00-MQT., Marquette County, Marquette	10/01/1992	3	459,700	12/01/1992	04/01/1996
92-01-C-00-PLN., Pellston Regional—Emmet County, Pellston	12/22/1992	3	440,875	03/01/1993	06/01/1995
Minnesota:					
93-01-C-00-BRD., Brainerd-Crow Wing County Regional, Brainerd	05/25/1993	3	43,000	08/01/1993	12/31/1995
92-01-C-00-MSP., Minneapolis-St. Paul International, Minneapolis	03/31/1992	3	66,355,682	06/01/1992	08/01/1994
Mississippi:					
91-01-C-00-GTR., Golden Triangle Regional, Columbus	05/08/1992	3	1,693,211	08/01/1992	09/01/2006
92-01-C-00-GPT., Gulfport-Biloxi Regional, Gulfport-Biloxi	04/03/1992	3	384,028	07/01/1992	12/01/1993
93-02-C-00-GPT., Gulfport-Biloxi Regional Gulfport-Biloxi	11/02/1993	3	607,817	07/01/1992	12/01/1995
92-01-C-00-PIB., Hattiesburg-Laurel Regional, Hattiesburg-Laurel	04/15/1992	3	119,153	07/01/1992	01/01/1998
93-01-C-00-JAN., Jackson International, Jackson	02/10/1993	3	1,918,855	05/01/1993	04/01/1995
92-01-C-00-MEI., Key Field, Meridian	08/21/1992	3	122,500	11/01/1992	06/01/1994
93-02-C-00-MEI., Key Field, Meridian	10/19/1993	3	155,223	11/01/1992	08/01/1996
Missouri:					
93-01-C-00-SGF., Springfield Regional, Springfield	08/30/1993	3	1,937,090	11/01/1993	10/01/1996
92-01-C-00-STL., Lambert-St. Louis International, St. Louis	09/30/1992	3	84,607,850	12/01/1992	03/01/1996
93-01-C-00-BZN., Gallatin Field, Bozeman	05/17/1993	3	4,198,000	08/01/1993	06/01/2005
92-01-C-00-GTF., Great Falls International, Great Falls	08/28/1992	3	3,010,900	11/01/1992	07/01/2002
93-02-U-00-GTF., Great Falls International, Great Falls	05/25/1993	3	0	11/01/1992	07/01/2002
92-01-C-00-HLN., Helena Regional, Helena	01/15/1993	3	1,056,190	04/01/1993	12/01/1999
93-01-C-00-FCA., Glacier Park International, Kalispell	09/29/1993	3	1,211,000	12/01/1993	11/01/1999
92-01-C-00-MSO., Missoula International, Missoula	06/12/1992	3	1,900,000	09/01/1992	08/01/1997
Nevada:					
91-01-C-00-LAS., McCarran International, Las Vegas	02/24/1992	3	944,028,500	06/01/1992	02/01/2014
93-02-C-00-LAS., McCarran International, Las Vegas	06/07/1993	3	36,500,000	06/01/1992	09/01/2014
93-01-C-00-RNO. Reno Cannon International, Reno	10/29/1993	3	34,263,607	01/01/1994	05/01/1999
New Hampshire:					
92-01-C-00-MHT., Manchester, Manchester	10/13/1992	3	5,461,000	01/01/1993	03/01/1997

CUMULATIVE LIST OF PFC APPLICATIONS PREVIOUSLY APPROVED—Continued

State, application number, airport and city	Date approved	Level of PFC	Total approved net PFC revenue	Earliest charge effective date	Estimated charge expiration date [1]
New Jersey:					
92-01-C-00-EWR., Newark International, Newark	07/23/1992	3	84,600,000	10/01/1992	08/01/1995
New York:					
93-01-I-00-ALB., Albany County, Albany	12/03/1993	3	40,726,364	03/01/1994	04/01/2005
93-01-C-00-BGM., Binghamton Regional/Edwin A Link Fie, Binghamton	08/18/1993	3	1,872,264	11/01/1993	11/01/1997
92-01-I-00-BUF., Greater Buffalo International, Buffalo	05/29/1992	3	189,873,000	08/01/1992	03/01/2026
92-01-I-00-ITH., Tompkins County, Ithaca	09/28/1992	3	1,900,000	01/01/1993	01/01/1999
92-01-C-00-JHW., Chautauqua County/Jamestown, Jamestown	03/19/1993	3	434,822	06/01/1993	06/01/1996
92-01-C-00-JFK., John F. Kennedy International, New York	07/23/1992	3	109,980,000	10/01/1992	08/01/1995
92-01-C-00-LGA., Laguardia, New York	07/23/1992	3	87,420,000	10/01/1992	08/01/1995
93-01-C-00-PLB., Clinton County, Plattsburgh	04/30/1993	3	227,830	07/01/1993	01/01/1998
92-01-C-00-HPN., Westchester County, White Plains	11/09/1992	3	27,883,000	02/01/1993	06/01/2002
North Carolina:					
93-01-C-00-ILM., New Hanover International, Wilmington	11/02/1993	3	1,505,000	02/01/1994	08/01/1997
North Dakota:					
92-01-C-00-GFK., Grand Forks International, Grand Forks	11/16/1992	3	1,016,509	02/01/1993	02/01/1997
93-01-C-00-MOT., Minot International, Minot	12/15/1993	3	1,569,483	03/01/1994	03/01/1999
Ohio:					
92-01-C-00-CAK., Akron-Canton Regional, Akron	06/30/1992	3	3,594,000	09/01/1992	08/01/1996
92-01-C-00-CLE., Cleveland-Hopkins International, Cleveland	09/01/1992	3	34,000,000	11/01/1992	11/01/1995
92-01-I-00-CMH., Port Columbus International, Columbus	07/14/1992	3	7,341,707	10/01/1992	03/01/1994
93-02-I-00-CMH., Port Columbus International, Columbus	07/19/1993	3	16,270,256	02/01/1994	09/01/1996
93-03-U-00-CMH., Port Columbus International, Columbus	10/27/1993	3	0	10/01/1992	09/01/1996
93-01-C-00-TOL., Toledo Express, Toledo	06/29/1993	3	2,750,896	09/01/1993	09/01/1996
Oklahoma:					
92-01-C-00-LAW., Lawton Municipal, Lawton	05/08/1992	2	334,078	08/01/1992	01/01/1996
92-01-I-00-TUL., Tulsa International, Tulsa	05/11/1992	3	9,717,000	08/01/1992	08/01/1995
93-02-U-00-TUL., Tulsa International, Tulsa	10/18/1993	3	0	02/01/1994	08/01/1995
Oregon:					
93-01-C-00-EUG., Mahlon Sweet Field, Eugene	08/31/1993	3	3,729,699	11/01/1993	11/01/1998
93-01-C-00-MFR., Medford-Jackson County, Medford	04/21/1993	3	1,066,142	07/01/1993	11/01/1995
93-01-C-00-OTH., North Bend Municipal, North Bend	11/24/1993	3	182,044	02/01/1994	01/01/1998
92-01-C-00-PDX., Portland International, Portland	04/08/1992	3	17,961,850	07/01/1992	07/01/1994
93-01-C-00-RDM., Roberts Field, Redmond	07/02/1993	3	1,191,552	10/01/1993	03/01/2000
Pennsylvania:					
92-01-I-00-ABE., Allentown-Bethlehem-Easton, Allentown	08/28/1992	3	3,778,111	11/01/1992	04/01/1995
92-01-C-00-AOO., Altoona-Blair County, Altoona	02/03/1993	3	198,000	05/01/1993	02/01/1996
92-01-C-00-ERI., Erie International, Erie	07/21/1992	3	1,997,885	10/01/1992	06/01/1997
93-01-C-00-JST., Johnstown-Cambria County, Johnstown	08/31/1993	3	307,500	11/01/1993	02/01/1998
92-01-I-00-PHL., Philadelphia International, Philadelphia	06/29/1992	3	76,169,000	09/01/1992	07/01/1995
93-02-U-00-PHL., Philadelphia International, Philadelphia	05/14/1993	3	0	08/01/1993	07/01/1995
92-01-C-00-UNV., University Park, State College	08/28/1992	3	1,495,974	11/01/1992	07/01/1997
93-01-C-00-AVP., Wilkes-Barre/Scranton International, Wilkes-Barre/Scranton	09/24/1993	3	2,369,566	12/01/1993	06/01/1997
Rhode Island:					
93-01-C-00-PVD., Theodore F Green State, Providence	11/30/1993	3	103,885,286	02/01/1994	08/01/2013
South Carolina:					
93-01-C-00-CAE., Columbia Metropolitan, Columbia	08/23/1993	3	32,969,942	11/01/1993	09/01/2008
93-01-C-00-49J., Hilton Head, Hilton Head Island	11/19/1993	3	1,542,300	02/01/1994	03/01/1999
Tennessee:					
93-01-C-00-TYS., McGhee Tyson Knoxville	10/06/1993	3	5,681,615	01/01/1994	01/01/1997
92-01-I-00-MEM., Memphis International, Memphis	05/28/1992	3	26,000,000	08/01/1992	12/01/1994
92-01-C-00-BNA., Nashville International, Nashville	10/09/1992	3	143,358,000	01/01/1993	02/01/2004
Texas;					
93-02-C-00-AUS., Robert Mueller Municipal, Austin	06/04/1993	2	6,189,300	11/01/1993	06/01/1995
93-01-C-00-CRP., Corpus Christi International, Corpus Christi	12/29/1993	3	5,540,745	03/01/1994	01/01/1998
92-01-C-00-ILE., Killeen Municipal, Killeen	10/20/1992	3	243,339	01/01/1993	11/01/1994
93-01-I-00-LRD., Laredo International, Laredo	07/23/1993	3	11,983,000	10/01/1993	09/01/2013
93-01-C-00-LBB., Lubbock International, Lubbock	07/09/1993	3	10,699,749	10/01/1993	02/01/2000
92-01-I-00-MAF., Midland International, Midland	10/16/1992	3	35,529,521	01/01/1993	01/01/2013
93-01-C-00-SJT., Mathis Field, San Angelo	02/24/1993	3	873,716	05/01/1993	11/01/1998
93-01-C-00-TYR., Tyler Pounds Field, Tyler	12/20/1993	3	819,733	03/01/1994	07/01/1998
Virginia:					
92-01-I-00-CHO., Charlottesville-Albemarle, Charlottesville	06/11/1992	2	255,599	09/01/1992	11/01/1993
92-02-U-00-CHO., Charlottesville-Albemarle, Charlottesville	12/21/1992	2	0	09/01/1992	11/01/1993
93-03-U-00-CHO., Charlottesville-Albemarle, Charlottesville	10/20/1993	2	0	01/01/1994	11/01/1993
93-01-C-00-IAD., Washington Dulles International, Washington, DC	10/18/1993	3	199,752,390	01/01/1994	11/01/2003
93-01-C-00-DCA., Washington National, Washington, DC	08/16/1993	3	166,739,071	11/01/1993	11/01/2000

CUMULATIVE LIST OF PFC APPLICATIONS PREVIOUSLY APPROVED—Continued

State, application number, airport and city	Date approved	Level of PFC	Total approved net PFC revenue	Earliest charge effective date	Estimated charge expiration date [1]
Washington:					
93-01-C-00-BLI., Bellingham International, Bellingham	04/29/1993	3	366,000	07/01/1993	07/01/1994
93-01-C-00-PSC., Tri-Cities, Pasco	08/03/1993	3	1,230,731	11/01/1993	11/01/1996
93-01-C-00-CLM., William R. Fairchild International, Port Angeles	05/24/1993	3	52,000	08/01/1993	08/01/1994
92-01-C-00-SEA., Seattle-Tacoma International, Seattle	08/13/1992	3	28,847,488	11/01/1992	01/01/1994
93-02-C-00-SEA., Seattle-Tacoma International, Seattle	10/25/1993	3	47,500,500	01/01/1994	01/01/1996
93-01-C-00-GEG., Spokane International, Spokane	03/23/1993	3	15,272,000	06/01/1993	12/01/1999
93-01-I-00-ALW., Walla Walla Regional, Walla Walla	08/03/1993	3	1,187,280	11/01/1993	11/01/2014
93-01-C-00-EAT., Pangborn Field, Wenatchee	05/26/1993	3	280,500	08/01/1993	10/01/1995
92-01-C-00-YKM., Air Terminal, Yakima	11/10/1992	3	416,256	02/01/1993	04/01/1995
West Virginia:					
93-01-C-00-CRW., Yeager, Charleston	05/28/1993	3	3,256,126	08/01/1993	04/01/1998
93-01-C-00-CKB., Benedum, Clarksburg	12/29/1993	3	105,256	04/01/1994	04/01/1996
92-01-C-00-MGW., Morgantown Muni-Walter L. Bill Hart, Morgantown	09/03/1992	3	55,500	12/01/1992	01/01/1994
Wisconsin:					
92-01-C-00-GRB., Austin Straubel International, Green Bay	12/28/1992	3	8,140,000	03/01/1993	03/01/2003
93-01-C-00-MSN., Dane County Regional-Truax Field, Madison	06/22/1993	3	6,746,000	09/01/1993	03/01/1998
93-01-I-00-CWA., Central Wisconsin, Mosinee	08/10/1993	3	7,725,600	11/01/1993	11/01/2012
93-01-C-00-RHI., Rhinelander-Oneida County, Rhinelander	08/04/1993	3	167,201	11/01/1993	04/01/1996
Wyoming:					
93-01-C-00-CPR., Natrona County International, Casper	06/14/1993	3	506,144	09/01/1993	10/01/1996
93-01-C-00-CYS., Cheyenne, Cheyenne	07/30/1993	3	742,261	11/01/1993	08/01/2000
93-01-I-00-GCC., Gillette-Campbell County, Gillette	06/28/1993	3	331,540	09/01/1993	09/01/1999
93-01-C-00-JAC., Jackson Hole, Jackson	05/25/1993	3	1,081,183	08/01/1993	02/01/1996
Guam:					
92-01-C-00-NGM., Agana NAS, Agana	11/10/1992	3	5,632,000	02/01/1993	06/01/1994
Puerto Rico:					
92-01-C-00-BQN., Rafael Hernandez, Aguadilla	12/29/1992	3	1,053,000	03/01/1993	01/01/1999
92-91-C-00-PSE., Mercedita, Ponce	12/29/1992	3	866,000	03/01/1993	01/01/1999
92-01-C-00-SJU., Luis Munoz Marin International, San Juan	12/29/1992	3	49,768,000	03/01/1993	02/01/1997
93-02-U-00-SJU., Luis Munoz Marin International, San Juan	12/14/1993	3	0	03/01/1994	02/01/1997
Virgin Islands:					
92-01-I-00-STT., Cyril E King, Charlotte Amalie	12/08/1992	3	3,871,005	03/01/1993	02/01/1995
92-01-I-00-STX., Alexander Hamilton, Christiansted St Croix	12/08/1992	3	2,280,465	03/01/1993	05/01/1995

[1] The estimated charge expiration date is subject to change due to the rate of collection and actual allowable project costs.

[FR Doc. 94-6965 Filed 3-23-94; 8:45 am]
BILLING CODE 4910-13-M

[Summary Notice No. PE-94-12]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before April 13, 1994.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-200), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT: Mr. Frederick M. Haynes, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3939.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on March 18, 1994.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 25242.

Petitioner: Experimental Aircraft Association.

Sections of the FAR Affected: 14 CFR 61.58(c) and 91.5.

Description of Relief Sought/Disposition: To extend Exemption No. 4941 to continue to continue to permit members of the Experimental Aircraft Association to complete a training

course in lieu of a pilot proficiency check.

Docket No.: 26095.

Petitioner: Cochise Community College.

Sections of the FAR Affected: 14 CFR 141.65.

Description of Relief Sought/Disposition: To extend Exemption No. 5225 to continue to permit the petitioner to recommend graduates of its approved certification course for flight instructor-airplane single engine certificates and associated ratings without taking the FAA practical test.

Docket No.: 26609.

Petitioner: Jet-Exam/Jet-Crew.

Sections of the FAR Affected: 14 CFR 6155(b)(2); 61.65(b)(1); 6157 (c) and (d); 61.58 (c)(1) and (d); 61.63 (c)(2) and (d)(2) and (3); 61.67(d)(2); 61.157 (d) (1) and (2) and (e) (1) and (2) and appendix A, part 61.

Description of Relief Sought: To extend Exemption No. 5478 to continue to allow Jet-Exam, Inc. and persons who contract from Jet-Exam, Inc. to use FAA-approved simulators to meet the training and testing requirements.

Docket No.: 26882.

Petitioner: Ballon Excelsior School.

Sections of the FAR Affected: 14 CFR 141.79(c).

Description of Relief Sought: To allow the petitioner's chief flight instructor to exempt having to complete at least once each 12 months, a flight instructor refresher course consisting of not less than 24 hours of ground or flight instruction, or both.

Docket No.: 27548.

Petitioner: Las Vegas Metropolitan Police Department.

Sections of the FAR Affected: 14 CFR 61.113(a)(2).

Description of Relief Sought/Disposition: To permit the petitioner to provide training to new pilots in turbine-powered helicopters rather than having them transition to piston-powered helicopters just to meet the 15 hours of solo required by the section.

Docket No.: 27606.

Petitioner: Mr. Robert Essell.

Sections of the FAR Affected: 14 CFR 91.319.

Description of Relief Sought: To allow the petitioner to use experimental aircraft for compensation and herein introductory flights, instructional flights and flight demonstrations at your air park and at air shows.

Dispositions of Petitions

Docket No.: 25233.

Petitioner: Alaska Air Carriers Association (AACA).

Sections of the FAR Affected: 14 CFR 43.3(g).

Description of Relief Sought/Disposition: To extend Exemption No. 4802 to continue to permit the appropriately trained and certificated pilots employed by the AACA to remove and reinstall aircraft cabin seats in their aircraft used in part 135 operations.

Grant, March 11, 1994, Exemption No. 4802E

Docket No.: 26103.

Petitioner: Northwest Seaplanes, Inc.

Sections of the FAR Affected: 14 CFR 135.203(a)(1).

Description of Relief Sought/Disposition: To extend Exemption No. 5166 to continue to permit the petitioner to conduct airplane flight operations when necessary at an altitude below 500 feet over water outside of controlled airspace.

Grant, March 11, 1994, Exemption No. 5166B

Docket No.: 26398.

Petitioner: AMR Eagle, Inc.

Sections of the FAR Affected: 14 CFR 135.63(a)(4) and all sections in Subparts E, G, and H of part 135.

Description of Relief Sought: To extend Exemption No. 5414 to continue to allow the AMR Eagle affiliated carriers to train and check part 135 pilots using part 121 regulations.

Grant, March 11, 1994, Exemption No. 5414A

Docket No.: 26560.

Petitioner: Stanley Air Taxi, Inc.

Sections of the FAR Affected: 14 CFR 43.3(g).

Description of Relief Sought: To extend Exemption No. 5480 to continue to allow pilots employed by the petitioner to remove and reinstall aircraft cabin seats in the company's Cessna Model 206 aircraft.

Grant, March 11, 1994, Exemption No. 5480A

Docket No.: 26840.

Petitioner: Seneca Flight Operations.

Sections of the FAR Affected: 14 CFR 135.165(b) (5), (6), and (7).

Description of Relief Sought/Disposition: To extend and amend Exemption No. 5502 to continue to allow the petitioner to operate in extended overwater operations using a single long-range navigation system (LRNS) and a single high-frequency (HF) communications system and add a Dessault Falcon DA-10 to the list of airplanes authorized for the petitioner's use under Exemption No. 5502, as amended.

Grant, March 11, 1994, Exemption No. 5502A

Docket No.: 27411.

Petitioner: Elliott Beech Craft of Omaha, Inc.

Sections of the FAR Affected: 14 CFR 43.3(g).

Description of Relief Sought: To allow pilots employed by the petitioner to remove and install aircraft seats as required for a particular flight.

Grant, March 11, 1994, Exemption No. 5855

Docket No.: 27511.

Petitioner: D B Aviation, Inc.

Sections of the FAR Affected: 14 CFR 135.165(b) (6) and (7).

Description of Relief Sought: To allow the petitioner to operate turbojet aircraft equipped with one high-frequency (HF) communication system.

Partial Grant, March 9, 1994, Exemption No. 5856

Docket No.: 27607.

Petitioner: Morris Air Corporation, Inc.

Sections of the FAR Affected: 14 CFR 121.343(c).

Description of Relief Sought: To allow the petitioner to continue operating until June 10, 1994, its B-737-300 aircraft that may not be fitted by May 26, 1994, with digital flight data recorders capable of simultaneously recording at least 11 flight parameters.

Denial, March 9, 1994, Exemption No. 5854

[FR Doc. 94-6964 Filed 3-23-94; 8:45 am]

BILLING CODE 4910-13-M

Aviation Rulemaking Advisory Committee Meeting on Air Carrier/General Aviation Maintenance Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration Aviation Rulemaking Advisory Committee to discuss air carrier/general aviation maintenance issues.

DATES: The meeting will be held on April 27, 1994, at 9 a.m. Arrange for oral presentations by April 15, 1994.

ADDRESSES: The meeting will be held at the Marriott Marquis Hotel, 265 Peachtree Center Avenue, Atlanta, GA, in the Bonn room.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Herber, Meeting Coordinator, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-3493; fax number (202) 267-5075.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal

Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. app. II), notice is hereby given of a meeting of the Aviation Rulemaking Advisory Committee to consider air carrier/general aviation maintenance issues. The meeting will be held on April 27, 1994, at the Marriott Marquis Hotel, 265 Peachtree Center Avenue, Atlanta, GA. The agenda will include:

- Report on the status of recommendations submitted to the FAA by the part 65 Working Group.
- Report on the status of the part 65 Phase II Working Group.
- Report on the status of the Maintenance Recordkeeping draft NPRM.
- Report on the status of the International Airworthiness Communications draft NPRM.
- Report on the status of Major/Minor Working Group.
- Report on the status of Parts Approval Action Team Phase III Working Group.
- Possible consideration of a new task regarding general aviation maintenance.
- Discussion of future activities and other business.

Attendance is open to the interested public but may be limited to the space available. The public must make arrangements on or before April 15, 1994, to present oral statements at the meeting. The public may present written statements to the executive committee at any time by providing 35 copies to the Executive Director, or by bringing the copies to him at the meeting. In addition, sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting. Arrangements may be made by contacting the meeting coordinator listed under the heading FOR FURTHER INFORMATION CONTACT.

Issued in Washington, DC, on March 18, 1994.

Frederick J. Leonelli,

Assistant Executive Director for Air Carrier/General Aviation Maintenance Issues, Aviation Rulemaking Advisory Committee.

[FR Doc. 94–6967 Filed 3–23–94; 8:45 am]

BILLING CODE 4910–13–M

National Highway Traffic Safety Administration

[Docket No. 94–07; Notice 2]

Determination That Nonconforming 1990 Mercedes-Benz 300CE Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of determination by NHTSA that nonconforming 1990 Mercedes-Benz 300CE passenger cars are eligible for importation.

SUMMARY: This notice announces the determination by NHTSA that 1990 Mercedes-Benz 300CE passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to a vehicle originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with the safety standards (the U.S.-certified version of the 1990 Mercedes-Benz 300CE), and they are capable of being readily modified to conform to the standards.

DATES: The determination is effective as of March 24, 1994.

FOR FURTHER INFORMATION CONTACT: Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act), 15 U.S.C. 1397(c)(3)(A)(i), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards must be refused admission into the United States on and after January 31, 1990, unless NHTSA has determined that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under section 114 of the Act, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility determinations may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA determines, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this determination in the **Federal Register**.

G&K Automotive Conversion, Inc. of Santa Ana, California (Registered Importer R–90–007) petitioned NHTSA to determine whether 1990 Mercedes-Benz 300CE passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on January 27, 1994 (59 FR 3921) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has determined to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final determination must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP 64 is the vehicle eligibility number assigned to vehicles admissible under this determination.

Final Determination

Accordingly, on the basis of the foregoing, NHTSA hereby determines that a 1990 Mercedes-Benz 300CE (Model ID 124.051) not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1990 Mercedes-Benz 300CE originally manufactured for importation into and sale in the United States and certified under section 114 of the National Traffic and Motor Vehicle Safety Act, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards.

Authority: 15 U.S.C. 1397(c)(3) (A)(i)(I) and (C)(ii); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: March 17, 1994.

William A. Boehly,

Associate Administrator for Enforcement.

[FR Doc. 94–6942 Filed 3–23–94; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. 94–05; Notice 2]

Determination That Nonconforming 1970 Ferrari 365 GT 2+2 Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of determination by NHTSA that nonconforming 1970 Ferrari 365 GT 2+2 passenger cars are eligible for importation.

SUMMARY: This notice announces the determination by NHTSA that 1970 Ferrari 365 GT 2+2 passenger cars not originally manufactured to comply with

all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to a vehicle originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with the safety standards (the U.S.-certified version of the 1970 Ferrari 365 GT 2+2), and they are capable of being readily modified to conform to the standards.

DATES: The determination is effective as of March 24, 1994.

FOR FURTHER INFORMATION CONTACT: Ted Bayler, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act), 15 U.S.C. 1397(c)(3)(A)(i), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards must be refused admission into the United States on and after January 31, 1990, unless NHTSA has determined that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under section 114 of the Act, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility determinations may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA determines, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this determination in the **Federal Register.**

J.K. Motors, Inc. of Kingsville, Maryland (Registered Importer R–90–006) petitioned NHTSA to determine whether 1970 Ferrari 365 GT 2+2 passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on January 27, 1994 (59 FR 3922) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has determined to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final determination must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP 62 is the vehicle eligibility number assigned to vehicles admissible under this determination.

Final Determination

Accordingly, on the basis of the foregoing, NHTSA hereby determines that a 1970 Ferrari 365 GT 2+2 not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1970 Ferrari 365 GT 2+2 originally manufactured for importation into and sale in the United States and certified under section 114 of the National Traffic and Motor Vehicle Safety Act, and is capable of being readily modified to conform to all applicable Federal motor vehicle safety standards.

Authority: 15 U.S.C. 1397(c)(3) (A)(i)(I) and (C)(ii); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: March 17, 1994.

William A. Boehly,

Associate Administrator for Enforcement.

[FR Doc. 94–6941 Filed 3–23–94; 8:45 am]

BILLING CODE 4910–59–M

Research and Special Programs Administration

[Notice No. 94–3]

Corrections Advisory: 1993 DOT Emergency Response Guidebook

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Corrections advisory notice.

SUMMARY: This is to notify distributors, suppliers, and users of corrections to the 1993 DOT Emergency Response Guidebook (ERG). Corrections identified in this notice should be made to each ERG in a permanent fashion.

FOR FURTHER INFORMATION CONTACT: Roy J. Burton, Office of Hazardous Materials Initiatives and Training, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590, telephone (202) 366–4900. Office hours are 7:30 a.m. to 5 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION: The DOT Emergency Response Guidebook (ERG) is prepared and distributed, without charge, to fire, police, and other public emergency response entities throughout the United States. Recently, after more than one million copies of the 1993 edition of the ERG were distributed, several errors and omissions were discovered. While none were considered sufficient to cause concern in regard to a potential for misdirected emergency response actions, RSPA believes it appropriate to publish this advisory notice to alleviate concerns that have been raised. The corrections in this notice apply to ERG's printed as of January 29, 1994. Subsequent printings of the ERG have been corrected. The corrections affect the ERG's ID Number Index, Name of Material Index, and Table of Initial Isolation and Protective Action Distances. Corrections to the ID Number Index (The Yellow-border Pages of the Guidebook) are as follows:

1. For the entry "1058 12 LIQUEFIED NONFLAMMABLE GAS charged with nitrogen, carbon dioxide or air", revise "dioxide" to read "dioxide."
2. For the entry "1202 27 GASOLINE", revise "1202" to read "1203."
3. Add the entry "2031 44 NITRIC ACID, other than red fuming with more than 70% nitric acid" in the appropriate alpha-numeric order.
4. Add the entry "2031 44 NITRIC ACID, other than red fuming with not more than 70% nitric acid" in the appropriate alpha-numeric order.
5. For the entry "2742 57 ISOBUTYL CHLOROFOMATE", revise "CHLOROFOMATE" to read "CHLOROFORMATE."
6. Add the entry "3077 31 HAZARDOUS WASTE, solid, n.o.s." in the appropriate alpha-numeric order.
7. Add the entry "3082 31 HAZARDOUS WASTE, liquid, n.o.s." in the appropriate alpha-numeric order.

Corrections to the Name of Material Index (The Blue-border Pages of the Guidebook) are as follows:

1. For the entry "GASOLINE 27 1202", revise "1202" to read "1203."
2. Add the entry "HAZARDOUS WASTE, liquid, n.o.s. 31 3082" in the appropriate alphabetical order.
3. Add the entry "HAZARDOUS WASTE, solid, n.o.s. 31 3077" in the appropriate alphabetical order.
4. For the entry "ISOBUTYL CHLOROFOMATE 57 2742", revise "CHLOROFOMATE" to read "CHLOROFORMATE."
5. Add the entry "NITRIC ACID, other than red fuming with more than 70% nitric acid 44 2031" in the appropriate alphabetical order.
6. Add the entry "NITRIC ACID, other than red fuming with not more than

70% nitric acid 44 2031" in the appropriate alphabetical order.

7. For the entry "TETRAETHYL DITHIOPRYOPHOSPHATE and gases, mixtures, or in solution (LC50 more than 200 ppm but not more than 5000 ppm) 15 1703", revise "DITHIOPRYOPHOSPHATE" to read "DITHIOPYROPHOSPHATE."

Corrections to the Table of Initial Isolation and Protective Action Distances (The Green-border Pages of the Guidebook) are as follows:

1. For the entry "1703 TETRAETHYL DITHIOPRYOPHOSPHATE and gases, mixtures, or in solution (LC50 more than 200 ppm but not more than 5000 ppm)", revise "DITHIOPRYOPHOSPHATE" to read "DITHIOPYROPHOSPHATE".

2. For the entry "2407 SOPROPYL CHLOROFORMATE", revise "SOPROPYL" to read "ISOPROPYL".

3. For the entry "2742 ISOBUTYL CHLOROFOMATE", revise "CHLOROFOMATE" to read "CHLOROFORMATE".

Issued in Washington, DC on March 21, 1994.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 94–6943 Filed 3–23–94; 8:45 am]

BILLING CODE 4910–60–M

Customer-Owned Service Lines

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Notice of public meeting.

SUMMARY: The Research and Special Programs Administration (RSPA) invites representatives of industry, state and local government, and the public to an open meeting on the safety of customer-owned service lines. The purpose of this meeting is to gather information on the extent to which lack of maintenance of customer-owned service lines raises safety concerns, and on how to address these concerns, including the need for any legislative changes or regulatory action.

DATES: The meeting will be held on May 17, 1994 from 9 a.m.–4 p.m.

ADDRESSES: The meeting will held at the Transportation Safety Institute, 715 South Metropolitan, North Campus, Room 204, Oklahoma City, Oklahoma. The transcript of the meeting will be available for inspection and copying in room 8421, Nassif Building, 400 Seventh Street SW., Washington, DC 20590 between 8:30 a.m. and 5:00 p.m. each working day.

FOR FURTHER INFORMATION CONTACT: Marvin Fell, (202) 366–6205, regarding the subject matter of this notice, or the Dockets Unit (202) 366–5046, regarding copies of this notice or other material referenced in this notice.

SUPPLEMENTARY INFORMATION: Section 115(b) of the Pipeline Safety Act of 1992 (the Act, Pub. L. 102–508; October 24, 1992), requires the Department of Transportation to conduct a review of Federal, State and local rules, policies, procedures and other measures with respect to the safety of customer-owned natural gas service lines to determine their effectiveness. In a Notice of Proposed Rulemaking (NPRM) published February 3, 1994 (59 FR 5168), RSPA defined a customer-owned service line as a pipeline that transports gas from a service line to an exterior wall of a building or end use equipment. These lines are commonly called "yard lines" of "fuel lines." Similarly, "farm taps" are customer-owned service lines that begin at a customer meter, usually adjacent to a gas transmission line, and run to a single consumer.

In performing this review, the Department is to consider the extent to which lack of maintenance of customer-owned service lines raises safety concerns. Additional factors to be considered are State and local law, including law governing private property and rights, and State pipeline safety regulation of distribution operators; the views of State and local regulatory authorities; available accident information; costs; and civil liability implications of distribution operators taking responsibility for customer-owned service lines.

The Department is also to consider whether the customer-owned service line maintenance information regulations it is required to issue pursuant to section 115(a) of the Act sufficiently address safety risks and concerns involving such lines. RSPA published the proposed maintenance information regulations in an NPRM on February 3, 1994 (59 FR 5168). The NPRM proposes to require operators of natural gas or petroleum gas pipelines that do not maintain their customer-owned service lines up to building walls to advise their customers of the requirements for maintenance of those lines, any resources known to the operator that could aid customers, and the potential hazards of not maintaining service lines.

To begin its review, RSPA sent out a survey to the directors of state pipeline safety offices asking for information on the above-described matters. After careful review of the responses, RSPA determined additional information is needed to determine if lack of maintenance of customer-owned service lines raises safety concerns and how any concerns should be addressed, including need for legislative and regulatory changes. Accordingly, a public meeting will be held to collect this information. RSPA will provide preliminary results from its survey at this meeting.

RSPA is seeking comment on any of the above-described matters and, in particular, is requesting comment on the following questions:

(1) Are distribution and transmission operators in favor of assuming responsibility over customer-owned service lines? If not, why not?

(2) What will be the costs of requiring operators to maintain all customer-owned service lines?

(3) What are the civil liability implications of operators being required to maintain these lines? If operators were required to maintain customer-owned service lines, would this requirement conflict with state and local laws?

(4) What is the accident history of customer-owned lines in terms of incidents, injuries, fatalities, and property damage?

What alternatives are there to regulations requiring operators to maintain customer-owned lines?

(5) What methods are being used, and to what extent, to inform customers of how to maintain customer-owned service lines, and the hazards of not maintaining these lines? Are these methods effective in addressing the safety risks of these lines?

(6) What are the safety concerns raised by lack of maintenance on customer-owned lines?

Interested persons are invited to attend the meeting and present oral or written statements on the matters set for the meeting. Any person who wishes to speak should notify Marvin Fell at the above address. Please estimate the time that will be needed to speak. RSPA requests the right to limit the time of each speaker, if necessary, to ensure that everyone who requests an opportunity to speak is given one. Interested parties that are not scheduled to comment will have an opportunity to comment only after approval of the meeting officer

Issued in Washington, DC., on March 18, 1994.

George W. Tenley, Jr.,

Associate Administrator for Pipeline Safety

[FR Doc. 94–6927 Filed 3–23–94; 8 45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1993 Rev., Supp. No. 12]

Heritage Mutual Insurance Company

A Certificate of Authority as an acceptable surety on Federal Bonds is hereby issued to the following company under Sections 9304 to 9308, Title 31, of the United States Code. Federal bond approving officers should annotate their reference copies of the Treasury Circular 570, 1993 Revision on page 35799 to reflect this addition.

Heritage Mutual Insurance Company. BUSINESS ADDRESS: 2800 South Taylor Drive, P.O. Box 58, Sheboygan, WI 53082–0058. PHONE: (414) 458–9131. UNDERWRITING LIMITATION [b]: $6,512,000. SURETY LICENSES [c]: AZ, AR, CO, DE, FL, GA, ID, IL, IN, IA, KS, KY, MI, MN, MO, NE, NV, ND, OH, OR, PA, SD, TN, TX, VA, WA, WV, WI, WY. INCORPORATED: Wisconsin.

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

Copies of the Circular may be obtained from the Department of the Treasury, Financial Management Service, Funds Management Division, Surety Bond Branch, Washington, DC 20227, telephone (202) 874–6850.

Dated: March 16, 1994.

Charles F. Schwan III,

Director, Funds Management Division, Financial Management Service.

[FR Doc. 94–6853 Filed 3–23–94; 8:45 am]

BILLING CODE 4810–35–M

Sunshine Act Meetings

Federal Register
Vol. 59, No. 57
Thursday, March 24, 1994

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL ELECTION COMMISSION

"FEDERAL REGISTER" NUMBER: 94–6466.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, March 24, 1994, 10: a.m., Meeting Open to the Public.

The following item was added to the agenda:

Recirculation of the Final Audit Report on the 1992 Democratic National Committee, Inc.

PERSON TO CONTACT FOR INFORMATION: Press Officer, Telephone: (202) 219–4155.

Delores Hardy,

Administrative Assistant.

[FR Doc. 94–7145 Filed 3–22–94; 2:40 pm]

BILLING CODE 6715–01–M

NATIONAL COUNCIL ON DISABILITY

Quarterly Meeting

SUMMARY: This notice sets forth the schedule and proposed agenda of the forthcoming quarterly meeting of the National Council on Disability. Notice of this meeting is required under Section 522b of the Government in the Sunshine Act, (P.L. 94–409).

DATES: May 2–4, 1994, 9:00 a.m. to 5:00 p.m.

LOCATION: The Westin Hotel, 1672 Lawrence Street, Denver, Colorado 80202, (303) 572–9100.

FOR INFORMATION CONTACT: Mark S. Quigley, Public Affairs Specialist, National Council on Disability, 1331 F Street, NW, Suite 1050, Washington, DC 20004–1107, Telephone: (202) 272–2004, (202) 272–2074 (TT).

The National Council on Disability is an independent federal agency led by 15 members appointed by the President of the United States and confirmed by the U.S. Senate. The overall purpose of the National Council is to promote policies, programs, practices, and procedures that guarantee equal opportunity for all people with disabilities, regardless of the nature of severity of the disability; and to empower people with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

ACCOMMODATIONS: Those needing interpreters or other accommodations should notify the National Council on Disability by April 11, 1994.

The quarterly meeting of the National Council shall be open to the public and conducted in a smoke-free atmosphere. In addition, those attending should be mindful that the use of aromatic fragrances might affect people with environmental and chemical sensitivities.

AGENDA: The proposed agenda includes:

Report from the Chairperson and the Executive Director
Committee Meetings and Committee Reports
Unfinished Business
New Business
Announcements
Adjournment

Records shall be kept of all National Council proceedings and shall be available after the meeting for public inspection at the National Council on Disability.

Signed in Washington, DC, on March 18, 1994.

Edward P. Burke,

Acting Executive Director.

[FR Doc. 94–7058 Filed 3–22–94; 9:08 am]

BILLING CODE 6820–BS–M

UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS

Notice of a Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 C.F.R. Section 7.5) and the Government in the Sunshine Act (5 U.S.C. Section 552b), hereby gives notice that it intends to hold a meeting at 1:30 p.m. on Monday, April 4, 1994, and at 9:00 a.m. on Tuesday, April 5, 1994, in Chicago, Illinois. The April 4 meeting, at which the Board will consider an additional funding request for the Chicago, Illinois, General Mail Facility (See 59 FR 12031, March 15, 1994) is closed to the public.

The April 5 meeting is open to the public and will be held at the Ritz-Carlton Hotel, 160 Pearson Street, Chicago, in the Salon room. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary for the Board, David F. Harris, at (202) 268–4800.

Agenda

Monday Session

April 4–1:30 p.m. (Closed)

1. Capital Investment. (Messrs. Wilson and Jacobson)
   a. Chicago, Illinois, General Mail Facility Additional Funding Request

Tuesday Session

April 5–9:00 a.m. (Open)

1. Minutes of the Previous Meeting, March 7–8, 1994
2. Remarks of the Postmaster General/Chief Executive Officer. (Marvin Runyon)
3. Annual Report on the Law Department. (Mary S. Elcano, General Counsel)
4. Annual Report on Diversity Development, Affirmative Action and Review of the GAO Report on Hispanic Employment. (Veronica O. Collazo, Vice President, Diversity Development)
5. Annual Report on Equal Employment Opportunity. (Joseph J. Mahon, Jr., Vice President, Labor Relations)
6. Report on the Chicago, Illinois, District. (Jimmie Mason, Chicago Customer Service District Manager, and Celestine Green, Chicago P&DC Plant Manager)
7. Capital Investment. (William J. Dowling, Vice President, Engineering)
   a. Flat Sorting Machines
8. Tentative Agenda for the May 2–3, 1994, meeting in Costa Mesa, California.

David F. Harris,

Secretary.

[FR Doc. 94–7095 Filed 3–22–94; 12:03 pm]

BILLING CODE 7710–12–M

Corrections

Federal Register
Vol. 59, No. 57
Thursday, March 24, 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.

FEDERAL ELECTION COMMISSION

11 CFR Part 8

[Notice 1994-3]

National Voter Registration Act of 1993

Correction

In proposed rule document 94-5461 beginning on page 11211, in the issue of Thursday, March 10, 1994, make the following corrections:

On page 11212, in the 2nd column, in the 19th line, after the word "actual" insert "form".

§ 8.3 [Corrected]

On page 11220, in the second column, in § 8.3, in the second line, "tear-gas" should read "tear-out".

BILLING CODE 1505-01-D

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

Correction

In rule document 94-5820 beginning on page 11898 in the issue of Tuesday, March 15, 1994, make the following corrections.

1. On page 11899, in the first column, under **Background**, in the first paragraph, in the sixth line, "app." should read "App.".

2. On the same page, in the second column, under "Authority:", in the second paragraph, in the second line, "app." should read "App.".

BILLING CODE 1505-01-D

federal register

Thursday
March 24, 1994

Part II

Department of Commerce

National Telecommunications and Information Administration

National Endowment for Children's Educational Television; Notice of Availability of Funds

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration (NTIA)

[Docket No. 940375–4075]

[RIN 0660–AA06]

National Endowment for Children's Educational Television (NECET)

AGENCY: National Telecommunications and Information Administration, Commerce.

ACTION: Notice of availability of funds.

SUMMARY: The National Endowment for Children's Educational Television (NECET) hereby gives notice of the availability of funds for the purpose of enhancing the education of children through the creation and production of television programming specifically directed toward the development of fundamental intellectual skills.

DATES: The closing date for submission of all NECET Preliminary Applications (Pre-Applications) for the fiscal year (FY) 1994 grant cycle is Wednesday, May 4, 1994. Pre-Applications must be received at the NECET office no later than 5 p.m., May 4, 1994, whether mailed or hand-delivered. Facsimile copies will not be accepted.

Successful Pre-Applicants will be invited to submit Full Applications to NECET. Full Applications must be received at the NECET office no later than 5 p.m., Wednesday, July 13, 1994. NTIA intends to award FY 1994 NECET grants by September 30, 1994.

ADDRESSES: Office of Telecommunications and Information Applications (OTIA); National Telecommunications and Information Administration (NTIA); U.S. Department of Commerce; 14th Street and Constitution Avenue, NW., room H–4889; Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Dr. Charles M. Rush; Acting Associate Administrator, Office of Telecommunications and Information Applications (OTIA); Telephone: (202) 482–5802; Facsimile: (202) 482–2156; E-Mail: necet@ntia.doc.gov. Information on the NECET program may also be downloaded from the NTIA Bulletin Board by contacting (202) 482–1199 via modern or ntiabbs.ntia.doc.gov via Internet.

SUPPLEMENTARY INFORMATION:

Authority

The National Telecommunications and Information Administration (NTIA), Department of Commerce, serves as the President's principal adviser on telecommunications and information policy. NTIA's functions were codified as part of the Telecommunications Authorization Act of 1992, Public Law No. 102–538, 106 Stat. 3533, 47 U.S.C. 901–04 (1993).

The National Endowment for Children's Educational Television was established by The Children's Television Act of 1990, Public Law No. 101–437, 104 Stat. 996 (1990) (codified at 47 U.S.C. 394 (1991)).

Catalog of Federal Domestic Assistance (CFDA)

11.551; The National Endowment for Children's Educational Television.

Program Description

NECET Background

NECET funds are intended to support the creation and production of children's television programming that is specifically directed toward the development of fundamental intellectual skills. In so doing, NECET's efforts are intended to supplement children's educational programming that is funded by other governmental entities.

Congress directed that NECET be administered by the Secretary of Commerce. The Secretary, in turn, has delegated this responsibility to the Assistant Secretary for Communications and Information, who serves as the Administrator of the National Telecommunications and Information Administration (NTIA).

The Children's Television Act of 1990 stipulates that, during the first two years following project completion, NECET-funded programming may be offered for distribution only to noncommercial public television stations. After the initial two-year period, NECET-funded programming may be made available to commercial media as well, including broadcast television networks and stations, and cable television networks and systems. The 1990 Act authorizes the Secretary of Commerce, under certain circumstances, to modify some aspects of these distribution requirements.

Through the 1990 Act, Congress sought to ensure that commercial television entities would have at their disposal a growing pool of high-quality programming appropriate for a children's audience that would be available at an affordable cost. Accordingly, the 1990 Act authorizes the Secretary to offer NECET-funded programs to commercial television stations and cable television systems at a rate designed to encourage these entities to air such programming.

NECET Objectives

For the FY 1994 grant round, NECET has three major objectives that applicants should consider when preparing their submissions.

- *To Improve the Fundamental Intellectual Skills of Children Through the Vehicle of Television Programming.* The term "fundamental intellectual skills" may be defined in a number of ways. In general, NECET interprets the term broadly, to include those competencies and abilities that enable children to effectively understand and cope with problems posed by the contemporary world. Such skills might include proficiency in traditional academic disciplines, such as mathematics, science, history or reading, or they might consist of more abstract abilities, concerns or appreciations, such as problem-solving, ethics, multiculturalism or diversity. Regardless of approach, applicants are also encouraged to incorporate basic human development skills, such as self-esteem and pro-social behavior development, into their proposals. Finally, since most effective educational television programming for children has an entertainment element woven throughout it, NECET applicants are encouraged to incorporate this element into the design of their proposals.
- *To the Extent Feasible, To Support the Development of Programming for Children Aged 6 to 8.* Although there is a need for high-quality educational television programming for children of all ages, NECET has concluded that the six-to-eight-year-old child is currently the most underserved by educational television programming and is therefore deserving of special consideration for the FY 1994 grant round. According to the 1990 U.S. Census, there are a total of 10,732,061 children in this age group. Consistent with this emphasis, projects that meet the needs of this particular age group are more likely to be competitive and to receive funding consideration than projects focused on other age groups. NECET, however, will not automatically reject projects designed for other age groups. In future grant rounds, NECET may emphasize projects designed for different age levels.
- *To Encompass a Broad Range of Subject Areas Within the Overall Context of the Grant Program.* NECET is imposing no limits on the scope of the proposals that may be submitted for funding consideration. In selecting the goals for their projects, applicants may choose to encompass a broad array of targeted skills. Alternatively applicants may choose to center on a single learning need.

Funding Availability

The Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act of 1993, Public Law 103–121, 107 Stat. 1153 (1993), provides the Department of Commerce $1 million in assistance for the National Endowment for Children's Educational Television under 47 U.S.C. 394 (1991), to be used for the creation and production of television programming specifically directed toward the development of fundamental intellectual skills. Congress has appropriated a total of $1 million for NECET for Fiscal Year 1994. NTIA anticipates that in FY 1994 NECET will fund up to six grant awards, depending on the nature of the projects and the need of the recipients, and that NECET awards will range from $50,000 to $300,000.

Matching Requirements

The Children's Television Act of 1990 provides that the Department of Commerce may award funds up to 75 percent of a project's eligible costs. Due to the limitation of available funding, however, applicants are encouraged to provide as much outside funding as possible.

Type of Funding Instrument

The funding instrument for awards made under this program will be a grant.

Eligibility Criteria

Any individual, partnership, association, joint stock company, trust, corporation (not-for-profit or for-profit), or state or local governmental entity is eligible to submit an application for NECET funding.

Award Period

Successful applicants will have up to twenty-four months to complete their project, although the grant award period will vary as a function of the complexity and scope of the project.

Indirect Costs

The total dollar amount of the indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award or 100 percent of the total proposed direct costs dollar amount in the application, whichever is less.

Application Forms and Kit; Selection Procedures

Preliminary Applications

A Preliminary Application (Pre-Application) is required for each proposal submitted by an applicant. The Pre-Application consists of two parts; (1) A Standard Form 424 (SF–424) (Rev. 4–92) Application for Federal Assistance; and (2) a narrative summary of the general nature of the proposed project, not to exceed five single-spaced pages. An original and two copies of each complete Pre-Application is required for each project submission. No organization or individual is permitted to submit Pre-Applications for more than three separate projects. Videotapes, audio cassettes and other related materials are not permitted with Pre-Applications. A copy of the SF–424 and an outline of points to be included in the Pre-Application narrative summary is contained in the National Endowment for Children's Educational Television *Guidelines for Preparing Applications: 1994 Grant Cycle.* This booklet may be secured by contacting the NTIA Office listed earlier.

Upon receipt, NECET Pre-Applications will be reviewed and evaluated by outside reviewers with expertise in the area of children's television programming and by NECET staff. Criteria to be used in the evaluation of each proposal are listed in the "Evaluation Criteria" section of this Notice. Written comments made by reviewers on each proposal will not be made available to the applicant, and Pre-Application submissions will not be returned. Recommendations regarding successful Pre-Applications will be submitted to the NTIA Administrator, who shall make a final determination regarding successful and unsuccessful Pre-Applications. Successful and unsuccessful Pre-Applicants will be notified by letter about their proposals in late May, 1994. Those determined to be unsuccessful Pre-Applicants will be dropped from further consideration for the FY 1994 NECET grant cycle. Those determined to be successful Pre-Applicants will be invited to submit Full Applications to NECET.

Full Applications

The Full Application is a comprehensive document that consists of required Federal forms, five sections of additional information, and three exhibits. Detailed instructions for completing the Full Application are contained in the *Guidelines for Preparing Applications: 1994 Grant Cycle* cited earlier.

In addition, those applicants requesting funds for production of a series, individual program(s), or special program(s) are also strongly recommended to submit a half-inch VHS videocassette that represents the quality of work of which the applicant is capable. This type may take the form of a pilot or other sample tape of the proposed project, or may be a tape of an unrelated nature that demonstrates the creative and technical capability of the applicant. Applicants requesting NECET funds for reproduction activities only (e.g., planning, research, development, scripting, etc.) and/or for production of a pilot program do not need to submit a videocassette with their Full Applications. Videocassettes will not be returned.

Project Funding Priorities

In general, NECET funds are available to support all of the varied tasks associated with the production of children's television, and project eligibility is not limited to any particular stage of production or type of activity as long as it is germane to the production of children's television programming that furthers the objectives of the 1990 Act. Programming funded by NECET is primarily intended for general viewing by children, although it may also have value and be used within an instructional context. In general, NECET expects to award funds for four categories of projects:

Series

To initiate new series productions, or to complete a series project already underway.

Individual Programs or Specials

To support production of new individual program(s) or special(s).

Pilot Programs

To support various pre-production activities (e.g., planning, research development, scripting, etc.) up through and including the production of pilot program(s).

Pre-Production Projects

To support preliminary pre-production activities, such as planning, research, development and/or scripting, that will eventually lead to production.

Evaluation Criteria

Five Evaluation Criteria will be used to evaluate all NECET Pre-Application and NECET Full Application submissions received during the FY 1994 grant cycle. These criteria, and the weight accorded each criterion, are as follows:

Creativity (30 points)

The proposed project must display a high degree of creativity, originality and artistic imagination and, ideally, be unique and innovative in its approach.

Clarity of Educational Objectives; Plan for Evaluating Educational Effectiveness; Indication of Developmental Appropriateness (30 points)

Applicants must provide:

(1) A clear statement of the educational objectives of their proposal;

(2) a plan for evaluating the educational effectiveness of the proposed project; and

(3) an indication that the proposed project is developmentally appropriate for the target audience specified in the proposal.

Conformance With NECET Objectives (15 points)

Applicants must satisfy NECET that their project will further the three NECET objectives discussed earlier in this Notice:

(1) To Improve the Fundamental Intellectual Skills of Children through the Vehicle of Television Programming;

(2) To the Extent Feasible, to Support the Development of Programming for Children Aged 6 to 8; and

(3) To Encompass a Broad Range of Subject Areas within the Overall Context of the Grant Program.

Applicant Capability (15 points)

Applicants must indicate why NECET may be confident that they will be able to complete the proposed project in a satisfactory manner. Applicants may demonstrate this capability in various ways, including documentation of previous experience, presentation of a well-developed plan, and related information.

Thoroughness of Project Plan (10 points)

Applicants must provide evidence of a well-developed and sound plan for execution of their project, including a detailed and realistic timetable and budget that accurately reflect the needs of the project.

Program Standards

Programs produced with NECET grant funding must meet broadcast-quality production and technical standards consistent with those of the Public Broadcasting Service (PBS). All programs must be closed-captioned. Programming funded by NECET may not be interrupted with commercial advertising messages for the life of the program. All NECET-funded programming must be aired with a funding (underwriting) credit for the National Endowment for Children's Educational Television (NECET), and any ancillary materials produced with this grant shall contain a similar credit. Such funding credit shall be consistent with common practice for funding announcements on public broadcasting stations.

Rights, Clearances, and Distribution

NECET grant recipients are entitled to retain continuing rights to the programming that they create with NECET funding assistance. Recipients of NECET grant funding must comply with all requirements of United States Copyright Law, including requirements to obtain permission from owners of copyright in works of authorship and to pay any required license fees. Accordingly, NECET requires that all completed creative works supported by NECET funding have appropriate clearances, releases, and/or other documentation demonstrating that the organization or individual producing the programming either has obtained rights for the use of all elements in the programs, or has itself originally created the work. These rights and clearances apply to all elements of such programming.

NECET Applicants should note that they will need to obtain an option on any material critical to the successful completion of their projects *before* they apply to NECET, unless all such material has already been cleared or is entirely original with the applicant.

Other Requirements

Federal Policies and Procedures

Recipients and sub-recipients are subject to all applicable Federal laws and Federal and Department of Commerce policies, regulations, and procedures applicable to Federal financial assistance awards.

Past Performance

Unsatisfactory performance under prior Federal financial assistance awards may result in an application not being considered for funding.

Pre-Award Activities

If applicants incur any costs prior to the awarding of funds, they do so solely at their own risk of not being reimbursed by the government. Applicants are hereby notified that, notwithstanding any verbal or written assurance that they may have received, there is no obligation on the part of the Department of Commerce or NTIA to cover pre-award costs.

No Obligation for Future Funding

If an application is selected for funding, the Department of Commerce has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of the Department of Commerce.

Delinquent Federal Debts

No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either:

1. The delinquent account is paid in full;

2. A negotiated repayment schedule is established and at least one payment is received; or

3. Other arrangements satisfactory to the Department of Commerce are made.

Name Check Review

All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury, or other matters that significantly reflect on the applicant's management honesty or financial integrity.

Primary Applicant Certifications

All primary applicants must submit a completed Form CD–511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying." The following explanations are hereby provided:

- Non-procurement Debarment and Suspension. Prospective participants (as defined at 15 CFR part 26, § 26.105) are subject to 15 CFR part 26, "Non-procurement Debarment and Suspension" and the related section of the certification form prescribed above applies;
- Drug-Free Workplace. Grantees (as defined at 15 CFR part 26, § 26.605) are subject to 15 CFR part 26, Subpart F, "Government-wide Requirements for Drug-Free Workplace (Grants) and the related section of the certification form prescribed above applies;
- Anti-Lobbying. Persons (as defined at 15 CFR part 28, § 28.105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000 or the single family maximum mortgage limit for affected programs, whichever is greater; and

• Anti-Lobbying Disclosure. Any applicant that has paid or will pay for lobbying using any funds must submit an SF–LLL, "Disclosure of Lobbying Activities," as required under 15 CFR part 28, appendix B.

Lower Tier Certifications

Grant recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying" and disclosure from SF–LLL, "Disclosure of Lobbying Activities." Form CD–512 is intended for the use of recipients and should not be transmitted to DOC. SF–LLL submitted by any tier recipient or sub-recipient should be submitted to DOC in accordance with the instructions contained in the award document.

False Statements

A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

Intergovernmental Review

Applications under this program are subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

Requirement To Buy American-Made Equipment or Products

Applicants are hereby notified that any equipment or products authorized to be purchased with funding provided under this program must be American-made to the maximum extent feasible in accordance with Public Law 103–121, sections 606 (a) and (b). Adequate justification will be required for any proposed purchases of equipment or products that are not American-made.

Paperwork Reduction Act

The standard forms have been approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act under OMB Approval Nos. 0348–0043, 0348–0044, 0348–0040 and 0348–0046.

Executive Order 12866

This Notice was not subject to review by the Office of Management and Budget under Executive Order 12866.

Dated: March 18, 1994.

Larry Irving,

Assistant Secretary for Communications and Information.

[FR Doc. 94–6875 Filed 3–23–94; 8:45 am]

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federal register

Thursday
March 24, 1994

Part III

Department of the Interior

Bureau of Indian Affairs

25 CFR Part 170

Roads of the Bureau of Indian Affairs To Be Administered in Conjunction With the Federal Highway Administration; Proposed Rule

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 170

RIN 1076–AB05

Roads of the Bureau of Indian Affairs To Be Administered in Conjunction With the Federal Highway Administration

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs is proposing to revise its regulations on the administration of its roads. These proposed changes are necessary because of new procedures and methods, the adoption of the Federal Lands Highways Program, and other events since the last revision. The purpose of this revision is to reflect the current Bureau of Indian Affairs (BIA) and Federal Highway Administration (FHWA) policies for the road systems on Indian Reservations; to ensure that funds are made available from the Highway Trust Fund (HTF) for construction projects on Indian Reservations Roads (IRR) in accordance with the relative needs of the reservations; and to implement aspects of tribal self-determination.

DATES: Comments must be received on or before May 23, 1994.

ADDRESSES: Send written and signed comments to Richard B. Geiger; Chief, Division of Transportation; Bureau of Indian Affairs; 1849 C Street, NW.; Mail Stop 4058 MIB; Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Richard B. Geiger, Chief, Division of Transportation, Bureau of Indian Affairs. Telephone number (202) 208–4359. Office hours are from 7:45 a.m. to 4:15 p.m.; EST, Monday through Friday, except for legal holidays.

SUPPLEMENTARY INFORMATION: The Bureau of Indian Affairs is proposing this revision to incorporate the requirements and procedures of the Federal Lands Highways Program, 23 U.S.C. 202 and 204, and to reflect the policies of the FHWA for road systems on Indian reservations. The incorporation of these requirements will ensure that funds from the HTF are available for construction projects on IRR according to the needs of the reservation as prioritized by the affected Indian Tribes.

A substantial backlog of needed road construction serving Indian reservations exists making the establishment of project priorities a necessity. The requirements of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Public Law 102–240, 105 Stat. 1914 (December 18, 1991) and the policy of Indian Self-Determination, mandate that consultation procedures with Tribal Governments to determine these priorities should be established, subject to BIA approval of the expenditure of Federal Funds.

Procedures shall be followed and periodically revised to ensure that the opportunity exists for the various Indian reservations to receive a fair and equitable share of funds from the HTF for construction projects on Indian reservation roads. These projects are funded according to their relative needs and to meet the legislative requirements established which affect Indian reservations.

Substantive Changes Proposed

25 CFR 170.2 *Definitions*. This section would be revised to include reconstruction projects within the definition of "construction" and new definitions for "public road" and "BIA road system."

25 CFR 170.3 *Federal Lands Highways Program*. This revised section would describe programs established by section 126(e) of the Surface Transportation Assistance Act of 1982, Pub. L. 97–424, 96 Stat. 2115, and the ISTEA.

25 CFR 170.5, formerly *Right-of-way*, is renumbered to 170.14. This section is retitled *Federal-Aid Highway Program* and now describes the IRR as authorized by that program.

25 CFR 170.6, formerly *Maintenance of Indian Roads*, is renumbered to 170.19. This section is retitled *Road Inventory and Needs Study*.

25 CFR 170.7, formerly *Cooperation with States*, is changed to include tribes and renumbered to 170.3(b). This new section now describes the transportation planning process and is titled, *Transportation Planning*. This section also includes tourism and recreational travel that benefits recreational development.

25 CFR 170.8, formerly *Use of Roads*, is renumbered to 170.17. This new section describes priority selection for road construction and is titled *Selection of Road Construction Priorities*.

25 CFR 170.9, formerly *Roadless and Wild Areas*, is titled *Annual Program Approval* and 170.41 is the new section for *Roadless and Wild Areas*.

25 CFR 170.10 through 170.19, *Public Hearings on Road Projects*, have been renumbered to 170.30 through 170.39. Sections 170.10, 170.11, 170.12 and 170.13 now are titled respectively *Allocations, Availability of Funds, Program Certification* and *Program Analysis*.

25 CFR 170.14 *Right-of-way*, has been changed to include tribal consultation in all right-of-way transfers.

25 CFR 170.18 *Equipment Pool Operations*, describes a new section and includes new language for operating an Equipment Pool.

25 CFR 170.20 *Pedestrian and Bicycle Facilities*, describes a new section and includes new language pursuant to section 1033 of the ISTEA.

25 CFR 170.21 *Emergency Relief Program*, describes a new section and includes language for operations under the Emergency Relief Program.

25 CFR 170.22 *Bridges*, describes a new section and includes the provisions of the ISTEA for Indian reservation bridges pursuant to 23 U.S.C. 144.

25 CFR 170.23 *Airports*, has been added to describe eligible work on airports.

25 CFR 170.24 *Pub. L. 93–638 Contracts, Road Maintenance and Construction Contracts*, has been added to describe BIA responsibilities under Public Law 93–638, the Indian Self-Determination and Education Assistance Act, as amended.

25 CFR 170.27 *Programs under Education and Training*, has been added to describe the eligible programs to tribes under this provision.

Minor Changes Proposed

Technical changes are made for clarity; to renumber to accommodate new sections; to divide the text into two subparts; and to conform to the substantive changes.

The policy of the Department of the Interior (DOI) is to afford the public an opportunity to participate in the rulemaking process to the greatest extent practical. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed rule, to the locations identified in the Addresses section of this preamble.

The primary author of this document is: Richard B. Geiger, Chief, Division of Transportation, Central Office, Bureau of Indian Affairs, telephone number: (202) 208–4359.

This rule is not a significant rule under Executive Order 12866 and, thus, will not be reviewed by the Office of Management and Budget. This rule does not have a significant economic effect on a substantial number of small entities under the criteria established by the Regulatory Flexibility Act and does not constitute a major Federal action significantly affecting the quality of the human environment as defined in the National Environmental Policy Act of

1969. This rule does not contain information collection requirements as defined by 44 U.S.C. 3501 et seq. which require the approval of the Office of Management and Budget. The Department has certified to the Office of Management and Budget that these proposed regulations meet the applicable standards provided in Sections 2(a) and 2(b) (2) of Executive Order 12778. In accordance with Executive Order 12630, the Department has determined that this rule does not have significant takings implications and that this rule does not have significant federalism effects under Executive Order 12612.

List of Subjects in 25 CFR Part 170 Highways and Roads, Indians-lands

For the reasons set out in the preamble, part 170 of title 25, Chapter I of the Code of Federal Regulations is proposed to be revised as set forth below.

PART 170—ROADS OF THE BUREAU OF INDIAN AFFAIRS TO BE ADMINISTERED IN CONJUNCTION WITH THE FEDERAL HIGHWAY ADMINISTRATION

Subpart A—Construction and Maintenance of Roads

Sec.
170.1 Purpose.
170.2 Definitions.
170.3 Federal Lands Highways Programs (23 U.S.C. 202 and 204).
170.4 Approval of fund distribution.
170.5 Federal-aid highways.
170.6 Road Inventory and Needs Study.
170.7 Transportation planning.
170.8 Selection of road construction project priorities.
170.9 Annual program approval.
170.10 Allocations.
170.11 Availability of funds.
170.12 Program certification.
170.13 Program analysis.
170.14 Right-of-way.
170.15 Road design.
170.16 Method of construction.
170.17 Use of roads.
170.18 Equipment pool operations.
170.19 Maintenance of BIA roads system.
170.20 Pedestrian and bicycle facilities.
170.21 Emergency Relief Program.
170.22 Bridges.
170.23 Airports.
170.24 Public Law 93–638 road maintenance and construction contracts.
170.25 Program requirements for road maintenance.
170.26 Program requirements for road construction.
170.27 Education and training.

Subpart B—Public Hearings on Road Projects

Sec.
170.30 Purpose and objectives.
170.31 Criteria.
170.32 Need for public hearing determined.
170.33 Notice of road construction projects in lieu of hearing.
170.34 Notice of public hearing.
170.35 Record of hearing proceedings.
170.36 Conducting the public hearing.
170.37 Written statements.
170.38 Hearing statement.
170.39 Appeals.
170.40 Information collection requirements.
170.41 Roadless and wild areas.

Authority: 36 Stat. 861; 49 Stat. 1521, as amended; 78 Stat. 241, 253, 257; 45 Stat. 750; 25 U.S.C. 47, 318a, 318b; 42 U.S.C. 2000e(b), 2000e–2(i); 23 U.S.C. 101(a), 116, 117, 118, 125, 134, 135, 144, 202, 203, 204, 217, 326 and 402.

Subpart A—Construction and Maintenance of Roads

§ 170.1 Purpose.

The purpose of this part is to set forth regulations to govern the planning, design, construction, maintenance, and general administration of Indian reservation roads. In compliance with 23 U.S.C. 202, these regulations have been jointly developed and approved by the Assistant Secretary—Indian Affairs (DOI) and the Federal Highway Administrator, Department of Transportation. Any FHWA/BIA interagency agreements relative to the administration of the IRR program shall be developed and approved after allowing tribal governments the opportunity to review and comment.

§ 170.2 Definitions.

BIA Road System means those existing and proposed IRR for which the Bureau of Indian Affairs (BIA) owns or plans to obtain legal right-of-way. This includes only roads for which the BIA has the primary responsibility to construct, improve and maintain, and for which any changes to this system shall be supported by a tribal resolution.

Construction means engineering, supervising, inspecting, actual building, and all expenses incidental to the construction and improvement of roads and bridges. Construction includes the elimination of roadway hazards, the acquisition of right-of-way, reconstruction, resurfacing, restoration, rehabilitation, sealing of the roadway, and traffic flow control or improvement. Also included are designed pavement overlays that add to the structural value and design life of the pavement, or provide identified safety skid resistance, and double bituminous surface and chip seals that are part of predefined stage construction or form the final surface on low volume roads.

Force account means the use of BIA personnel to perform construction and maintenance on IRR. Program and project documentation is completed under these operations in accordance with specifications and applicable directives from the Bureau of Indian Affairs Manual (BIAM) for each project.

Indian Reservation Roads (IRR) "means public roads that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government or Indian and Alaska Native villages, groups or communities in which the majority of the residents are Indians or Alaskan Natives, whom the Secretary has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians." (23 U.S.C. 101(a).) Roads in the BIA Road System are included in the IRR system.

Maintenance means the act of preserving the entire roadway, including the surface, shoulder, roadsides, drainages, and structures, preserving the road as nearly as practical to the original as-built condition, and providing snow and ice removal, vegetation control, traffic control devices, and other services for the safety and convenience of the user. Maintenance may also include minor improvements which could not be done efficiently with road construction funds, or the removal of safety hazards. Maintenance does not include constructing roads to a substantially higher standard.

Public road means any road or street under the jurisdiction of and maintained by a public authority and open to public travel. (23 U.S.C. 101(a).)

Secretary means the Secretary of the Department of the Interior, or a designated representative, who will usually be the Assistant Secretary—Indian Affairs or a Deputy to the Commissioner of Indian Affairs.

State means one of the 50 United States, a Territory, or a political subdivision of a State or Territory. For purposes of 23 U.S.C. 402—Highway Safety Programs and for other programs in the future, and with the approval of the Secretary of Transportation, State may include the BIA; Governor of a State may include the Secretary of the Interior; and a political subdivision of a State may include the tribal government on an Indian Reservation.

Superintendent means the Agency Superintendent at all locations. The Area Director or a designated representative may appear for the Superintendent at public hearings on arterial roads which cross Agency boundaries of jurisdiction.

§ 170.3 Federal Lands Highways Programs (23 U.S.C. 202 and 204).

(a) The coordinated Federal Lands Highways Program (FLHP) consists of the Forest Highways, Public Lands Highways, Park Roads, Parkways and Indian Reservation Roads as defined in 23 U.S.C. 101. The purpose is to treat all Federal Roads which are public roads under the same uniform policies as roads on the Federal-Aid Systems. (23 U.S.C. 204).

(b) BIA shall coordinate management of IRR construction with the programs of the National Park Service, U.S. Forest Service, and the Public Lands Highways program of the FHWA. BIA management policies shall conform to policies for roads which are on the Federal-aid highways, including application of the FAR and Government Accounting Standards.

(c) In planning and constructing IRR the BIA may enter into contracts with other Federal agencies, States, counties, cities, or tribal governments. In these contracts, the BIA or one of the other governmental agencies may be the lead agency, accepting contributions from the other agencies involved. When the BIA is the lead agency in a cooperative project with a State, county, local subdivision, or tribal government, reimbursement authority shall be issued to the BIA for crediting the funds received to the appropriation available for IRR construction projects. All projects shall be developed in accordance with the requirements of the National Environmental Policy Act, the National Historic Preservation Act, and other Federal requirements. These projects are included as part of the continuing cooperative and comprehensive planning process used to develop Statewide transportation improvement programs by States. The projects will also be part of approved long-range and short-range plans in accordance with 23 U.S.C. 134, 135(e)(f) and 204(a).

(d) Indian labor shall be used at the maximum practical level on projects using IRR construction funds or road maintenance funds. Since ceilings on Federal employment do not apply to construction and improvement of Indian reservation roads, staffing and overtime decisions shall be based upon project requirements, efficiency, the availability of Indian labor, and other governmental costs including unemployment compensation and welfare. The BIA shall assist the FHWA and the States to apply Indian preference to Federal-aid highway projects on or near Indian reservations.

(e) The BIA shall cooperate with the FHWA in developing procedures to provide the information needed by the Secretary of Transportation in making the determination that a proposed obligation of IRR funds on a Federal-aid project is supplemental to, and not in lieu of, the obligation of a fair and equitable share of funds apportioned to the State pursuant to 23 U.S.C. 104. The Secretary may enter into an agreement with a State or subdivision of a State for supplementary funding in the construction and maintenance of IRR. At locations where road projects serve non-Indian land as well as Indian land, State participation shall be requested. Funds for IRR may be used in conjunction with Federal-aid funds on State Federal-aid highway projects, including projects in the Highway Bridge Replacement and Rehabilitation Program (HBRRP). Pursuant to 23 U.S.C. 144(g)(4), not less than one percent of the apportioned HBRRP funds is set aside in each State that has an Indian Reservation, as defined in 25 CFR 170.2, within its boundaries for projects to replace, rehabilitate, paint, or apply magnesium acetate to IRR bridges. The IRR funds can also be used for the required 20 percent State match requirements. (23 U.S.C. 144).

(f) Subject to availability of qualified Indian contractors, IRR construction contracts shall be advertised for award to the lowest qualified bidder under the provisions of the Buy Indian Act of June 25, 1910 (36 Stat. 891). Subject to availability of qualified Indian subcontractors, prime contractors shall be required to give preference to Indian subcontractors on IRR construction contracts. A good faith effort to locate qualified Indian contractors and subcontractors shall be required. Incentives may be provided for training Indian subcontractors. Contracts with tribal governments under Public Law 93–638 shall be written, negotiated, and monitored to ensure meeting the requirements of 23 U.S.C.

(g) On cooperative projects where Federal aid and IRR funds are used, guidelines will be developed to include procedures for the BIA and State to negotiate the use of the Buy Indian Act (36 Stat. 891) based on the percentage of fund contribution for the project.

(h) IRR funds can also be used on tribally-owned vocational post-secondary school road construction projects pursuant to section 1032(d) of the ISTEA. For the purpose of this part, roads constructed under section 1032(d) are public roads.

(i) The BIA, in cooperation with the FHWA and the states, will develop procedures for implementing management systems for bridge, pavement, and safety on Indian reservation roads (23 U.S.C. 204(a)).

§ 170.4 Approval of fund distribution.

(a) The Secretary, with the concurrence of the Secretary of Transportation, shall approve the distribution of IRR construction funds.

(b) The Secretary shall approve the distribution of maintenance funds for Indian road needs. This type of approval does not require the concurrence of the Secretary of Transportation.

(c) Indian tribal governments shall be consulted concerning the distribution of Indian road construction and maintenance funds.

§ 170.5 Federal-aid highways.

(a) Federal-aid highways, containing rural major collector or higher functional classification routes, are designated by each State highway department in cooperation with local officials, and are subject to the approval of the Secretary of Transportation. The BIA will assist tribal governments as they participate in the State-Tribal responsibility of designating Federal-aid highways which serve Indian lands.

(b) Some public roads on Indian Reservations are eligible for funding from the Federal-aid program through the States and counties. Pursuant to 23 U.S.C. 204(c), IRR funds shall be supplementary to, and not in lieu of, the obligation of funds apportioned to an IRR project from the Federal-aid program. The BIA will assist tribal governments as they participate with local governments in the development of programs of construction projects and maintenance of those roads which are on Indian Reservations.

§ 170.6 Road Inventory and Needs Study.

(a) The BIA shall maintain an inventory of identified Indian Reservation Roads as defined in § 170.2 of this subpart. The inventory shall be maintained to provide: (1) Appropriate reports required by 23 CFR 460.3(c), 23 CFR 470.107(b) and (c), or by Congressional request.

(2) Long-range planning estimates of construction costs and annual maintenance needs. This construction data will be provided to FHWA as part of the annual Transportation Improvement Program (TIP) requirements of 23 U.S.C. 135.

(b) An overall needs analysis will be an ongoing function by the BIA to provide appropriate information necessary to develop a relative needs data base. This data will be used in the budgetary process and as support for any needs study to: (1) Make reports to Congress from time to time or as required.

(2) Determine the costs for all identified Indian Reservation Roads improvements.

(c) The BIA shall provide assistance to tribal governments in developing their administrative capabilities for managing their reservation transportation systems and economic development plans.

§ 170.7 Transportation planning.

The BIA shall carry out a transportation planning process for IRR to support the construction and improvement program similar to 23 U.S.C. 134, 135, 307, and in accordance with 23 U.S.C. 204 (h) and (j). Transportation plans shall be developed using an in-depth and comprehensive evaluation of all factors and elements influencing the orderly development of transportation systems. Planning will establish a definitive system for determining the needs for both new and improved highway facilities commensurate with social, environmental, and economic conditions, and shall provide the information needed for developing future transportation programs and distribution of IRR funds in accordance with the relative needs of the various Indian Reservations and tribal priorities. Transportation planning shall consider the information contained in management systems for highway pavement, bridges, and safety. BIA's transportation planning process shall be reviewed and deemed adequate by FHWA.

§ 170.8 Selection of road construction project priorities.

(a) The Superintendent shall inform the appropriate local tribal officials of all financial and technical information relating to the IRR program and alternatives of proposed road developments, arranging for technical assistance from other offices as required. The Superintendent shall recommend to the tribe those proposed road projects having the greatest need as determined by a comprehensive transportation analysis. Tribes shall develop a prioritized list of projects. Where more than one tribe is involved, the Superintendent shall make special efforts to ensure that all tribes are informed and given an opportunity to participate in priority decisions. Where the Superintendent and the tribe or tribes cannot agree on priorities, the Superintendent shall forward the proposals for review and decision to the Area Office.

(b) The Assistant Secretary—Indian Affairs may establish priorities for programs of national scope and for administrative purposes with the concurrence of the Secretary of Transportation and in consultation with national Indian organizations. Such national priorities may include safety, hazard elimination, bridge programs, and economic development.

§ 170.9 Annual program approval.

(a) The Secretary and the Secretary of Transportation, or an authorized representative, shall approve all projects in the IRR construction program before any expenditures are made. An annual transportation improvement program shall be developed for approval of the Secretary and the Secretary of Transportation or an authorized representative, pursuant to 23 U.S.C. 135.

(b) Since IRR are defined in 23 U.S.C. 101 as public roads, no funds appropriated for IRR may be spent for the construction, maintenance, or improvement of roads which are not public roads, except in emergencies hazardous to life of property, which are subsequently reimbursed back to the IRR program, or except as noted in section 1032(d) of the ISTEA.

§ 170.10 Allocations.

After October 1 of each fiscal year, the Secretary of Transportation shall allocate the sums appropriated for such fiscal year as provided in 23 U.S.C. 202. Funds for IRR construction projects shall be allocated according to the relative needs of the various reservations as jointly identified by the Secretary and the Secretary of Transportation. Allocations may be modified during the year to ensure maximum benefit to the Indian people. The Secretary will identify the amount of IRR funds allocated to each BIA Area Office and how this amount was determined. The Secretary also will document how each BIA Area Office distributes these funds.

§ 170.11 Availability of funds.

Funds authorized for IRR shall be available for contract or Force Account construction upon distribution, or on October 1 of the fiscal year for which authorized if no distribution is required. Any amount of contract authority remaining unobligated at the end of a fiscal year that is greater than the funds authorized during that fiscal year and the prior three (3) fiscal years combined shall be considered lapsed and will be withdrawn. The Secretary has authority to incur obligations, approve projects, and enter into contracts under such authorizations, and the action in doing so is deemed a contractual obligation of the United States for the payment of the cost thereof, and such funds shall be deemed to have been expended when so obligated (23 U.S.C. 203).

§ 170.12 Program certification.

(a) The Secretary of Transportation may discharge all responsibilities, or any part of them, pursuant to 23 U.S.C. 117 relative to projects in the IRR program, upon the request of the BIA, by accepting a certification by the BIA of its performance of such responsibilities. The acceptance of the BIA Certification by the Secretary of Transportation acknowledges that the BIA road construction program procedures shall be carried out in a manner which will accomplish the objectives of title 23, U.S.C. The certification may include all or part of the procedures, and may involve all or part of the field offices, of BIA. The Secretary of Transportation may rescind the BIA Certification of Performance of Responsibilities under 23 U.S.C. at any time considered necessary.

(b) The BIA will notify the Secretary of Transportation upon the completion of each construction project. The Secretary of Transportation shall require an adequate report of the estimated and actual cost of construction, as well as such other information as is determined necessary. All final inspections on each project will be conducted in accordance with procedures jointly established by the Secretary and the Secretary of Transportation.

§ 170.13 Program analysis.

To ensure proper implementation of title 23 U.S.C. requirements in the IRR programs, the BIA shall conduct reviews at the national, Area, and tribal levels. These reviews shall evaluate policy, procedures, operations, and service delivery and shall make recommendations for improvements and corrective actions in compliance with statutes, manuals, and policy regarding road construction and road maintenance. The BIA shall also analyze workload, adequacy of staffing, efficiency of operations, and program effectiveness at each level and report to the Assistant Secretary—Indian Affairs. A review of support services to road programs shall be performed. The analysis shall assess the efficiency of program operations; effectiveness of organizational structures and relationships and of operating systems and procedures; and work force requirements and utilization. It shall assist management in the establishment of program objectives and provide a mechanism to develop performance measurements; to ensure accountability for the Highway Trust Funds; and to

promote the efficiency, economy, and effectiveness of roads programs.

§ 170.14 Right-of-way.

(a) The procedures for obtaining permission to survey or to grant any necessary right-of-way are governed by 25 CFR part 169 of this chapter. Prior to any work being done for the construction of road projects, the Superintendent shall obtain the written consent of the Indian and non-Indian landowners. Where an Indian has an interest in tribal land, consent shall be obtained in accordance with the policy of the Indian tribe. Right-of-way easements are to be documented on forms approved by the Secretary. All right-of-way actions shall be in accordance with the requirement of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. 4601 *et seq.* as amended), and 49 CFR part 24.

(b) Prior to construction, right-of-way easements for the project shall be obtained in favor of the public agency that will be responsible for maintenance and reconstruction of the route. When that agency is the BIA, easements shall be in favor of the United States, its successors and assigns, with the right to construct, maintain, and repair improvements thereon and thereover, for such purposes; and with the further right in the United States, its successors and assigns, to transfer the right-of-way easements by assignment, grant, or otherwise.

(c) No right-of-way shall be transferred without consultation with the tribal government.

§ 170.15 Road design.

The BIA is responsible for collecting reliable data, designing safe and economical roads, and developing adequate construction plans, specifications, and estimates. General guidelines will be the latest edition of the relevant American Association of State Highway and Transportation Officials (AASHTO) publications, "A Policy on Geometric Design of Highways and Streets," and the "Roadside Design Guide"; and the FHWA publications, "Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects" (or approved State specifications) and the "Manual on Uniform Traffic Control Devices."

§ 170.16 Method of construction.

Generally, the method of construction shall be by contract awarded by competitive bidding. Construction may also be performed by Force Account, with Federal employees, or by entering into construction contracts with governmental agencies or tribes. The method of construction for the IRR system shall be determined in consultation with the tribes. Several factors shall be considered, including cost effectiveness, the employment and training of Indians, effect on the local economy, public interest findings, available equipment, available Indian contractors, and social and economic development plans of the tribe. (25 CFR 170.3(c) and 23 U.S.C. 204(e)).

§ 170.17 Use of roads.

(a) Free public use is required on roads eligible for construction and maintenance with Federal funds under this part. The Superintendent may restrict the use of roads or close them to public use when required for public safety, fire prevention or suppression, fish or game protection, or prevention of damage to unstable roadbeds.

(b) The BIA shall conduct engineering and traffic analysis in accordance with established traffic engineering practices to determine the necessary maximum speed limit, maximum vehicular size and weight limit, and traffic control devices. The BIA shall, in cooperation with tribes and local government officials, erect, maintain, and enforce compliance with the needed regulatory signs and pavement markings in accordance with the "Manual on Uniform Traffic Control Devices (MUTCD)."

§ 170.18 Equipment pool operations.

(a) BIA Equipment Pools operating on a reimbursable basis may rent BIA-owned equipment to approved IRR Force Account projects funded under contract authority from the Highway Trust Fund, or other authorized Federal programs. The equipment pool manager must obtain reimbursement authority to retain and re-obligate income for costs incurred. The accounting procedures and methods of determining reimbursement costs shall be uniformly and equitably applied to all projects and activities irrespective of source of funds in accordance with the provisions of 23 CFR 140.715.

(b) Equipment rent shall be collected from approved projects and activities for the use of pool equipment. The established equipment rental rates shall be limited to the recovery of actual acquisition costs, including equipment replacement costs, equipment pool overhead, and actual operating cost. (See 23 CFR part 140 (Reimbursement) and 48 CFR part 31 (Contract Cost Principles and Procedures)). Examples of eligible costs for reimbursement are listed in the Office of Management and Budget (OMB) Circular A–87, General Accounting Office (GAO) TS2–24; and the Federal Highway Administration Technical Advisory T4540.1.

§ 170.19 Maintenance of BIA system roads.

(a) The BIA shall maintain, or cause to be maintained, all roads on the approved Bureau of Indian Affairs Road System. The BIA shall also maintain other public roads in accordance with agreements with the public agencies responsible for those roads.

(b) The Superintendent shall monitor the maintenance of all roads meeting the definition of IRR to assure that Indians are receiving a fair and equitable share of road maintenance services provided by funds derived from highway user taxes. Where problems are identified, the Superintendent shall coordinate a meeting of appropriate tribal representatives and other government officials to discuss methods of correcting the problems. Where these problems cannot be resolved locally, the Superintendent shall refer this matter to the Area Director. The Area Director shall attempt to resolve the problems with the assistance of the FHWA and the State Officials. Any problems that cannot be resolved at the Area level shall be referred to the Assistant Secretary—Indian Affairs.

(c) Any jurisdiction failing to maintain roads constructed with Highway Trust Funds shall be ineligible for further Highway Trust Funded construction projects (23 U.S.C. 116).

§ 170.20 Pedestrian and bicycle facilities.

(a) For purposes of transportation, safety, and energy conservation, and for encouraging multiple use of road rights-of- way, road construction funds may be used to construct pedestrian and bicycle facilities on road rights-of-way, within limitations established by 23 U.S.C. 217.

(b) For transportation and not specifically for recreational purposes, bicycle facilities may be constructed with road construction funds at the discretion of the BIA on separate rights-of-way (23 U.S.C. 217 (b) and (c)).

§ 170.21 Emergency Relief Program.

Any natural disaster over a widespread area or catastrophic failure which causes serious (more than heavy maintenance) damage to IRR, may be cause for eligibility for reimbursement under the Emergency Relief Program of 23 U.S.C. 125 and 23 CFR part 668. To qualify, the occurrence should be declared a disaster by the President of the United States and shall have a positive finding determination made by the Federal Highway Administration. If

the road repairs in an area may be considered for authorization under the Emergency Relief Program, records and photographs of the damage sites and of initial repairs and closures to assure public safety shall be kept by the BIA for possible reimbursement under this program. Those initial repairs may, as an emergency measure, be charged to any available program under the control of the line official. Reimbursement will be made from Emergency Relief Funds after approval, or from road maintenance funds if approval is denied. Careful analysis of program fund usage shall be made considering the temporary charges made to a program whose authority may terminate with the fiscal year. (Specific procedures to be followed in the Emergency Relief Program are contained in 23 CFR part 668.)

§ 170.22 Bridges.

(a) The existence of a flood plain encroachment by a proposed structure shall be determined by technical study. An analysis of the hydrology and the hydraulics of the site shall be performed in accordance with established Executive Order 11988 as implemented in 23 CFR 650.111.

(b) All existing bridges on the BIA road system shall be inspected periodically for structural condition and functional adequacy, in accordance with 23 U.S.C. 144 and 151. These field inspections shall be conducted in accordance with the National Bridge Inspection Standards. The following measures shall be taken in accordance with recommendations of the inspecting engineer in the field inspection report, as amended by a technical review by the BIA Division of Transportation and the Area Road Engineer, in order to protect the safety of the travelling public:

(1) The erection and maintenance of load limit and safety warning signs and other maintenance work;

(2) The construction or installation of safety enhancement appurtenances such as traffic delineators, bridge railing and approach guardrailing; and

(3) The rehabilitation or replacement of deficient structures. (23 U.S.C. 144 (g)(4)).

(c) Current data obtained from the bridge inspections shall be maintained in a computer inventory file. The inventory data shall be used to produce a biennial bridge inventory report and an annual bridge sufficiency rating report.

(d) The National Bridge Inspection Standards require each State to maintain an inventory of all bridge structures subject to the Standards, which includes all bridges on public roads. Therefore, the required inventory and inspection data for all IRR bridges must be submitted to the State for inclusion in the State's bridge inventory file. The data shall include all items contained in the current "Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges."

(e) Bridges that are identified on the bridge sufficiency rating report as being deficient shall be prioritized and programmed for closure, maintenance, rehabilitation, or replacement. Correction of the deficiency shall be accomplished expeditiously after the deficiency is first identified.

§ 170.23 Airports.

Airports, including heliports, which provide service to Indian reservations shall not be constructed or improved with appropriated road construction or road maintenance funds. Public airports and heliports may be maintained with road maintenance funds in accordance with appropriations and tribal priorities.

§ 170.24 Public Law 93–638 road maintenance and construction contracts.

To assist tribes in compliance with the requirements of Subchapter M—Indian Self-Determination, the BIA shall develop guidelines and model contracts for road construction and maintenance, modify those contracts as necessary for local conditions, and provide technical assistance to the tribes in developing capability to meet contract conditions, maintain adequate records, and prepare required reports.

§ 170.25 Program requirements for road maintenance.

(a) The IRR Maintenance program provides for maintenance of paved roads, graveled roads and earth surface roads. Funds distribution shall be provided at all reservations which have a road maintenance program, in accordance with uniform BIA criteria.

(b) Road maintenance shall be completed in accordance with industry standards for planning, scheduling, and accomplishments, and with the guidelines in 23 CFR 635.505. After emergency maintenance, priority shall be for roads on the BIA system.

(c) Annual data on road maintenance needs accomplishments and expenditures for the annual nationwide road maintenance status report and for budgeting purposes shall be provided.

(d) The Area Director's approval is required for plans, specifications, and estimates (PS&E) for pavement sealing projects using Highway Trust Funds, 23 U.S.C. 204(c), and specific maintenance agreements, contracts or other applicable documents. The Area Director shall monitor road maintenance contracts as necessary to fulfill the Secretary's trust responsibilities, ensure contract compliance, and the adequacy of deliverables.

§ 170.26 Program requirements for road construction.

(a) Projects for IRR construction shall be "treated under the same uniform policies as roads which are on the Federal-aid systems," in accordance with 23 U.S.C. 204, Public Law 97–424, and subsequent Highway Acts. Project priorities are selected by the tribes with the concurrence of the BIA and the FHWA.

(b) The minimum standard shall be American Association of State Highway and Transportation Officials (AASHTO) design standards applicable to the planned type of construction; and for construction, FHWA's current "Standard Specification and Construction Manual for Construction of Roads and Bridges on Federal Highway Projects." State Highway Standard Specifications may be substituted when properly modified to meet the requirements of Federal construction contracts.

(c) BIA force account operations, Buy Indian and open market contractors, and Tribal Pub. L. 93–638 contractors shall construct the IRR project in accordance with the plans and specifications for said project.

(d) Emergencies that endanger life or property or that affect the quality of construction shall be reported to the Contracting Officer in the most expeditious manner.

(e) Plans, specifications, and estimates (PS&E) are deliverables for IRR design projects.

(f) Progress reports are required to support requests for payments. Reports may be required for annual and final accomplishments and for completed and accepted projects, including as-built plans; project engineer's diaries; daily inspection reports; testing reports; and all supporting data, including automated data processing (ADP) data, environmental studies, engineering analysis, design exceptions, and approved extra work orders.

(g) A summary report of employment shall be submitted within 30 days of the end of each fiscal year for all projects and shall include the hours and amounts paid to Indians and all other employees by contractor and project.

(h) Year-end closing statements shall include reports on total cumulative obligations and expenditures by project and budget category. An annual summary report of all emergency projects shall be provided.

§ 170.27 Education and training (23 U.S.C. 326).

(a) A transportation assistance program is authorized pursuant to 23 U.S.C. 326. It provides for the Secretary of Transportation to make grants and enter into contracts for education and training, technical assistance, and related support service that will: (1) Assist rural local transportation agencies to develop and expand their expertise in road and transportation areas to improve roads and bridges; to enhance programs for the movement of passengers and freight; and to deal effectively with special road related problems by preparing and providing training packages, manuals, guidelines, and technical resource materials, and developing a tourism and recreational travel technical assistance program;

(2) Identify, package, and deliver usable highway technology to local jurisdictions to assist urban transportation agencies in developing and expanding their ability to deal effectively with road related problems; and

(3) Establish, in cooperation with State transportation or highway departments and universities: (i) Urban technical assistance program centers in States with 2 or more urbanized areas of 50,000 to 1,000,000 population; and (ii) rural technical assistance program centers.

(b) Not less than 2 centers under paragraph (a)(3) of this section shall be designated to provide transportation assistance that may include, but is not necessarily limited to, a "circuit-rider" program, providing training on intergovernmental transportation planning and project selection, and tourism and recreational travel to American Indian tribal governments.

(c) Funds required to carry out the provisions of this section shall be taken out of administrative funds deducted pursuant to 23 U.S.C. 104(a). This includes up to 100 percent for services provided to American Indian tribal governments. In addition, the Secretary of the Interior may reserve funds from the Bureau of Indian Affairs' administrative funds associated with the Indian reservation roads program to finance the Indian technical centers authorized pursuant to 23 U.S.C. 326.

Subpart B—Public Hearings on Road Projects

§ 170.30 Purpose and objectives.

The regulations in this subpart govern the notification and conduct of public hearings on BIA road projects in order to promote coordination and comprehensive planning of construction activities on Indian reservations. The objectives for conducting public hearings on proposed road projects are to: (a) Inform interested persons of the road proposals that affect them and allow such persons to express their views at those stages of the project's development when the flexibility to respond to these views still exists; and

(b) Ensure that road locations and designs are consistent with the reservations objectives and with applicable Federal regulations.

§ 170.31 Criteria.

A public hearing shall be held for each project if it: (a) Is a new route being constructed;

(b) Would significantly change the layout or function of connecting or related roads or streets;

(c) Would cause substantial adverse effect on adjacent real property; or

(d) Is expected to be of a controversial nature.

§ 170.32 Need for public hearing determined.

The Superintendent shall call a meeting of representatives from the tribe, the BIA, and other appropriate agencies to determine if a public hearing is needed for each road project. The determination shall be based on the criteria given in § 170.31. More than one public hearing may be held for a project if necessary.

§ 170.33 Notice of road construction projects in lieu of hearing.

When no public hearing is scheduled for a road construction project, notice of the road construction project shall be given at least 90 calendar days before the date construction is scheduled to begin. The notice shall give the project name and location, the type of improvement planned, the date construction is scheduled to start, and the name and address of the office where more information can be obtained, and provisions for requesting a hearing within a set time. The notice shall be posted or published as determined by the Superintendent.

§ 170.34 Notice of public hearing.

Notice shall be given to inform the local public of the scheduled hearing. The notice should give the date, time, and place of the scheduled hearing; the project location; the proposed work to be done; the place where the preliminary plans may be reviewed; and the place where more information on the project can be obtained. The notice shall be posted or published as determined by the Superintendent. Notice shall be given at least 30 calendar days before the scheduled date of the public hearing. A second notice of hearing is optional at the discretion of the Agency Superintendent.

§ 170.35 Record of hearing proceedings.

A record of the hearing shall be made, which shall include a summary of verbal testimony and all written statements that are submitted at the hearing or within five (5) working days following the hearing.

§ 170.36 Conducting the public hearing.

(a) The Superintendent shall appoint a tribal or BIA official to preside at the public hearing and to maintain a free and open discussion designed to reach early and amicable resolution of issues.

(b) The Superintendent shall be responsible for maintaining the official record of the hearings and shall make arrangements for appropriate officials to be present at the hearing to be responsive to questions that may arise.

(c) The purpose of the hearing and an agenda of items to be discussed should be presented at the beginning of the hearing. It shall be made clear at the hearing that the tribal government or designated roads committee are responsible for setting reservation road priorities and for considering public comments and the merits of one road project over another. Sufficient maps and project plans will be available at the hearing for public review. The hearing audience should be informed of the BIA road construction and right-of-way acquisition procedures on reservations. If the project will require relocating residences or businesses, information on relocation services and authorized payments shall be given in accordance with the Uniform Relocation and Real Property Acquisition Policies Act, Pub. L. 91–646, 84 Stat. 1894 (42 U.S.C. 4601 *et seq.* as amended).

§ 170.37 Written statements.

At the public hearing, written statements may be submitted to the presiding official, either in lieu of or in addition to oral statements. Written statements also may be submitted to the Agency Superintendent during the five working days following the hearing.

§ 170.38 Hearing statement.

The Superintendent shall issue a hearing statement summarizing the results of the public hearing and the determination of the further action to be taken in connection with the proposed project. The hearing statement shall be issued within 20 working days of the date of the public hearing. The hearing statement shall be posted at the place where the hearing was held, and may be sent to interested persons upon request.

The hearing statement shall outline procedures whereby the determination may be appealed.

§ 170.39 Appeals.

Any determination concerning the proposed road project may be appealed in accordance with the procedures set forth in 25 CFR part 2.

§ 170.40 Information collection requirements.

There are no information collection requirements contained in this part which require the approval of the Office of Management and Budget under 44 U.S.C. 1501.

§ 170.41 Roadless and wild areas.

Roads passable to motor transportation shall not be constructed under the regulations in this part within the boundaries of the roadless and wild areas established in 25 CFR part 265, chapter 1.

Approval Date: February 1, 1994.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 94–6876 Filed 3–23–94; 8:45 am]

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Part IV

Environmental Protection Agency

40 CFR Part 61

National Emission Standards for Hazardous Air Pollutants and Radon Emissions From Phosphogypsum Stacks; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[FRL–4849–9]

National Emission Standards for Hazardous Air Pollutants; National Emission Standard for Radon Emissions From Phosphogypsum Stacks

AGENCY: Environmental Protection Agency.

ACTION: Decision concerning petition for reconsideration.

SUMMARY: On June 3, 1992, EPA issued a final rule revising 40 CFR part 61, subpart R, the National Emission Standard for Radon Emissions From Phosphogypsum Stacks (57 FR 23305, June 3, 1992). The Fertilizer Institute (TFI) filed a petition seeking reconsideration of the 1992 rule pursuant to Clean Air Act section 307(d)(7)(B). This notice sets forth the Agency's decision concerning the TFI reconsideration petition.

EPA has decided to partially grant and to partially deny the TFI petition for reconsideration. EPA will reconsider 40 CFR 61.205, the provision of the final rule which governs distribution and use of phosphogypsum for research and development, and the formula in 40 CFR 61.207(d). EPA will publish a separate **Federal Register** notice convening a proceeding to reconsider these provisions shortly. EPA is denying the remainder of the TFI petition. In this notice, EPA summarizes the principal remaining objections by TFI. EPA also explains why these objections are not of central relevance to the outcome of the rule and therefore do not constitute a basis for reconsideration.

DATES: Under Clean Air Act sections 307(b)(1) and 307(d)(7)(B), TFI may seek judicial review of the decision by EPA to partially deny its August 3, 1992 petition only by filing a petition for judicial review in the United States Court of Appeals for the District of Columbia Circuit within 60 days of the date of publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Jacolyn Dziuban, Air Standards and Economics Branch, Criteria and Standards Division (6602J), Office of Radiation and Indoor Air, Environmental Protection Agency, Washington, DC 20460, (202) 233–9474.

SUPPLEMENTARY INFORMATION:

I. Background

Phosphogypsum is a waste resulting from wet acid phosphorus production. Phosphogypsum stacks are piles of waste or mines utilized to store and dispose of phosphogypsum. EPA issued a National Emission Standard for Hazardous Air Pollutants (NESHAP) applicable to radon emissions from such stacks in 1989, 40 CFR part 61, subpart R (54 FR 51654, December 15, 1989). As part of that standard, EPA adopted a work practice requirement that all phosphogypsum be disposed in stacks, thereby permitting control and measurement of gaseous radon-222 which is emitted when radium present in the phosphogypsum decays.

Subsequent to issuance of Subpart R, EPA received petitions for reconsideration from The Fertilizer Institute (TFI), Consolidated Minerals, Inc., and U.S. Gypsum Company. These petitioners objected to the requirement that all phosphogypsum be disposed and managed in stacks, because it operated to preclude various alternative uses of phosphogypsum, including use of phosphogypsum in agriculture, construction, and research and development. Because EPA had not fully considered the implications of its work practice standard for alternative uses, EPA agreed to convene a reconsideration proceeding in which the risks associated with alternative uses and the procedures under which alternative uses might be permitted could be evaluated (54 FR 9612, March 7, 1989).

Rather than setting forth one specific proposal for revision of subpart R, EPA requested comment on a variety of substantive issues, including specific types of proposed alternative uses of phosphogypsum and the health risks associated with these alternative uses. EPA also requested comment on four general options for regulation of alternative uses: (1) No change in the work practice requirement, (2) changing the definition of phosphogypsum to exclude from the work practice requirement material with radium-226 concentrations up to 10 picocuries/gram (pCi/g), (3) permitting use of phosphogypsum in research and development on processes to remove radium from the phosphogypsum, and (4) permitting alternative use of phosphogypsum only after specific permission from EPA.

After analyzing the risks associated with the various alternative uses of phosphogypsum which were proposed and evaluating the comments which were received, EPA issued a final rule revising subpart R (57 FR 23305, June 3, 1992). The approach which EPA ultimately adopted was a hybrid of the options it had previously identified. For phosphogypsum use in agriculture, EPA decided that it would be impractical to require case-by-case approval. Based on its analysis of potential risks associated with long-term use of phosphogypsum in agriculture, EPA set a maximum upper limit of 10 pCi/g for radium-226 in phosphogypsum distributed for use in agriculture. Rather than excluding material at or below 10 pCi/g from the standard, EPA established sampling, measurement, and certification procedures permitting such material to be removed from stacks and sold for agricultural use. Based on analysis of potential risks associated with the research and development use, EPA decided to permit use of up to 700 pounds of phosphogypsum for a particular research and development activity. EPA also decided to adopt procedures permitting approval of other uses of phosphogypsum on a case-by-case basis.

After EPA issued its final rule concluding the reconsideration proceeding and revising subpart R, The Fertilizer Institute (TFI) sought judicial review of the 1992 revisions of subpart R in *The Fertilizer Institute* v. *Environmental Protection Agency*, No. 92–1320 (D.C. Cir.). TFI also filed a petition dated August 3, 1992 seeking further reconsideration of the revisions of the rule pursuant to Clean Air Act section 307(d)(7)(B). TFI, EPA, and ManaSota-88, another petitioner who sought review of the 1992 rule in *ManaSota-88* v. *Browner*, No. 92–1330 (D.C. Cir.), later reached an agreement to jointly move the D.C. Circuit Court of Appeals to stay judicial review of the 1992 rule, and the Court granted the motion. As part of that agreement, EPA agreed to make a final decision whether to grant or to deny the TFI petition for reconsideration by January 31, 1994. This notice sets forth the Agency's decision concerning the TFI reconsideration petition.

II. Standard for Reconsideration

Under Clean Air Act section 307(d)(7)(B), the EPA Administrator is required to convene a reconsideration proceeding if: (1) The person raising an objection to a rule can demonstrate to the Administrator that it was impracticable to raise such objection within the time permitted for public comment or the grounds for the objection arose after the period for public comment, and (2) if the Administrator determines that the objection is of central relevance to the

outcome of the rule. Therefore, reconsideration is not required if the objections by a petitioner were raised or could reasonably have been raised during the pendency of the rulemaking. Moreover, even in the circumstance where a particular objection could not have been raised earlier, reconsideration is not required if EPA determines that such objections would not have altered the outcome of the rule had they been raised earlier.

TFI argues in its petition that EPA should reconsider the entire 1992 rule revising subpart R because the 1989 notice convening the reconsideration proceeding did not specify, or provide an opportunity for comment on, the details of the technical methodology which EPA subsequently utilized in analyzing the risks associated with alternative uses of phosphogypsum. However, EPA does not believe that it was obligated to select and specify each of the technical models to be utilized in its analysis and to describe all of the analytic assumptions to be utilized before convening the reconsideration proceeding. TFI also argues in its petition that a number of the elements of the rule as it was promulgated were not specifically proposed for notice and comment. In general, EPA believes that the provisions of the rule adopted in 1992 were a logical outgrowth of the options described in the 1989 reconsideration notice and the comments received concerning those options.

EPA acknowledges that TFI did not have sufficient information to state many of the detailed technical objections set forth in its petition for reconsideration within the period provided for public comment. However, under the criteria set forth in CAA section 307(d)(7)(B), it is still necessary for EPA to assess the substantive significance of each of these objections to determine whether it is of central relevance to the outcome of the rule and therefore an appropriate basis for reconsideration.

Applying the criteria for reconsideration set forth in section 307(d)(7)(B) to the August 3, 1992 TFI petition, EPA has concluded that certain objections raised by TFI do warrant convening a reconsideration proceeding concerning particular provisions included in the 1992 revisions to Subpart R, but that the remaining objections by TFI do not warrant reconsideration of the remaining provisions of the 1992 rule.

III. Decision to Partially Grant Petition

In its petition, TFI objects that the EPA analysis of the potential risks associated with the use of phosphogypsum in research and development assumes an emanation rate for radon from phosphogypsum in the laboratory 40 times greater than the rate for phosphogypsum in stacks, and that EPA has therefore greatly overestimated the risk presented by the research and development use. TFI also argues that the analysis by EPA assumed that normal good laboratory practices, such as segregated storage of hazardous materials, limiting removal of materials to an as needed basis, appropriate ventilation, and appropriate disposal of used material, would be disregarded.

The analysis by EPA of the potential risks associated with the research and development use assumed that all of the free radon generated by phosphogypsum containing 26pCi/g radium-226 would be released to a small laboratory room with a total volume of 64 cubic meters and an air volume of 50 cubic meters. The EPA analysis thus assumed that none of the radon would be retained in the physical matrix of the phosphogypsum long enough to permit further decay the radon and adsorption of the decay products, which would prevent release of gaseous radon to the laboratory environment. While there are certainly some experiments or circumstances where all of the radon generated by decay of radium in the phosphogypsum could be released in the laboratory, EPA has concluded that this would be unusual and that such high emanation rates would be infrequent.

In addition, EPA discovered during its review of the analysis of potential risks associated with the research and development use that EPA assumed in its estimation of radon emissions to the laboratory environment that five 700 pound drums would be stored or utilized in the same area of the laboratory, rather than the single 700 pound drum permitted by the rule. As a consequence, the portion of the risk to laboratory personnel attributable to radon emissions was overestimated by a factor of five. In view of these conclusions, EPA has determined that the objections by TFI are of central relevance to the provision limiting use of phosphogypsum in research and development to no more than 700 pounds, and that EPA should request further comment on the assumptions to be utilized in analyzing the risks associated with the research and development use.

In its petition, TFI also argues that it is not clear from the text of the 1992 rule whether more than one research and development activity utilizing 700 pounds of phosphogypsum would be permitted at a single facility, as well as whether or not a single research activity would be limited to a total of 700 pounds or only to 700 pounds at any given time. TFI states that it assumes that multiple research and development activities each utilizing 700 pounds of phosphogypsum would be permitted at a single facility, and that the 700 pound limit applies only to the amount of phosphogypsum on hand at any given time, but requests that EPA clarify the rule. EPA believes that TFI has correctly construed the rule and questions the need for further clarification of the existing rule. However, the fact that a given laboratory worker might be exposed to radiation as a result of more than one research and development activity utilizing phosphogypsum was not considered in the EPA risk analysis. Accordingly, EPA has decided that it will also request comment on whether there should be any limit on multiple research and development activities at a single facility or by a particular investigator, and how the possibility of greater exposures attributable to multiple research and development activities should be accounted for in the EPA analysis.

In its petition, TFI objects that it is not clear what purpose is served by requiring owners or operators to conduct sampling or measurement of radium-226 in phosphogypsum distributed for use in research and development, because there is no quantitative limit on the amount of radium-226 which phosphogypsum distributed for this use may contain. Because there is no limit on the amount of radium permitted in phosphogypsum distributed for research and development use, EPA assumed in its analysis of potential risks associated with such use that the phosphogypsum would contain high levels of radium. EPA believes that in most instances analysis of the radium-226 content in phosphogypsum distributed for use in research and development will be necessary as part of the research activity. However, EPA has concluded that requiring certification documents accompanying phosphogypsum distributed for use in research and development to include quantitative analyses of radium content is not necessary to monitor compliance. Accordingly, EPA has decided that this objection by TFI is also of central relevance to the outcome of this provision.

In view of the multiple objections by TFI which are of central relevance to the outcome of 40 CFR 61.205, the provision of the revised Subpart R governing distribution of

phosphogypsum for use in research and development, EPA has decided to partially grant the TFI petition by convening a proceeding to reconsider 40 CFR 61.205. To implement this decision, EPA is preparing and will publish shortly a notice of reconsideration specifying the specific subjects on which further comment will be requested and the range of options to be considered.

In its petition, TFI objects that the formula set forth in 40 CFR 61.207(d), which is used to establish the number of samples necessary to determine a representative average radium-226 concentration, is ambiguous, because it does not specify the amount of allowable error. EPA agrees with this objection. The failure to include an allowable error component in the formula was an inadvertent omission. EPA believes that it would not be necessary to convene a reconsideration proceeding for the sole purpose of correcting this inadvertent omission, but has decided to include 40 CFR 61.207(d) among the provisions to be reconsidered. To assist affected facilities in complying with the existing rule while the reconsideration proceeding is pending, EPA will provide specific guidance in the notice of reconsideration concerning selection of an appropriate error component.

IV. Decision to Partially Deny Petition

EPA has carefully reviewed all of the remaining objections set forth in the TFI petition for reconsideration. Based on that review, EPA has concluded that none of the remaining technical objections by TFI to the EPA analysis of the potential risks of phosphogypsum use are of central relevance to the outcome of the 1992 rule. In addition, EPA has determined that some of the remaining policy objections by TFI could have been raised during the public comment period, and that none of the remaining policy objections is of central relevance to the outcome of the rule.

Based on its review of the remaining objections in the TFI petition for reconsideration, EPA is denying the TFI petition with respect to all provisions in the rule not specifically included in the decision to grant reconsideration set forth above. The Agency's response to each of the remaining TFI objections is summarized below.

A. Technical Objections

Objection: The radon emanation coefficient of 0.3 for phosphogypsum is too high. Field observations (HP91) and the PATHRAE model (EPA87) suggest the radon emanation coefficient for phosphogypsum in soil should be 0.2. The coefficient used is 50 percent larger than suggested by empirical data, but no explanation is given for why the higher value was selected.

Response: The selection of 0.3 for the radon emanation coefficient (E) is based on 30 measurements using phosphogypsum from four sites in central Florida and Texas (RO88). As this reference is not publicly available, it was not cited in the Background Information Document (BID). The measurements were made at typical in-situ moistures for phosphogypsum stacks. The arithmetic average of these data is about 0.35. Thus, the value of 0.3 used in the BID is reasonable and applicable.

The data and other information (NI82) show the dependence of E on moisture. At lower moisture levels E increases significantly with moisture. This is also demonstrated in the work of van Dijk and deJong (HP91) referenced by TFI. As their Figure 4 shows, E for phosphogypsum can increase by more than 50 percent as equilibrium moisture increases. The E values of 0.18 and 0.19, reported in their Table 2 and referenced by TFI, are for nearly their driest conditions. As they were interested in the effects of using phosphogypsum in building materials, these lower values were appropriate. However, the exalation rates that they measured at higher moistures give E values of about 0.28. This is consistent with the value of 0.30 used in the risk assessments. Moisture saturations in soils under residences are expected to be near the values in the Rogers measurements and closer to the higher moisture measurements by van Dijk and deJong.

The higher emanation coefficients are further confirmed in field measurements of the specific radon flux from the surface of phosphogypsum stacks. In 1985, Dr. C.E. Roessler (University of Florida) determined that the specific radon flux from phosphogypsum stacks in central Florida was 1 pCi/m^2-s per pCi/g of Ra-226 in the phosphogypsum. This value requires an E value of at least 0.29.

TFI also commented that an E of 0.2 was used in the PATHRAE model (EPA87). This value was used in an example problem in the reference. However, the example problem was for soil, not phosphogypsum, and should not be construed as a recommendation for all cases.

Objection: The radon diffusion for concrete is given as 16 m^2/y. Published measurements of radon diffusion in concrete (HP80a, HP83) provide values that are factors of 8 to 15 lower. Use of the lower radon diffusion coefficients would reduce the indoor radon risks by a factor of about two.

Response: The value of 16 m^2/y (5.1×10^{-3} cm^2/s) for the radon diffusion coefficient of concrete (D_c) is the upper end of the range of D_c's measured for residential concretes by Nielson and Rogers (NI91). The upper end of the range was used because PATHRAE only considers radon diffusion as the entry mechanism for soil radon. While diffusion may dominate radon entry (TA90, RO90), advective transport is also a factor and may dominate under some circumstances (RO90, LO90). The value that was used for D_c in the risk assessments partially accounts for the radon entry by advection.

TFI refers to D_c measurements made by Zapalac (HP83) and Stranden and Berteig (HP80a). Zapalac reports D_c values of 3.3×10^{-4} cm^2/s and 6.0×10^{-4} cm^2/s for concretes with densities of 2.3 and 2.4 g/cm^3. The measurements by Rogers and Nielson (RO90) also give the dependence of D_c on the concrete density. The residential concretes that they tested had densities generally of 2.1 g/cm^3 or less. For the densities used by Zapalac, the Rogers and Nielson correlation predicts D_c values of 1.2×10^{-4} and 4.0×10^{-4} cm^2/s. Thus, the data used in the risk assessments are consistent with Zapalac's data.

Stranden and Berteig did not give the densities for their concrete, so a direct comparison is not possible. However, it is worth noting that since the Stranden and Berteig measurements relied only on the radon generated within the concrete, they are not a very sensitive measure of D_c. Since a significant fraction of residential concretes have densities less than 2.2 g/cm^3, the value of 5.1×10^{-3} cm^2/s for D_c is reasonable for the risk assessments.

Objection: The radon decay product equilibrium fraction of 0.5 is the upper bound of the range of 0.3 to 0.5 found in the Florida Statewide Radiation Study. The average indoor radon equilibrium fraction from houses where the radon concentrations ranged from 0.4 to >8 pCi/l was 0.42. The National Council on Radiation Protection and Measurements (NCRP) in its Report 94 and the United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR) recommend 0.4 as an indoor equilibrium fraction. The selected value of 0.5 is also inconsistent with the assumption of 2 air changes per hour. Krisiuk (HP80b) gives a value of 0.36 for a ventilation rate of 2 air changes per hour. If other removal mechanisms are considered (e.g., plateout and deposition), the equilibrium would be even lower. Use of 0.5 for the equilibrium fraction

results in overestimating the risks from indoor radon exposure by a factor of at least 1.4.

Response: The EPA's radon risk factor incorporates a 0.5 equilibrium fraction. The value of 2 air changes per hour was not chosen to be consistent with the radon decay product equilibrium fraction. If they were made consistent, then 1 air change per hour (HP80b) would have been used. The value of 1 air change per hour is about the average for residences in the United States (NA88), and results in an average equilibrium fraction of about 0.5. Thus, the use of 2 air changes per hour in the risk assessments is non-conservative.

Objection: Based on estimates of the NCRP in Report No. 45, the PATHRAE model overestimates the effective gamma dose rate by a factor of 2.5.

Response: For Scenarios 1 and 2, the BID gives an annual external gamma dose equivalent of 3.5 mrem/y from a soil Ra-226 concentration of 0.69 pCi/g. This is equal to a dose rate of 2.5 urad/h per Pci/g of Ra-226. TFI references the 1.6 urad/hr per pCi/g value recommended by the NCRP (NCRP75 and NCRP87). Thus, the NCRP's value is lower than the PATHRAE results by 36 percent, not the factor of 2.5 claimed by TFI.

The external gamma dose rate at a given distance above soil containing Ra-226 depends on the source geometry and the self-absorption of the radiation in the soil. For the conditions being assessed, an infinite plane best describes source geometry and the PATHRAE model used an infinite plane dose factor for Ra-226 and its decay products of 1.67×10^{-4} mrem/y per pCi/m^2. As this value is nearly the same as the value of 1.69×10^{-4} mrem/y per pCi/m^2 used by the DOE (DOE88), it does not appear to be too high. The effect of self-absorption is quite variable and depends on the soil density and the low gamma energy cutoff value. The NCRP's theoretical value is based on work by Beck (BE75), which assumes a soil density of 1.6 g/cm^3 and used 50 KeV as the low energy cutoff values. These differences, particularly the difference in the low energy cutoff values, account for the differences between the BID and the results that would be obtained using the NCRP's value of 1.6 urad/hr per pCi/g. It should also be noted that both values (1.6 urad/hr per pCi/g and 2.5 urad/hr per pCi/g) are within the variability of field measurements.

Objection: The use of a 70 year exposure period for residential scenarios is inconsistent with the Superfund policy of using 90th percentile estimates. The 90th percentile value is 30 years.

Response: The BID generally reports lifetime risk per year of exposure. However, in Scenario 7, the risks for a lifetime of exposure are presented by multiplying the risk per year of exposure by 70 years. This is consistent with the EPA's policy under the Clean Air Act which was explained in the preamble to the 1989 National Emission Standards for Radon Emissions from Phosphogypsum Stacks (54 FR 51661) and which has been used in these rulemaking proceedings.

However, as explained in the preamble, the difference that would be caused by assuming a shorter period of exposure is not very significant. For an assumed constant rate of exposure, people receive over 60% of their total lifetime risk during their first nineteen years. To change the period of exposure from 70 years to the first 19 years of life would change the final results by less than a factor of two.

Objection: Radioactive decay during the 70-year residential exposure period is neglected.

Response: Neglecting radioactive decay during the 70-year residential exposure period introduces a negligible conservatism to the results. Accounting for radioactive decay would have reduced the estimated risks by about 1.5 percent.

Objection: The BID fails to account for removal of soil during home construction at former phosphogypsum use sites.

Response: Some home construction may involve the removal of the contaminated soil. However, it is more likely that the homes would have the contaminated soil under or adjacent to them. Since the analysis focused on the potential risks to the most exposed members of the population, assuming that the contamination remains under and adjacent to any homes that are built is reasonable.

Objection: The derivation of the presumptively safe level of 10 pCi/g Ra-226 for phosphogypsum used in agriculture is based on the 95th percentile application rate of 2,700 lb/acre for 100 years. Using the 90th percentile rate, per Superfund policy, would be more appropriate. More importantly, the application rate of 2,700 lb/acre is for soil reclamation rather than soil productivity. Soil reclamation would not require applications at this rate over a 100-year period. By combining the application rate for soil reclamation with the frequency rate for soil productivity the EPA has greatly overestimated the total phosphogypsum application that would occur over the 100-year period.

Response: Superfund guidance is not necessarily applicable under this NESHAP. However, TFI has not correctly stated the Superfund guidance. That guidance for calculating reasonable maximum exposure calls for the choice of 95th percentile values where available, or 90th percentile values where 95th percentile values are not available.

The 95th percentile application rate for phosphogypsum used in agriculture was calculated from data reported by TFI, based on a questionnaire they sent to users of phosphogypsum (Docket A-79-11, XV-D-100A, appendix, Tab 38). The 95th percentile was based on considering application rates for a variety of crops produced in California and for peanut production in the South, based on the assumption that agricultural usage of phosphogypsum is about equally split between the California and the remainder of the U.S. Although the data from California show much higher application rates than those for peanuts, we do not believe that California's rates are necessarily associated with reclamation. Phosphogypsum is used for land reclamation in California; however, an expert on the use of phosphogypsum in California estimates that the application rate for reclamation is about 10,000 pounds per acre, considerably higher that the rates reported in the TFI questionnaire. He also estimates that the application rate for production is approximately equal to the rates reported in the TFI questionnaire (Docket A-79-11, XVII-B-41).

Objection: The assessment of agricultural use does not consider the differing application rates in different geographic areas of the country.

Response: The risk analysis in the BID gives risks for various application rates. Use of the 95th percentile application rate to select a single value for the maximum permissible radium-226 content in phosphogypsum distributed for agricultural use greatly simplifies compliance and enforcement procedures.

Objection: The method prescribed for determining Ra-226 concentrations is for airborne effluents, not solids.

Response: The rule references Method 114 in appendix B of part 61. Method 114 provides requirements for: (1) Stack sampling of effluents; (2) radiochemical methods for determining the quantity of radionuclides in a sample; and (3) quality assurance methods. Clearly, the portions of Method 114 that relate to the collection of the effluent sample are not applicable to determining the Ra-226

content of phosphogypsum removed from a stack. However, the portions of Method 114 that relate to radiochemical methods of determining the quantity of Ra-226 present in the phosphogypsum (i.e., "the principles of measurement") and the specified quality assurance methods are valid regardless of how the sample was obtained.

B. Policy Objections

Objection: The EPA analysis of potential risks and the EPA decision criteria with respect to the use of phosphogypsum in road construction are absurd, because even naturally occurring materials would not meet the EPA standard for a presumptively safe level of exposure to radioactivity.

Response: It is well known that naturally occurring radium-226 levels in soil can release amounts of radon which are potentially hazardous to occupants of structures built on such soil. Phosphogypsum can contain radium-226 levels far in excess of the amount of activity naturally present in soil. It is not absurd for EPA to take actions to control the additional risks associated with the higher activity levels in phosphogypsum simply because naturally occurring construction materials may also present a risk in some circumstances.

Objection: The requirement that a person generating phosphogypsum must first place it in a stack, and then measure and certify the radium activity in the stack, before removing phosphogypsum from the stack and distributing it for alternative use is cumbersome and unnecessary. Instead, if phosphogypsum is designated for reuse, segregated, and routed to a distribution holding point, the radium-226 content of the phosphogypsum can be measured at either the segregation or the distribution point.

Response: The provisions permitting distribution of phosphogypsum for alternative uses are specific exceptions to the work practice requirements which require persons generating phosphogypsum to dispose of the material in a stack and to manage the stack in a specified manner. For the provisions in the rule to operate properly, the generator of phosphogypsum must determine that a given quantity of phosphogypsum conforms to all of the requirements for distribution for alternative uses before such distribution occurs. To the extent that TFI is suggesting that persons other than those who generated the phosphogypsum in the first instance should be permitted to measure the radium-226 activity levels after distribution of the phosphogypsum has already occurred, this cannot be reconciled with the Agency's objective to assure safe disposal in managed and monitored stacks of all phosphogypsum which does not meet the threshold requirements for distribution for alternative uses.

EPA notes that 40 CFR 61.201(c) defines any pile of phosphogypsum waste as a phosphogypsum stack. If the person who generates the phosphogypsum in the first instance wishes to segregate phosphogypsum designated for alternative use in a separate stack and measure the activity levels in that stack separately, the rule permits this approach. However, any materials in any additional stack which are not lawfully distributed for an alternative use must be managed by the owner or operator in the manner specified by the rule.

Objection: The limitation to 700 pounds of phosphogypsum for each specific research and development activity necessarily means that research and development in the field will be impossible.

Response: EPA notes that it has decided to reconsider the 700 pound limitation. However, 40 CFR 61.205 was designed to permit research and development activities involving phosphogypsum to proceed in the laboratory, not to authorize large scale field research. Proposals to conduct field studies utilizing phosphogypsum should instead be submitted for prior EPA approval pursuant to 40 CFR 61.206.

Objection: The procedures for certification in 40 CFR 61.208 are overly burdensome and unnecessary. They require a multi-party paperwork trail for materials that are presumptively safe. EPA should just require the person who generates phosphogypsum to certify at the end of the year that all of its shipments met applicable legal requirements.

Response: EPA believes that the procedures requiring distributors, retailers, or resellers to prepare certification documents and to retain copies of certification documents provided by the person from whom the phosphogypsum was obtained are necessary to adequately monitor compliance with the requirements in the rule. Without such documentation, it would be much more difficult or even impossible to investigate and take appropriate enforcement action if non-conforming phosphogypsum is found to have been distributed or sold for an alternative use. EPA notes that farmers or agricultural end-users who purchase phosphogypsum for an agricultural use are not required to prepare or maintain records, but that distributors who sell phosphogypsum for an agricultural use must do so.

Objection: Risks associated with phosphogypsum use should be controlled by state and local governments through restrictions on building construction rather than by EPA.

Response: EPA hopes that state and local governments will adopt appropriate measures to control hazards associated with radon emissions at building sites. However, EPA does not believe that it is appropriate for EPA to sanction specific activities which unduly increase the radium content of the land and the risks associated with building construction, based on an assumption that state or local building codes will mitigate the resultant problem.

V. Judicial Review

The decision by EPA to partially deny the August 3, 1992 TFI petition for reconsideration is final agency action based on a determination of nationwide scope or effect. TFI may seek review of the decision by EPA to partially deny its petition in the United States Court of Appeals for the District of Columbia Circuit within 60 days from the date this notice is published in the **Federal Register**. EPA notes that TFI has previously agreed that, if TFI seeks judicial review of the decision by EPA to partially deny its petition for reconsideration, TFI will move to consolidate such review with the review of the 1992 rule which is currently pending in *The Fertilizer Institute* v. *Environmental Protection Agency*, No. 92–1320 (DC Cir.) and *ManaSota–88* v. *Browner*, No. 92–1330 (DC Cir.).

The decision by EPA to partially grant the TFI petition does not constitute final agency action and is therefore not presently subject to judicial review. After EPA takes final action in the resulting reconsideration proceeding, any person who participated in that proceeding may seek judicial review of such action.

VI. References

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Dated: March 7, 1994.

Carol M. Browner,

Administrator.

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Part V

Department of Health and Human Services

Administration for Children and Families

Request for Applications Under the Office of Community Services' Fiscal Year 1994 National Youth Sports Program; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. OCS-94-05]

Request for Applications Under the Office of Community Services' Fiscal Year 1994 National Youth Sports Program

AGENCY: Office of Community Services, Administration for Children and Families, Department of Health and Human Services.

ACTION: Request for applications under the Office of Community Services' National Youth Sports Program.

SUMMARY: The Office of Community Services (OCS) announces that competing applications will be accepted for new grants pursuant to the Secretary's discretionary authority under section 681(a)(2)(F) of the Community Services Block Grant Act of 1981, as amended. This Program Announcement contains forms and instructions for submitting an application.

CLOSING DATE: The closing date for submission of applications is May 9, 1994.

CONTACT: Office of Community Services, Joseph D. Reid, Acting Director, Division of Community Discretionary Programs, 370 L'Enfant Promenade, SW., Washington, DC 20447, (202) 401-9345.

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Part A—Preamble

1. Legislative Authority

Section 681 of the Community Services Block Grant Act, as amended, authorizes the Secretary of Health and Human Services to make funds available under several programs to support program activities which will result in direct benefits to low-income people. This Program Announcement covers the grant authority found in Section 681(a)(2)(F) which authorizes the Secretary to make funds available to national or regional programs designed to provide instructional activities for low-income youth. The legislation further states that any instructional activity carried out under this program shall be carried out on the campus of an institution of higher education (as defined in Section 1201(a) of the Higher Education Act of 1965) and shall include: a. Access to the facilities and resources of such institution;

b. An initial medical examination and follow-up referral or treatment, without charge, for youth during their participation in such activity;

c. At least one nutritious meal daily, without charge, for participating youth during each day of participation;

d. High quality instruction in a variety of sports (that shall include swimming and that may include dance and any other high quality recreational activity) provided by coaches and teachers from institutions of higher education and from elementary and secondary schools (as defined in sections 1471(8) and 1471(21) of the Elementary and Secondary Education Act of 1965); and

e. Enrichment instruction and information on matters relating to the well-being of youth, such as educational opportunities and study practices, the prevention of drug and alcohol abuse, health and nutrition, career opportunities, and job responsibilities.

2. Definitions of Terms

For purposes of this Program Announcement the following definitions apply:

—Low-income youth: a child between the ages of 10 through 16 whose family income does not exceed the DHHS Poverty Income Guidelines,

—Eligible applicant: States, public and private non-profit agencies and organizations with a demonstrated ability to successfully develop and implement programs and activities similar to those enumerated above.

—Budget period: The interval of time into which a grant period of assistance is divided for budgetary and funding purposes.

—Project period: The total time for which a project is approved for support, including any approved extensions.

Part B—Application Prerequisites

1. Eligible Applicants

OCS will only consider those applications received from entities which are eligible applicants as specified in Part A 2. of this announcement. Non-profit organizations must include proof of their non-profit status in their applications. Failure to do so will result in rejection of their applications.

2. Availability of Funds and Grant Amount

a. *FY'94 funding:* The funds available for grant awards under the National Youth Sports Program are $12,000,000.

b. *Grant amounts:* Grant applications may be submitted for an amount up to $12,000,000.

c. *Matching requirements:* The grants require a match of either cash or third party in-kind of one dollar for each dollar awarded. For any application requesting Federal funds in excess of $9,400,000, the applicant must provide cash or in-kind of one dollar for each Federal dollar requested up to $9,400,000 and a cash match of 29% of the Federal funds requested in excess of $9,400,000.

3. Project Period and Budget Period

The project and budget periods must not exceed 12 months, with significant amount of program activities to be undertaken in the period covering July and August 1994.

4. Administrative Costs/Indirect Costs

There is no administrative cost limitation for projects funded under this program. Indirect costs consistent with approved Indirect Cost Rate Agreements are allowable. Applicants should

enclose a copy of the current approved rate agreement. However, it should be understood that indirect costs are part of, and not in addition to, the amount of funds awarded in the subject grant.

5. Program Beneficiaries

Projects proposed for funding under this announcement must result in direct benefits targeted toward 10–16 year olds from low-income families.

Attachment A to this announcement is an excerpt from the most recently published Poverty Income guidelines. Annual revisions of these Guidelines are normally published in the **Federal Register** in February or early March of each year and are applicable to projects being implemented at the time of publication. Grantees will be required to apply the most recent Guidelines throughout the project period. The **Federal Register** may be obtained from public libraries, Congressional offices, or by writing the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

No other government agency or privately defined poverty guidelines are applicable to the determination of low-income eligibility for this OCS program.

6. Multiple Submittals

An applicant organization should not submit more than one application under this Program Announcement.

Part C—Purpose and Project Requirements

1. Purpose

The Department of Health and Human Services is committed to improving the health and physical fitness of young people, particularly those that are members of low-income families and residents of economically disadvantaged areas of the United States.

The Department seeks to improve the lives of these young people through sports skill instruction, counseling in good health practices, and counseling related to anti-drug and anti-alcohol abuse.

2. Project Requirements

Projects funded under this program must be carried out on a national or regional (multi-state) basis on the campuses of institutions of higher education and shall include all of the following legislatively-mandated elements:

a. access to the facilities and resources of such institution;

b. an initial medical examination and follow-up referral or treatment, without charge;

c. at least one nutritional meal daily, without charge, for participating youth during each day of participation;

d. high quality instruction in a variety of sports (that shall include swimming and that may include dance and any other high quality recreational activity) provided by coaches and teachers from institutions of higher education and from elementary and secondary schools (as defined in sections 1471(8) and 1471(21) of the Elementary and Secondary Education Act of 1965); and

e. enrichment instruction and information on matters relating to the well-being of youth, such as educational opportunities and study practices, the prevention of drug and alcohol abuse, health and nutrition, career opportunities, and job responsibilities.

Part D—Review Criteria

Applications which pass the initial screening and pre-rating review described in Part G 5. will be assessed and scored by reviewers. These numerical scores will be supported by explanatory statements on a formal rating form describing major strengths and weaknesses under each applicable criterion published in this announcement.

The in-depth evaluation and review process will use the criteria set forth below coupled with the specific requirements described in Part G.

Applicants should write their project narrative according to the review criteria using the same sequential order.

Criteria for Review and Evaluation of Applications Submitted Under This Program Announcement

1. Criterion I: Location and number of institutions of Higher Education (Maximum: 20 points).

a. Applicant must describe and document the number and location of Institutions of Higher Education committed to participation in this program, with special attention to documenting the accessibility of the schools to economically disadvantaged communities (0–12 points).

b. Applicant must describe in the aggregate the facilities which will be available on the campuses of the institutions to be used in the program (swimming pools, medical facilities, food preparation facilities, etc.) (0–8 points).

2. Criterion II: Adequacy of Work Program (Maximum: 20 points).

a. Applicant must set forth realistic weekly time targets (for the summer program) and quarterly time targets (for any extended-year program activities). The time targets should specify the tasks to be accomplished in the given timeframes. (0–8 points).

b. Applicant must address the legislatively-mandated activities found in Part C.2., to include: (1) Project priorities and rationale for selecting them; (2) project goals and objectives; and (3) project activities. (0–12 points).

3. Criterion III: Significant and Beneficial Impact (Maximum: 20 points).

a. Applicant proposes to improve nutritional services to the participating youths (0–5 points).

b. Project incorporates health prevention activities with nutritional services (0–5 points).

c. Project includes counseling related to anti-drug and anti-alcohol abuse by counselors with experience in those areas as a major element (0–5 points).

d. Project makes use of an existing outreach activity of a community action agency or some other community-based organization (0–5 points).

4. Criterion IV: Organizational Experience in Program Area and Staff Responsibilities (Maximum: 30 points).

a. Organizational experience in program area (0–10 points).

Documentation provided indicates that projects previously undertaken have been relevant and effective and have provided significant benefits to low-income youth. Information provided should also address the achievements and competence of the participating institutions.

b. Management history (0–10 points).

Applicants must fully detail their ability to implement sound and effective management practices and if they have been recipients of other Federal or other governmental grants, they must also detail that they have consistently complied with financial and program progress reporting and audit requirements. Applicants should submit any available documentation on their management practices and progress reporting procedures. Applicant should also submit a statement by a Certified or Licensed Public Accountant as to the sufficiency of the applicant's financial management system to protect any Federal funds which may be awarded under this program.

c. Staffing skills, resources and responsibilities (0–10 points).

Applicant must briefly describe the experience and skills of the proposed project director showing that the individual is not only well qualified but that his/her professional capabilities are relevant to the successful implementation of the project. If the key staff person has not been identified, the application should contain a comprehensive position description

which indicates that the responsibilities assigned to the project director are relevant to the successful implementation of the project.

The application must indicate that the applicant and the subgrantees or delegate institutions have adequate facilities and resources (i.e. space and equipment) to successfully carry out the work plan. The application must clearly show that sufficient time of the project director and other senior staff will be budgeted to assure timely implementation and oversight of the project and that the assigned responsibilities of the staff are appropriate to the tasks identified for the project.

5. Criterion V: Adequacy of Budget (Maximum: 10 points).

Budget is adequate and funds requested are commensurate with the level of effort necessary to accomplish the goals and objectives of the program. The applicant presents a reasonable administrative cost. The estimated cost of the project to the government is reasonable in relation to the anticipated results.

Part E—Contents of Application and Receipt Process

1. Contents of Application

Each application package should include one original and two additional copies of the following:

a. A signed Application for Federal Assistance (SF–424);

b. Budget Information—Non-Construction Programs (SF–424A);

c. A signed—Assurances—Non-construction Programs (SF–424B); and

d. A Project Narrative consisting of the following elements preceded by a consecutively numbered Table of Contents that describes the project in the following order:

(i) Eligibility confirmation.

(ii) Number and location of Institutions of Higher Education committed to the program and their accessibility to youth from economically disadvantaged areas.

(iii) Organization experience and staff responsibilities.

(iv) Work program (including Executive Summary)

(v) Appendices, including Bylaws; Articles of Incorporation; proof of non-profit status; résumé of project director; statement by a Certified or Licensed Public Accountant as to the sufficiency of the applicant's financial management system to protect Federal funds; and Single Point of Contact comments, if available.

The total number of pages for the entire application package should not exceed 50 pages. Applications should be two holed punched at the top and fastened separately with a compressor slide paper fastener or a binder clip. The submission of bound applications, or applications enclosed in binder, is especially discouraged.

Applications must be uniform in composition since OCS may find it necessary to duplicate them for review purposes. Therefore, applications must be submitted on white 8½ x 11 inch paper only. They should not include colored, oversized or folded materials. Do not include organizational brochures or other promotional materials, slides, films, clips, etc. in the proposal. They may be discarded, if included.

2. Acknowledgement of Receipt

All applicants will receive an acknowledgement postcard with an assigned identification number. Applicants are requested to supply a self-addressed mailing label with their application which can be attached to this acknowledgement postcard. The assigned identification number must be referred to in all subsequent communications with ACF concerning the application. If an acknowledgement is not received within three weeks after the deadline date, please notify ACF by telephone (202) 401–9230.

Part F—Instructions for Completing Application Package

It is suggested that the applicant reproduce the SF–424 and SF–424A, and type your application on the copies. If an item on the SF–424 cannot be answered or does not appear to be related or relevant to the assistance requested write NA for "Not Applicable".

Prepare your application in accordance with the standard instructions given in Attachments B and C corresponding to the forms, as well as specific instructions set forth below:

1. SF–424 "Application for Federal Assistance"

Item Numbers

1. For the purposes of this announcement, all projects are considered "Applications"; there are no "Pre-applications". All projects are non-construction projects. Check the appropriate box under "Application".

5 and 6. The legal name of the applicant must match that listed as corresponding to the Employer Identification Number. Where the applicant is a previous Department of Health and Human Services grantee, enter the Central Registry System Employee Identification Number (EIN) and the Payment Identifying Number (PIN), if one has been assigned, in the Block entitled "Federal Identifier" located at the top right hand corner of the form.

7. If the applicant is a non-profit corporation, enter "N" in the box and specify "non-profit corporation" in the space marked "Other." Proof of non-profit status, such as a copy of the applicant's listing in the Internal Revenue Service's most recent list of tax-exempt organizations in Section 501(c)(3) of the IRS code or a copy of a current IRS tax exemption certificate, must be included as an appendix to the project narrative.

8. For the purposes of this announcement, all applications are "New".

9. Enter DHHS-ACF/OCS.

10. The Catalog of Federal Domestic Assistance number for OCS programs covered under this announcement is 93.570. The title is "CSBG Discretionary Awards."

2. SF–424A—"Budget Information—Non-Construction Programs"

See instructions accompanying this form as well as the instructions set forth below:

In completing these sections, the "Federal Funds" budget entries will relate to the requested OCS discretionary funds only, and "Non-Federal" will include mobilized funds from all other sources—applicant, state, local, and other. Federal funds other than requested OCS discretionary funding should be included in "Non-Federal" entries.

The budget forms in SF–424A are only to be used to present grant administrative costs and major budget categories. Other internal project cost data must be separate and should appear as part of other project implementation data.

Sections A and D of SF–424A must contain entries for both Federal (OCS) and Non-Federal (mobilized) funds. Section B contains entries for Federal (OCS) funds only. Clearly identified continuation sheets in SF–424A format should be used as necessary.

Section A-Budget Summary

Lines 1–4, Col. (a): Line 1 Enter "CSBG Discretionary"; Col. (b): Line 1 Enter "93.570"; Col. (c): and (d); Applicants should leave columns (c) and (d) blank.

Col. (e)-(g): For line 1, enter in columns (e), (f) and (g) the appropriate amounts needed to support the project for the budget period.

Line 5, Enter the figures from Line 1 for all columns completed as required, (c), (d), (e), (f), and (g).

Section B—Budget Categories

Allowability of costs are governed by applicable cost principles set forth in 45 CFR parts 74 and 92.

Columns (1) and (5): In OCS applications, it is only necessary to complete Columns (1) and (5). Columns 1: Enter the total requirements for OCS Federal funds by the Object Class Categories of this section:

Personnel-Line 6A: Enter the total costs of salaries and wages of applicant/grantee staff only. Do not include costs of consultants or personnel costs of delegate agencies or of specific project(s) or businesses to be financed by the applicant.

Fringe Benefits-Line 6b: Enter the total costs of fringe benefits unless treated as part of an approved indirect cost rate which is entered on line 6j. Provide a breakdown of amounts and percentages that comprise fringe benefit costs.

Travel-Line 6c: Enter total costs of all travel by employees of the project. Do not enter costs for consultant's travel. Provide justification for requested travel costs.

Equipment-Line 6d: Enter the total costs of all non-expendable personal property to be acquired by the project. "Non-expendable personal property" means tangible property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. An applicant may use its own definition of non-expendable personal property, provided that such a definition would at least include all tangible personal property as defined in the preceding sentence. (See Line 21 for additional requirements).

Supplies-Line 6e: Enter the total costs of all tangible personal property (supplies) other than that included on line 6d.

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 and specific project(s) to be financed by the applicant.

Other-Line 6h: Enter the total of all other costs. Such costs, where applicable, may include but are not limited to insurance, food medical and dental costs (non-contractual), fees and travel paid directly to individual consultants, space and equipment rentals, printing and publication, computer use, training costs, including tuition and stipends, training services costs including wage payments to individuals and supportive services payments, and staff development costs.

Total Direct Charges-Line 6i: Show the total of Lines 6a through 6h.

Indirect Charges-Lines 6j: Enter the total amount of indirect costs. This line should be used only when the applicant currently has an indirect cost rate approved by the Department of Health and Human Services or another Federal agency or is awaiting such approval.

With the exception of state and local governments, applicants should enclose a copy of the current rate agreement.

If the applicant organization is in the process of initially developing or renegotiating a rate, it should immediately, upon notification that an award will be made, develop a tentative indirect cost rate proposal based on its most recently completed fiscal year in accordance with the principles set forth in the pertinent DHHS Guide for Establishing Indirect Cost Rates, and submit it to the appropriate DHHS Regional Office. It should be noted that when an indirect cost rate is requested, those costs included in the indirect cost pool should not be also charged as direct costs to the grant.

Totals—Line 6k: Enter the total amounts of Lines 6i and 6j. The total amount should be shown in Section B, Column 1: Carry totals from Column 1 to Column 5 for all line items.

Section C—Non-Federal Resources

This section is to record the amounts of "non-Federal" resources that will be used to support the project. "Non-Federal" resources mean other than OCS funds for which the applicant is applying. Therefore, mobilized funds from other Federal programs, such as the Job Training Partnership Act Program, should be entered on these lines. Provide a brief listing of the non-Federal resources on a separate sheet and describe whether it is a grantee-incurred cost or a third-party in-kind contribution.

Line 8: Column (a): Enter the project title. Column (b): Enter the amount of contributions to be made by the applicant to the project. Column (c): Enter the State contribution. If the applicant is a State agency, enter the non-Federal funds to be contributed by the State other than the applicant. Column (d): Enter the amount of cash and in-kind contributions to be made from all other sources. Column (e): Enter the total of columns (b), (c), and (d).

Line 9, 10, and 11 should be left blank.

Line 12: Carry the total of each column of lines 8, (b) through (e). The amount in Column (e) should be equal to the amount on Section A, Line 5, column (f).

Section D—Forecasting Cash Needs

Line 13: Enter the amount of Federal (OCS) cash needed for this grant by quarter.

Section F—Other Budget Information

Line 21: Use this space and continuation sheets as necessary to fully explain and justify the major items included in the budget categories shown in Section B. Include sufficient detail to facilitate determination of allowability, relevance to the project, and cost benefits. Particular attention must be given to the explanation of any requested direct cost budget item which requires explicit approval by the Federal agency. Budget items which require identification and justification shall include, but not be limited to, the following: 1. Salary amounts and percentage of time worked for those key individuals who are identified in the project narrative;

2. Any foreign travel;

3. A list of all equipment and estimated cost of each item to be purchased wholly or in part with grant funds and which meet the definition of nonexpendable personal property provided on Line 6d, Section B. Need for equipment must be supported in the program narrative.

4. Contractual: Major items or groups of smaller items; and

5. Other: Group into major categories all costs for consultants, local transportation, space, rental, training allowances, staff training, computer equipment, etc. Provide a complete breakdown of all costs that make up this category.

Line 22: Enter the type of HHS or other Federal agency approved indirect cost 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. Also, enter the date the rate was approved, where applicable. Attach a copy of the rate agreement if it was negotiated with a Federal agency other than the Department of Health and Human Services.

Line 23: Provide any other explanations and continuation sheets required or deemed necessary to justify or explain the budget information.

3. *SF–424B "Assurances—Non-Construction"*: Fill out, sign and date form found at Attachment D.

4. *Restrictions on Lobbying Activities:* Certification for Contracts, Grants, Loans, and Cooperative Agreements: Fill

out, sign and date form found at Attachment H.

5. *Disclosure of Lobbying Activities, SF-LLL:* Fill out, sign and date form found at Attachment H, if applicable.

6. *Project Narrative:* The project narrative must address the specific concerns and requirements mentioned under Parts C and D of this announcement. After confirmation of eligibility (as required by Part B), the narrative should follow the order and respond to the content of the criteria detailed under Part D.

Part G—Application Procedures

1. Availability of Forms

Applications for awards under this OCS program must be submitted on Standard Forms (SF) 424, 424A, and 424B. Part F and Attachments B, C, and D to this Program Announcement contain all the instructions and forms required for submittal of applications. The forms may be reproduced for use in submitting applications. Copies of the **Federal Register** containing this Announcement are available at most local libraries and Congressional District Offices for reproduction. If copies are not available at these sources they may be obtained by writing or telephoning the office listed in the section entitled "Contact" at the beginning of this Announcement.

2. Application Submission

The date by which applications must be submitted is indicated under "Closing Date" at the beginning of this Announcement.

a. Applications may be mailed to: Administration For Children and Families, Division of Discretionary Grants, 370 L'Enfant Promenade, SW., 6th Floor, Washington, DC 20447.

b. Hand delivered applications are accepted during normal working hours of 8 a.m. to 4:30 p.m., Monday through Friday, on or prior to the established closing date at the above listed address.

Applications shall be considered as meeting an announced deadline if they are either: a. Received on or before the deadline date at a place specified in the program announcement, or

b. Sent on or before the deadline date and received by ACF in time for the independent review. (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 criteria in paragraphs 1 and 2 above are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

Extension of deadlines: ACF 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 ACF does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicants.

3. Intergovernmental Review

This program is covered under Executive Order 12372, "Intergovernmental Review of Federal Programs," and 45 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.

All States and Territories except Alaska, Alabama, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Minnesota, Montana, Nebraska, Oklahoma, Oregon, Virginia, Pennsylvania, Washington, American Samoa and Palau have elected to participate in the Executive Order process and have established Single Points of Contacts (SPOCs). Applicants from these seventeen jurisdictions need take no action regarding Executive Order 12372. Applicants for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of Executive Order 12372. Otherwise, applicants should contact their SPOCs as soon as possible to alert them of the prospective applications and receive any necessary instructions. Applicants must submit any required material to the SPOCs as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(1)(2), a SPOC has 60 days from the application deadline date to comment on proposed new or competing continuation awards.

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 they intend to trigger the "accommodate or explain" rule.

When comments are submitted directly to ACF, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 370 L'Enfant Promenade, SW., 6th Floor, Washington, DC 20447.

A list of the Single Points of Contact for each State and Territory is included as Appendix G of this announcement.

4. Application Consideration

Applications which meet the screening requirements in section 5 below will be reviewed competitively. Such applications will be referred to reviewers for a numerical score and explanatory comments based solely on responsiveness to program guidelines and evaluation criteria published in this announcement. Applications will be reviewed by persons outside of the OCS unit which would be directly responsible for programmatic management of the grant. The results of these reviews will assist the Director and OCS program staff in considering competing applications. Reviewers' scores will weigh heavily in funding decisions but will not be the only factors considered. Applications will generally be considered in order of the average scores assigned by reviewers. However, highly ranked applications are not guaranteed funding since the Director may also consider other factors deemed relevant including, but not limited to, the timely and proper completion of projects funded with OCS funds granted in the last five (5) years; comments of reviewers and government officials; staff evaluation and input; geographic distribution; previous program performance of applicants; compliance with grant terms under previous DHHS grants; audit reports; investigative reports; and applicant's progress in resolving any final audit disallowances on OCS or other Federal agency grants. OCS reserves the right to discuss applications with other Federal or non-Federal funding sources to ascertain the applicant's performance record.

5. Criteria for Screening Applications

All applications that meet the published deadline for submission will be screened to determine completeness and conformity to the requirements of this Announcement. Only those applications meeting the following requirements will be reviewed and evaluated competitively. Others will be returned to the applicants with a notation that they were unacceptable.

a. Initial Screening

(1) The application must contain a completed Standard Form SF–424 signed by an official of the entity applying for the grant who has authority to obligate the entity legally;

(2) a budget (SF–424A); and

(3) "Assurances" (SF–424B) signed by the appropriate official.

b. Pre-rating Review

Applications which pass the initial screening will be forwarded to reviewers for analytical comment and scoring based on the criteria detailed in the Section below and the specific requirements contained in Part C of this Announcement. Prior to the programmatic review, these reviewers and/or OCS staff will verify that the applications comply with this Program Announcement in the following areas:

(1) Eligibility: Applicant meets the eligibility requirements as specified in Part A2.

(2) Target Populations: The application clearly targets the specific outcomes and benefits of the project to low-income participants as defined in the DHHS Poverty Income Guidelines (Attachment A).

(3) Grant Amount: The amount of funds requested does not exceed $12 million.

(4) Program Focus: The application addresses the geographic scope and project requirements described in Part C of this announcement.

c. Evaluation Criteria

Applications which pass the initial screening and pre-rating review will be assessed and scored by reviewers. Each reviewer will give a numerical score for each application reviewed. These numerical scores will be supported by explanatory statements on a formal rating form describing major strengths and major weaknesses under each applicable criterion published in this announcement.

Part H—Post Award Information and Reporting Requirements

Following approval of the applications selected for funding, notice of project approval and authority to draw down project funds will be made in writing. The official award document is the Financial Assistance Award which provides the amount of Federal funds approved for use in the project, the budget period for which support is provided, and the terms and conditions of the award.

In addition to the General Conditions and Special Conditions (where the latter are warranted) which will be applicable to grants, grantees will be subject to the provisions of 45 CFR part 74 (generally non-governmental) or 92 (governmental) along with OMB Circulars 122 and 87, and 128 or 133.

Grantees will be required to submit progress and financial reports (SF–269).

Grantees are subject to the audit requirements in 45 CFR parts 74 or 92.

By signing and/or submitting an application under this announcement, the applicant organization is providing certification as set forth in these attachments. Attachment E—U. S. Department of Health and Human Services Certification Regarding Drug-Free Workplace Requirements Grantees Other Than Individuals. Attachment F—Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions.

Section 319 of Public Law 101–121, signed into law on October 23, 1989, imposes prohibitions and requirements for disclosure and certification related to lobbying when an applicant has engaged in lobbying activities or is expected to lobby in trying to obtain the grant. It provides limited exemptions for Indian tribes and tribal organizations. Current and prospective recipients (and their subtier contractors and/or grantees) are prohibited from using appropriated funds for lobbying Congress or any Federal agency in connection with the award of a contract, grant cooperative agreement or loan. In addition, for each award action in excess of $100,000 (or $150,000 for loans) the law requires recipients and their subtier contractors and/or subgrantees (1) to certify that they have neither used nor will use any appropriate funds for payment to lobbyists, (2) to submit a declaration setting forth whether payments to lobbyists have been or will be made out of nonappropriated funds and, if so, the name, address, payment details, and purpose of any agreements with such lobbyists whom recipients or their subtier contractors or subgrantees will pay with the nonappropriated funds and (3) to file quarterly up-dates about the use of lobbyists if an event occurs that materially affects the accuracy of the information submitted by way of declaration and certification. The law establishes civil penalties for noncompliance and is effective with respect to contracts, grants, cooperative agreements and loans entered into or made on or after December 23, 1989. See Attachment H for certification and disclosure forms to be submitted with the applications for this program.

Attachment I indicates the regulations which apply to all applicants/grantees under the Discretionary Grants Program.

Dated: March 21, 1994.

Donald Sykes,

Director, Office of Community Services.

ATTACHMENT A–1994.—POVERTY INCOME GUIDELINES FOR ALL STATES (EXCEPT ALASKA AND HAWAII) AND THE DISTRICT OF COLUMBIA

Size of family unit	Poverty guideline
1	$7,360
2	9,840
3	12,320
4	14,800
5	17,280
6	19,760
7	22,240
8	24,720

For family units with more than 8 members, add $2,480 for each additional member.

Poverty Income Guidelines for Alaska

1	$9,200
2	12,300
3	15,400
4	18,500
5	21,600
6	24,700
7	27,800
8	30,900

For family units with more than 8 members, add $3,100 for each additional member.

Poverty Income Guidelines for Hawaii

1	$8,470
2	11,320
3	14,170
4	17,020
5	19,870
6	22,720

BILLING CODE 4184–01–P

Attachment B

APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

1. TYPE OF SUBMISSION:
Application: ☐ Construction ☐ Non-Construction
Preapplication: ☐ Construction ☐ Non-Construction

2. DATE SUBMITTED | Applicant Identifier
3. DATE RECEIVED BY STATE | State Application Identifier
4. DATE RECEIVED BY FEDERAL AGENCY | Federal Identifier

5. APPLICANT INFORMATION

Legal Name | Organizational Unit

Address (give city, county, state, and zip code): | Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ — ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐
A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) _____

8. TYPE OF APPLICATION:
☐ New ☐ Continuation ☐ Revision
If Revision, enter appropriate letter(s) in box(es): ☐ ☐
A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify):
_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: ☐☐ ☐☐☐
TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):

13. PROPOSED PROJECT:
Start Date | Ending Date

14. CONGRESSIONAL DISTRICTS OF:
a. Applicant | b. Project

15. ESTIMATED FUNDING:

a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?
a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:
DATE _____
b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?
☐ Yes If "Yes," attach an explanation ☐ No

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

a. Typed Name of Authorized Representative | b. Title | c. Telephone number
d. Signature of Authorized Representative | e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

BILLING CODE 4184-01-C

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 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 preapplications, 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 or 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

Attachment C

BUDGET INFORMATION — Non-Construction Programs

OMB Approval No. 0348-0044

SECTION A – BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
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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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	

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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 granter 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, to do 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) an (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 column 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 Line 6a to 6h in each column.

Line 6j—Show the amount of indirect costs.

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 at the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase deceases 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 contributions 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.

Attachment D—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. §§ 481 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 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.

BILLING CODE 4184-01-P

Attachment E

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 taken 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

BILLING CODE 4184-01-C

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 indicted 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.

Attachment G—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, N.W., Suite 500, Washington, D.C. 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, S.W., 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, Clearing 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, Sante 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 Contract, 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, P.O. 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.

Attachment H—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 persons 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

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by 0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:
☐ a. contract
b. grant
c. cooperative agreement
d. loan
e. loan guarantee
f. loan insurance

2. Status of Federal Action:
☐ a. bid/offer/application
b. initial award
c. post-award

3. Report Type:
☐ a. initial filing
b. material change
For Material Change Only:
year _____ quarter _____
date of last report _____

4. Name and Address of Reporting Entity:
☐ Prime ☐ Subawardee
Tier _____, *if known:*

Congressional District, *if known:*

5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:

Congressional District, *if known:*

6. Federal Department/Agency:

7. Federal Program Name/Description:

CFDA Number, *if applicable:* _____

8. Federal Action Number, *if known:*

9. Award Amount, *if known:*
$

10. a. Name and Address of Lobbying Entity *(if individual, last name, first name, MI):*

b. Individuals Performing Services *(including address if different from No. 10a) (last name, first name, MI):*

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply):*
$ _____ ☐ actual ☐ planned

12. Form of Payment *(check all that apply):*
☐ a. cash
☐ b. in-kind; specify: nature _____
value _____

13. Type of Payment *(check all that apply):*
☐ a. retainer
☐ b. one-time fee
☐ c. commission
☐ d. contingent fee
☐ e. deferred
☐ f. other; specify: _____

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____
Print Name: _____
Title: _____
Telephone No.: _____ **Date:** _____

Federal Use Only:

Authorized for Local Reproduction
Standard Form - LLL

BILLING CODE 4184-01-C

Attachment I

The following DHHS regulations apply to all applicants/grantees under the National Youth Sports Program:

Title 45 of the *Code of Federal Regulations*:

Part 16—Procedures of the Departmental Grant Appeals Board

Part 74—Administration of Grants (non-governmental)

Part 74—Administration of Grants (state and local governments and Indian Tribal affiliates):

Sections

74.62(a)—Non-Federal Audits

74.173—Hospitals

74.174(b)—Other Nonprofit Organizations

74.304—Final Decisions in Disputes

74.710—Real Property, Equipment and Supplies

74.715—General Program Income

Part 75—Informal Grant Appeal Procedures

Part 76—Debarment and Suspension from Eligibility for Financial Assistance

Subpart F—Drug Free Workplace Requirements

Part 80—Non-discrimination Under Programs Receiving Federal Assistance through the Department of Health and Human Services

Effectuation of Title VI of the Civil Rights Act of 1964

Part 81—Practice and Procedures for Hearings Under Part 80 of this Title

Part 84—Non-discrimination on the Basis of Handicap in Programs

Part 86—Non-discrimination on the basis of sex in the admission of individuals to training programs

Part 91—Non-discrimination on the Basis of Age in Health and Human Services Programs or Activities Receiving Federal Financial Assistance

Part 92—Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments (**Federal Register**, March 11, 1988)

Part 93—New Restrictions on Lobbying

Part 100—Intergovernmental Review of Department of Health and Human Services Programs and Activities

[FR Doc. 94-6958 Filed 3-23-94; 8:45 am]

BILLING CODE 4184-01-P

federal register

Thursday
March 24, 1994

Part VI

Department of Education

34 CFR Part 682
Federal Family Education Loan Program; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Part 682

RIN 1840–AB99

Federal Family Education Loan Program

AGENCY: Department of Education.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Secretary proposes to amend the regulations governing the Federal Family Education Loan (FFEL) Program. The FFEL Program consists of the Federal Stafford, Federal Supplemental Loans for Students (SLS), Federal PLUS, and the Federal Consolidation Loan programs. These amendments are needed to implement changes made to the Higher Education Act of 1965 (HEA) as amended by the Higher Education Amendments of 1992. The proposed regulations would enhance the ability of lenders and guaranty agencies to service and collect FFEL Program loans.

DATES: Comments must be received on or before April 25, 1994.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Pamela A. Moran, Acting Chief, Loans Branch, Division of Policy Development, Policy, Training, and Analysis Service, U.S. Department of Education, 400 Maryland Avenue, SW. (room 4310, ROB–3), Washington, DC 20202–5449.

A copy of any comments that concern information collection requirements should also be sent to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble.

FOR FURTHER INFORMATION CONTACT: George Harris, Senior Program Specialist, Loans Branch, Division of Policy Development, Policy, Training, and Analysis Service, U.S. Department of Education, 400 Maryland Avenue, SW. (room 4310, ROB–3), Washington, DC 20202–5449. Telephone: (202) 708–8242. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

The Secretary is proposing to revise 34 CFR part 682 to implement changes made to the HEA by the Higher Education Amendments of 1992 (Pub. L. 102–325), enacted July 23, 1992. These regulations seek to improve the efficiency of Federal student aid programs, and, by so doing, to improve their capacity to enhance opportunities for postsecondary education.

Summary of Comments From Regional Meetings

In compliance with section 492(a) of the HEA, the Secretary convened regional meetings during September 1992 to obtain public involvement in the development of these proposed regulations. The purpose of the meetings was to "provide for a comprehensive discussion and exchange of information concerning the implementation" of certain parts of Public Law 102–325. In addition, attendees of the regional meetings were asked to nominate individuals to act as negotiators in the negotiated rulemaking process required by section 492(b) of the HEA.

The regional meetings were conducted for two days each in San Francisco, California; New York, New York; Atlanta, Georgia; and Kansas City, Missouri during September 1992. Each participant at the regional meetings was assigned to one of six groups which were asked to discuss particular issue areas identified by the Department. Each group at the regional meetings prepared a report of its discussion and recommendations and those reports were presented to the Department for consideration during the preparation of the proposed regulations.

At each regional meeting, groups discussed the statutory changes relating to repayment of loans that are addressed in these proposed regulations. The Department considered the comments received during the regional meetings in preparing draft proposed regulations. Below is a summary of the information received and the proposals made to the Secretary during the regional meetings relating to these proposed regulations.

Repayment Plans—Public Law 102–325 amended section 428(b)(1)(E) to require that borrowers be offered income-sensitive repayment plans. Participants at all of the regional meetings discussed whether lenders were required to provide both graduated and income-sensitive repayment plans to all borrowers or whether lenders had some discretion, but none of the groups reached an agreement.

Participants at the meetings also discussed what documentation should be considered in determining an income-sensitive repayment schedule. The participants at the Atlanta and Kansas City meetings recommended that the lender be permitted to rely on the borrower's self-certification of income, while participants at the San Francisco meeting recommended that the borrower be required to submit documentation reflecting income to the lender every three years. Participants at the Atlanta and San Francisco meetings also recommended that borrowers be permitted to change repayment plans during the repayment period, but participants at the Kansas City meeting recommended that the lender be given flexibility to determine the borrower's repayment schedule without regulatory restrictions.

Deferments—Public Law 102–325 substantially modified the deferments available to borrowers under the FFEL Program. The deferments for borrowers who are in school or unemployed were only slightly modified, but the other specific deferments in prior law were eliminated and replaced by a deferment for periods (up to three years) in which the borrower has or will have an economic hardship.

There was extensive discussion at all of the regional meetings regarding the appropriate criteria for an economic hardship deferment. Participants at each of the regional meetings supported a different standard for economic hardship: participants at the New York meeting concluded that income below the minimum wage should be used as the standard for economic hardship; participants at the Atlanta meeting recommended that borrowers who relied on public assistance and borrowers whose income did not exceed certain levels or whose debts exceeded their income should be considered as satisfying the economic hardship criteria; the San Francisco attendees recommended that the Department consider a variety of factors in defining economic hardship, including the ratio of debt payment to income, poverty level based on family size, and any disabilities the borrower may have. The Kansas City participants also recommended consideration of poverty level and analysis of debt and income.

Participants at all of the meetings generally recommended that the deferment be approved for one year at a time. However, there were significant differences in the recommendations relating to the documentation requirements. Participants at the Atlanta meeting identified specific documents that the attendees believed should be submitted to support a request for an economic hardship deferment; participants at the New York meeting recommended that the Department require "reasonable, appropriate" documentation; the attendees at the San Francisco meeting recommended that the regulations not require the borrower to provide documentation with the application for a deferment but permit

the lender to require supporting documentation; and attendees at the Kansas City meeting recommended that the borrower be allowed to self-certify eligibility for the deferment.

Forbearance based on income-to-debt ratio—The Department initially interpreted section 428(b)(1)(V)(ii) of the HEA to provide that the mandatory forbearance for borrowers with a debt burden under Title IV of the Act that equals or exceeds 20 percent of the borrower's gross income applied only to medical and dental interns. Attendees at the regional meeting in Kansas City disagreed with this view and recommended that the Department's regulations permit all borrowers who meet the debt burden criteria to receive the forbearance. Participants at the meeting in New York agreed with the Department's interpretation but recommended that lenders be given the discretion to apply the debt burden standard to all borrowers. Participants at all of the regional meetings recommended that the regulations permit lenders to base a decision regarding forbearance on income and debt information certified by the borrower. The attendees at the Atlanta meeting specifically recommended that the regulations permit the decision on forbearance to be based on the borrower's anticipated income for the next 12 months rather than relying on past income records.

Forbearance—General Requirements—Public Law 102–325 amended section 428(c)(3) of the HEA to make changes in the requirements for forbearance in the FFEL Program. Participants at all of the regional meetings agreed that the Department should allow the lender discretion as to when to approve changes in an existing forbearance arrangement and recommended that borrower-certified information should be sufficient to support the granting of a forbearance. In addition, attendees at the regional meetings agreed that the period of forbearance should not be counted against the borrower's limited repayment period.

However, there was disagreement among the meeting participants on other issues. Participants at the Kansas City regional meeting recommended the use of a single national forbearance application form, while attendees at the Atlanta meeting recommended the use of "local" forms and the attendees at the San Francisco meeting recommended the continuation of current procedures. There was also disagreement as to whether a forbearance should be available to take a loan out of default—attendees at the Kansas City and Atlanta meetings agreed that forbearance should be available for this purpose while attendees at the New York meeting recommended that a forbearance be available only until a default claim is submitted on the loan.

Finally, participants at all of the regional meetings identified a number of situations in which the regulations could require a lender to provide administrative forbearance. Participants at all of the meetings, except Atlanta, recommended that notice to the borrower of administrative forbearance be required, but participants at all the meetings also recommended that the regulations not require the borrower to agree to the forbearance.

Negotiated Rulemaking

After completion of the regional meetings, the Department prepared draft proposed regulations to implement the provisions of Public Law 102–325 relating to the FFEL Program. In accordance with the requirements of section 492(b) of the HEA, those regulations were submitted to a negotiated rulemaking process. During the weeks of January 4–8 and February 1–5, 1993, the Department met with negotiators selected from among individuals nominated by attendees at the regional meetings.

The discussion below of the proposed regulations reflects those areas where the negotiators reached a consensus and the proposed regulations reflect that agreement. The discussion below also indicates where consensus was not reached during the negotiations. However, the negotiators did not choose to discuss every part of these proposed regulations. Accordingly, the discussion below of those issues not discussed during the negotiations reflects only the views of the Secretary.

Proposed Regulatory Changes

Section 682.209 Repayment of a Loan

The proposed regulations implement the provisions of section 428(b)(1)(E)(i) of the HEA in requiring lenders to offer income-sensitive or graduated repayment schedules to borrowers. In developing criteria to be used by lenders when establishing income-sensitive repayment schedules, the Secretary believes that borrowers should be required to provide documentation of income. The Secretary therefore proposes that lenders request at least a copy of the borrower's most recent Federal income tax return if one had been filed within eight months prior to the date it is requested by the lender, and evidence showing the amount of the borrower's most recent monthly disposable income, including, if applicable, pay statements from employers and documentation of any income received by the borrower from other parties.

In addition, the Secretary does not believe it would be helpful to the borrower or in the interests of the taxpayer if the borrower's monthly payment amount is not changed whenever there is a significant increase in the borrower's income. Therefore, the proposed regulations require an adjustment in the monthly payment amount if the borrower's disposable income, for each of three consecutive months, exceeds twice the income upon which the payment amount is based. Similarly, if the borrower experiences a comparable decrease in disposable income, the Secretary strongly encourages a lender to grant a forbearance to a borrower who asks the lender for assistance, but who is ineligible for a deferment. In a notice of proposed rulemaking published in the **Federal Register** on March 16, 1994 (59 FR 12484), the Secretary also proposes to define "disposable income" in § 682.200(b) as that part of a borrower's compensation from an employer or other income from any source that remains after the deduction of any amounts required by law to be withheld.

The Secretary does not believe it would be helpful to the borrower or in the interests of the taxpayer if the borrower's monthly payment amount is dramatically increased in the later stages of the maximum repayment period to accommodate payments that are too small in earlier years. The proposed regulations prohibit a lender from establishing a graduated repayment plan that schedules any single installment to be greater than three times the amount of any other scheduled installment. Under an income-sensitive repayment schedule, the borrower's payment amount is adjusted at least annually. Given the fact that some borrowers may experience wide fluctuations in their income from year-to-year, a strict adherence to the "three times" rule in the case of an annual adjustment to a borrower's income-sensitive repayment schedule would not always permit the intention of a true income-sensitive schedule to be achieved. However, the Secretary encourages lenders, whenever feasible, to attempt to establish a borrower's income-sensitive repayment amount within the "three times" rule. To implement these requirements, the proposed regulations would permit a lender to grant forbearance (which does not count against the maximum 10-year repayment period) under 34 CFR

682.211 for a period up to 3 years if the effect of an income-sensitive repayment schedule causes the extension of the maximum repayment term of the loan.

Finally, the Secretary proposes that a fixed-amount repayment schedule be used if a borrower fails to indicate a choice of repayment schedules, or fails to maintain eligibility for an income-sensitive repayment schedule.

The Secretary estimates that lenders collectively will need an additional 20,000 hours to comply with the statutory requirement that income-sensitive repayment schedules be offered to most borrowers. The income documentation required from borrowers (the borrower's most recent Federal income tax return if one had been filed within six months prior to the date it is requested by the lender, and evidence showing the amount of the borrower's most recent monthly disposable income) is needed to obtain verifiable data to accurately determine the amount of the borrower's installment payment.

Section 682.210 Deferment

The proposed regulations implement the requirements of section 428(b)(1)(M)(iii) of the HEA. During the negotiations, a point of contention was the requirements a borrower must meet to qualify for an economic hardship deferment. In developing criteria to be used by lenders when granting an economic hardship deferment to a borrower based on the borrower's income and debt-to-income ratio, as required by section 435(o)(2) of the HEA, the Secretary believes that borrowers should be required to provide documentation of income. The Secretary therefore proposes that lenders obtain at least a copy of the borrower's most recent Federal income tax return if one had been filed within six months prior to the date it is requested, and evidence showing the amount of the borrower's most recent monthly disposable income.

In addition, the Secretary does not believe it would be helpful to the borrower or in the interests of the taxpayer if a borrower who has the means to repay the loan does not do so. Therefore, the Secretary proposes an income limitation on a borrower who requests an economic hardship deferment based on income and debt-to-income ratio. The Secretary believes the income cap in the proposed regulations—no more than four times the minimum wage or four times the poverty line for a family of two—is reasonable.

The public, at the regional meetings in September, and through its negotiators, did not agree on the definition of "debt" or the precise ratio to be used when comparing debt to income. In the Secretary's view, it would not be appropriate to include all debts that a borrower owed in developing the debt-to-income ratio. In a related section of the HEA (section 437A(c)) that evaluates a borrower's debt-to-income ratio to determine if a borrower has a high risk of defaulting on a loan, only the borrower's FFEL Program debts are considered. Therefore, the Secretary believes that for the purpose of establishing the borrower's eligibility for an economic hardship deferment, a similar evaluation should be used. The proposed regulations reflect the Secretary's belief that the calculation of "debt" for this purpose should include only the monthly amount due on the borrower's non-defaulted education loans that were obtained through a program administered by any agency of the Federal government. Given the ease with which borrowers can remove a default status from an FFEL Program loan through a guaranty agency's loan rehabilitation program, a conscientious borrower with a defaulted FFEL Program loan is not likely to be harmed by this restriction solely because of the defaulted loan.

As for the debt-to-income ratio to be used, the Secretary notes that the HEA has created a mandatory forbearance for a borrower who has a Title IV debt-to-income ratio that equals or exceeds 20 percent. Since a deferment during which the borrower's interest is paid by the federal government provides a much greater financial benefit to a borrower than a forbearance, it would be logical to establish a similar standard for a borrower to meet to qualify for a deferment. Therefore, in the Secretary's opinion, the 20 percent ratio is appropriate.

The Secretary estimates that lenders collectively will need an additional 14,000 hours to process the statutorily required economic hardship deferments for borrowers.

The income and debt documentation required from borrowers (the borrower's most recent Federal income tax return if one had been filed within six months prior to the date it is requested by the lender; evidence showing the amount of the borrower's most recent monthly disposable income; and evidence showing the most recent monthly amount due on the borrower's non-defaulted education loans (or eligible defaulted loans) that were obtained through a Federal program) is needed to obtain verifiable data to accurately determine the borrower's eligibility to receive an economic hardship deferment.

Section 682.211 Forbearance

Consistent with the rationale expressed earlier with regard to income-sensitive repayment schedules and economic hardship deferments, the Secretary does not believe it would be helpful to the borrower or in the interests of the taxpayer if a borrower who has the means to repay the loan does not do so. The Secretary proposes that, in order to qualify for a mandatory general forbearance under § 682.211(i)(2)—which permits a borrower to postpone making scheduled loan payments—a borrower should be required to provide at least a copy of his or her most recent Federal income tax return if one had been filed within six months prior to the date the forbearance is requested, and evidence showing the amount of the borrower's most recent monthly disposable income. In conformance with section 428(b)(1)(V) of the HEA, this requirement does not apply if the borrower is a medical or dental intern or resident, as described in § 682.211(i)(1).

Based on comments received at the regional meetings and other information provided to the Secretary from other sources, the Secretary has concluded that the public's views concerning the general applicability of the use of an administrative forbearance to assist a borrower in avoiding default should be reflected in the proposed regulations. The Secretary agrees that it would be in the best interests of borrowers and taxpayers to require lenders to grant administrative forbearance to borrowers or endorsers under the exceptional conditions described in § 682.211(j), such as emergencies and national disasters, whereas the granting of the forbearances authorized under § 682.211(f) is best left to the judgement of the lender on a case-by-case basis. The proposed regulations would permit a lender to grant forbearance under § 682.211 for a period of up to 3 years if the effect of an income-sensitive repayment schedule causes the extension of the maximum repayment term of the loan, and up to one year if the effect of a variable interest rate on a fixed-amount or graduated repayment schedule similarly causes the extension of the maximum repayment term.

The Secretary estimates that lenders collectively will need an additional 15,000 hours to process mandatory forbearances for borrowers. The income and debt documentation required from borrowers (the borrower's most recent Federal income tax return if one had been filed within six months prior to the date it is requested by the lender; evidence showing the amount of the

borrower's most recent monthly disposable income; and evidence showing the most recent monthly amount due on the borrower or endorser's Title IV loans) is needed to obtain verifiable data to accurately determine the borrower or endorser's eligibility to receive a mandatory forbearance.

Executive Order 12866

These proposed regulations have been reviewed in accordance with Executive Order 12866. Under the terms of the order the Secretary has assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the proposed regulations are those resulting from statutory requirements and those determined by the Secretary to be necessary for administering this program effectively and efficiently, as discussed in those sections of the preamble that relate to specific sections of the regulations. Burdens specifically associated with information collection requirements, if any, are identified and explained elsewhere in this preamble under the heading Paperwork Reduction Act of 1980.

In assessing the potential costs and benefits—both quantitative and qualitative—of these proposed regulations, the Secretary has determined that the benefits of the proposed regulations justify the costs, and do not interfere with state, local, and tribal governments in the exercise of their governmental functions.

To assist the Department in complying with the specific requirements of Executive Order 12866, the Secretary invites comment on whether there may be further opportunities to reduce any potential costs or increase potential benefits resulting from these proposed regulations without impeding the effective and efficient administration of the program.

Regulatory Flexibility Act Certification

The Secretary certifies that these proposed regulations would not have a significant economic impact on a substantial number of small entities.

Certain reporting, recordkeeping, and compliance requirements are imposed on lenders by the regulations. These requirements, however, would not have a significant impact because they would not impose excessive regulatory burdens or require unnecessary federal supervision.

Paperwork Reduction Act of 1980

Sections 682.209, 682.210, and 682.211 contain information collection requirements. As required by the Paperwork Reduction Act of 1980, the Department of Education will submit a copy of these sections to the Office of Management and Budget (OMB) for its review. (44 U.S.C. 3504(h))

These regulations affect lenders that participate in the FFEL Program. The Department needs and uses the information to properly carry out its responsibility to administer certain aspects of the HEA.

Annual public reporting burden for this collection of information by approximately 7,500 lending institutions participating in the FFEL Program is expected to increase by a total of 49,000 hours. The collection and reporting of the information in § 682.209(a) is expected to occur two million times per year, with each occurrence requiring lender processing time of 0.01 hours, for a total increase of 20,000 hours. The collection and reporting of the information in § 682.210(s)(6) is expected to occur 1.4 million times per year, with each occurrence requiring lender processing time of 0.01 hours, for a total increase of 14,000 hours. The collection and reporting of the information in § 682.211 (i) and (j) is expected to occur 1.5 million times per year, with each occurrence requiring lender processing time of 0.01 hours, for a total increase of 15,000 hours.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, Room 3002, New Executive Office Building, Washington, DC 20503; Attention: Daniel J. Chenok.

Invitation To Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in ROB-3, room 4310, 7th and D Streets, SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week except federal holidays.

Assessment of Educational Impact

The Secretary particularly requests comments on whether the proposed regulations in this document would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 682

Administrative practice and procedure, Colleges and universities, Education, Loan programs—education, Student aid, Vocational education.

(Catalog of Federal Domestic Assistance Numbers: 84.032 Federal Family Education Loan Program)

Dated: January 13, 1994.

Richard W. Riley,

Secretary of Education.

The Secretary proposes to amend part 682 of title IV of the Code of Federal Regulations, to read as follows:

PART 682—FEDERAL FAMILY EDUCATION LOAN PROGRAM

1. The authority citation for part 682 continues to read as follows:

Authority: 20 U.S.C. 1071 to 1087–2, unless otherwise noted.

2. Section 682.209 has been amended by adding paragraphs (a)(6) (iii) through (viii) and revising paragraphs (a)(7)(ii) and (h)(4)(ii) to read as follows:

§ 682.209 Repayment of a loan.

(a) * * *

(6) * * *

(iii) Not more than six months prior to the date that the borrower's first payment is due, the lender shall offer a choice of a fixed-amount, graduated, or income-sensitive repayment schedule to a new borrower who receives a Stafford or SLS loan first disbursed on or after July 1, 1993. For purposes of this section, a "new borrower" is an individual who has no outstanding principal or interest balance on an FFEL Program loan as of July 1, 1993 or on the date he or she obtains a loan on or after July 1, 1993. This term also includes a borrower who obtains a Federal Consolidation Loan on or after July 1, 1993 if the borrower has no other outstanding FFEL Program loan when the Consolidation Loan is made. The lender shall also offer a choice of repayment schedules to any individual whose Consolidation loan application is received by the lender on or after January 1, 1993. The Secretary encourages lenders to offer the choice of repayment schedules to all other borrowers.

(iv) The repayment schedule must require that each payment equal at least the interest that accrues during the interval between scheduled payments.

(v) The lender shall require the borrower to repay the loan under a fixed-amount repayment schedule described in paragraph (a)(6)(vi) of this section if the borrower does not select, or does not qualify for, an income-

sensitive or a graduated repayment schedule.

(vi) Under a fixed-amount repayment schedule, the borrower is scheduled to pay the same amount for each installment payment made during the repayment period, except that the borrower's final payment may be slightly more or less than the other payments.

(vii) Under a graduated repayment schedule, the amount of the borrower's installment payment is scheduled to change (usually by increasing) during the course of the repayment period. If a graduated repayment schedule is established, it may not provide for any single installment that is more than three times greater than any other installment. An agreement as specified in paragraph (c)(1)(ii) of this section is not required if the schedule provides for less than the minimum annual payment amount specified in paragraph (c)(1)(i) of this section.

(viii) (A) Under an income-sensitive repayment schedule, the amount of the borrower's installment payment is adjusted annually, based on the borrower's expected monthly disposable income, as defined in § 682.200(b), during the course of the repayment period. The Secretary encourages lenders to develop income-sensitive repayment schedules that do not result in any single installment that is more than three times greater than any other installment.

(B) The lender shall inform the borrower that the loan must be repaid within the time limits specified under paragraph (a)(7) of this section.

(C) No earlier than 90 days prior to the due date of the borrower's initial installment payment and subsequent annual payment adjustment under an income-sensitive repayment schedule, the lender shall request documentation from the borrower sufficient for the lender to make a reasonable determination of what the borrower's payment amount should be. The lender shall require the borrower to submit at least the following documentation:

(*1*) Evidence showing the amount of the borrower's most recent monthly disposable income from all sources, including, if applicable, pay statements from employers and documentation of any income received by the borrower from other parties.

(*2*) A copy of the borrower's Federal income tax return if the borrower filed a tax return within eight months prior to the date the lender requested it.

(D) If the borrower fails to provide the documentation described in paragraph (a)(6)(viii)(C) of this section, the lender shall require the borrower to repay the loan in accordance with either a fixed-amount or a graduated repayment schedule.

(E) The agreement between the borrower and lender must specify that if, at any time, the borrower's monthly disposable income for each of three consecutive months exceeds twice the income upon which the current installment amount is calculated, the borrower must inform the lender of that fact within 30 days after receiving the income.

(F) Not later than 30 days after learning from the borrower or other sources that the borrower's monthly disposable income has exceeded twice the amount upon which the current installment amount is calculated for each of three consecutive months, the lender shall notify the borrower that, unless the borrower provides documentation showing that information to be incorrect or, if it is correct, that the borrower's monthly disposable income has since decreased to the level that the payment amount had been based on, the amount of the borrower's installment payment will be increased commensurately, beginning with the second payment due after the date the lender notifies the borrower of the new payment amount.

(7) * * *

(ii) If the borrower receives an authorized deferment or is granted forbearance, as described in § 682.210 or § 682.211 respectively, the periods of deferment or forbearance are excluded from determinations of the 5-, 10-, and 15-year periods, and from the 12-, 15-, 20-, 25-, and 30-year periods for repayment of a Consolidation loan pursuant to § 682.208(h).

* * * * *

(h) * * *

(4) * * *

(ii) Does not include the unpaid balance on any loan on which the borrower is in default, unless the borrower has made satisfactory repayment arrangements with the holder to repay that loan.

* * * * *

(Authority: 20 U.S.C. 1077, 1078, 1078–1, 1078–2, 1078–3, 1079, 1082, 1085)

3. Section 682.210 has been amended by adding a new paragraph (a)(11); by revising paragraph (c)(4); and adding a new paragraph (s) to read as follows:

§ 682.210 Deferment.

(a) * * *

(11) If two individuals are jointly liable for repayment of a PLUS loan or a Consolidation loan, the lender shall grant a request for deferment only if both individuals meet the requirements of this section.

* * * * *

(c) * * *

(4) A borrower serving in a medical internship residency program, except for an internship in dentistry, is prohibited from receiving or continuing deferment on a Stafford, SLS, or Consolidation loan under paragraph (c) of this section.

* * * * *

(s) *Deferments for new borrowers on or after July 1, 1993.*

(1) *General.* A new borrower who receives an FFEL Program loan first disbursed on or after July 1, 1993 is entitled to receive deferments under paragraphs (s)(2) through (s)(6) of this section. For purposes of this section, a "new borrower" is an individual who has no outstanding principal or interest balance on an FFEL Program loan as of July 1, 1993 or on the date he or she obtains a loan on or after July 1, 1993. This term also includes a borrower who obtains a Federal Consolidation Loan on or after July 1, 1993 if the borrower has no other outstanding FFEL Program loan when the Consolidation Loan was made.

(2) *Student deferment.* An eligible borrower is entitled to a deferment for half-time study in accordance with the rules prescribed in § 682.210(c), except that the borrower is not required to obtain a Stafford or SLS loan for the period of enrollment covered by the deferment.

(3) *Graduate fellowship deferment.* An eligible borrower is entitled to a graduate fellowship deferment in accordance with the rules prescribed in § 682.210(d).

(4) *Rehabilitation training program deferment.* An eligible borrower is entitled to a rehabilitation training program deferment in accordance with the rules prescribed in § 682.210(e).

(5) *Unemployment deferment.* An eligible borrower is entitled to an unemployment deferment in accordance with the rules prescribed in § 682.210(h) for periods that, collectively, do not exceed 3 years.

(6) *Economic hardship deferment.* An eligible borrower is entitled to an economic hardship deferment for periods of up to one year at a time that, collectively, do not exceed 3 years if the borrower provides documentation satisfactory to the lender showing that the borrower—

(i) Is working full-time and is earning an amount which does not exceed the greater of—

(A) The minimum wage rate described in section 6 of the Fair Labor Standards Act of 1938; or

(B) An amount equal to 100 percent of the poverty line for a family of 2 as determined in accordance with section 673(2) of the Community Service Block Grant Act; or

(ii) Is not receiving monthly disposable income, as defined in § 682.200(b), from all sources that is more than four times the amount specified in paragraph (s)(6)(i) of this section, and the amount of the borrower's payments each month (or a proportional share if the payments are due less frequently than monthly) on education loans obtained through a Federal program on which the borrower is not considered by the holder of the loan to be in a default status, is collectively equal to or greater than 20 percent of the borrower's monthly disposable income. The lender shall require the borrower to submit at least the following documentation to qualify for a deferment under paragraph (s)(6)(ii) of this section:

(A) Evidence showing the amount of the borrower's most recent monthly disposable income from all sources.

(B) A copy of the borrower's Federal income tax return if the borrower filed a tax return within six months prior to the date the deferment is requested.

(C) Evidence showing the most recent monthly amount due on the borrower's non-defaulted education loans (or eligible defaulted loans) that were obtained through a Federal program. For this purpose, a borrower's defaulted education loan obtained through a Federal program may be included only if the holder of the loan provides a written statement that the borrower has made satisfactory arrangements to repay the loan.

(Authority: 20 U.S.C. 1077, 1078, 1078–1, 1078–2, 1078–3, 1082, 1085)

4. Section 682.211 has been amended by redesignating paragraph (a)(4) as (a)(5) and adding a new paragraph (a)(4); by adding new paragraphs (f) (6) through (10); and by adding new paragraphs (i) and (j) to read as follows:

§ 682.211 Forbearance.

(a) * * *

(4) If two individuals are jointly liable for repayment of a PLUS loan or a Consolidation loan, the lender may grant forbearance on repayment of the loan only if the ability of both individuals to make scheduled payments has been impaired.

* * * * *

(f) * * *

(6) For a period not to exceed 60 days after the lender receives reliable information indicating that the borrower (or student in the case of a PLUS loan) has died, or the borrower has become totally and permanently disabled, until the lender receives documentation of death or total and permanent disability, pursuant to § 682.402 (b) or (c);

(7) For periods necessary for the Secretary or guaranty agency to determine the borrower's eligibility for cancellation of the loan because of attendance at a closed school or false certification of loan eligibility, pursuant to § 682.402 (d) or (e), or the borrower's or, if applicable, endorser's bankruptcy, pursuant to § 682.402(f);

(8) For a period of delinquency at the time a loan is sold or transferred, if the borrower or endorser is less than 60 days delinquent on the loan at the time of sale or transfer;

(9) For a period of up to one year in cases where the effect of a variable interest rate on a fixed-amount or graduated repayment schedule causes the extension of the maximum repayment term; or

(10) For a period of up to 3 years in cases where the effect of an income-sensitive repayment schedule causes the extension of the maximum repayment term.

* * * * *

(i) *Mandatory forbearance.*—(1) *Medical or dental interns or residents.* Upon receipt of a written request and sufficient supporting documentation from a borrower serving in a medical or dental internship or residency program, a lender shall grant forbearance renewable at 12-month intervals to a borrower who has exhausted his or her eligibility for a deferment under § 682.210(n), or whose promissory note does not provide for such a deferment—

(i) For the length of time remaining in the borrower's medical or dental internship or residency that must be successfully completed before the borrower may begin professional practice or service; or

(ii) For the length of time that the borrower is serving in a medical or dental internship or residency program leading to a degree or certificate awarded by an institution of higher education, a hospital, or a health care facility that offers postgraduate training.

(2) *Borrowers who are not medical or dental interns or residents, and endorsers.* Upon receipt of a written request and sufficient supporting documentation from an endorser, or from a borrower (other than a borrower who is serving in a medical or dental internship or residency described in paragraph (i)(1) of this section), a lender shall grant forbearance in increments of up to one year, for periods that, collectively, do not exceed three years, if the borrower or endorser—

(i) Is currently obligated to make payments on Title IV loans; and

(ii) The amount of such payments each month (or a proportional share if the payments are due less frequently than monthly) is collectively equal to or greater than 20 percent of the borrower or endorser's monthly disposable income.

(3) *Documentation.* Before granting a forbearance to a borrower or endorser under paragraph (i)(2) of this section, the lender shall require the borrower or endorser to submit at least the following documentation:

(i) Evidence showing the amount of the borrower or endorser's most recent monthly disposable income, as defined in § 682.200(b).

(ii) A copy of the borrower or endorser's Federal income tax return if the borrower or endorser filed a tax return within six months prior to the date the forbearance is requested.

(iii) Evidence showing the most recent monthly amount due on the borrower or endorser's Title IV loans.

(j) *Mandatory administrative forbearance.* (1) The lender shall grant a mandatory automatic forbearance for the periods specified in paragraph (j)(2) of this section until the lender is notified by the Secretary or a guaranty agency that the forbearance period no longer applies. The lender may not require a borrower who is eligible for an automatic forbearance under this paragraph to submit a request or supporting documentation.

(2) The lender is not required to notify the borrower (or endorser, if applicable) at the time the forbearance is granted, but shall grant a forbearance to a borrower or endorser during a period, and the 30 days following the period, when the lender is notified by the Secretary that—

(i) Exceptional circumstances exist, such as a local or national emergency or military mobilization; or

(ii) The geographical area in which the borrower or endorser resides has been designated a disaster area by the president of the United States or Mexico, the prime minister of Canada, or by a governor of a state.

(3) As soon as feasible, or by the date specified by the Secretary, the lender shall notify the borrower (or endorser, if applicable) that the lender has granted a forbearance and the date that payments should resume. The lender's notification shall state that the borrower or endorser—

(i) May decline the forbearance and continue to be obligated to make scheduled payments; or

(ii) Consents to making payments in accordance with the lender's

notification if the forbearance is not declined.

(Authority: 20 U.S.C. 1077, 1078, 1078–1, 1078–2, 1078–3, 1080, 1082)

[FR Doc. 94–6944 Filed 3–23–94; 8:45 am]

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federal register

Thursday
March 24, 1994

Part VII

The President

Memorandum of March 10—Delegation of Responsibilities Under Section 1612 (b) and (d) of Title XVI of Public Law 103–160

Presidential Determination No. 94–16—Drawdown of Commodities and Services From the Inventory and Resources of the Department of the Treasury To Support Sanctions Enforcement Efforts Against Serbia and Montenegro

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Presidential Documents

Title 3—

The President

Memorandum of March 10, 1994

Delegation of Responsibilities Under Section 1612 (b) and (d) of Title XVI of Public Law 103–160

Memorandum for the Secretary of State

By virtue of the authority vested in me by the Constitution and the laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate to the Secretary of State the authority and duty vested in the President under section 1612 (b) and (d), Title XVI of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160).

You are authorized and directed to publish this memorandum in the **Federal Register**.

William J. Clinton

THE WHITE HOUSE,
Washington, March 10, 1994.

[FR Doc. 94–7215
Filed 3–23–94; 11:16 am]
Billing code 4710–10–M

Presidential Documents

Presidential Determination No. 94–16 of March 16, 1994

Drawdown of Commodities and Services From the Inventory and Resources of the Department of the Treasury To Support Sanctions Enforcement Efforts Against Serbia and Montenegro

Memorandum for the Secretary of State [and] the Secretary of the Treasury

Pursuant to the authority vested in me by section 552(c)(2) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2348a(c)(2) (the "Act"), I hereby determine that:

(1) as a result of an unforeseen emergency, the provision of assistance under Chapter 6 of Part II of the Act in amounts in excess of funds otherwise available for such assistance is important to the national interests of the United States; and

(2) such unforeseen emergency requires the immediate provision of assistance under Chapter 6 of Part II of the Act.

I therefore direct the drawdown of commodities and services from the inventory and resources of the Department of the Treasury of an aggregate value not to exceed $4.5 million to support international sanctions enforcement efforts against Serbia and Montenegro.

The Secretary of State is authorized and directed to report this determination to the Congress and to arrange for its publication in the **Federal Register**.

William J. Clinton

THE WHITE HOUSE,
Washington, March 16, 1994.

[FR Doc. 94–7216
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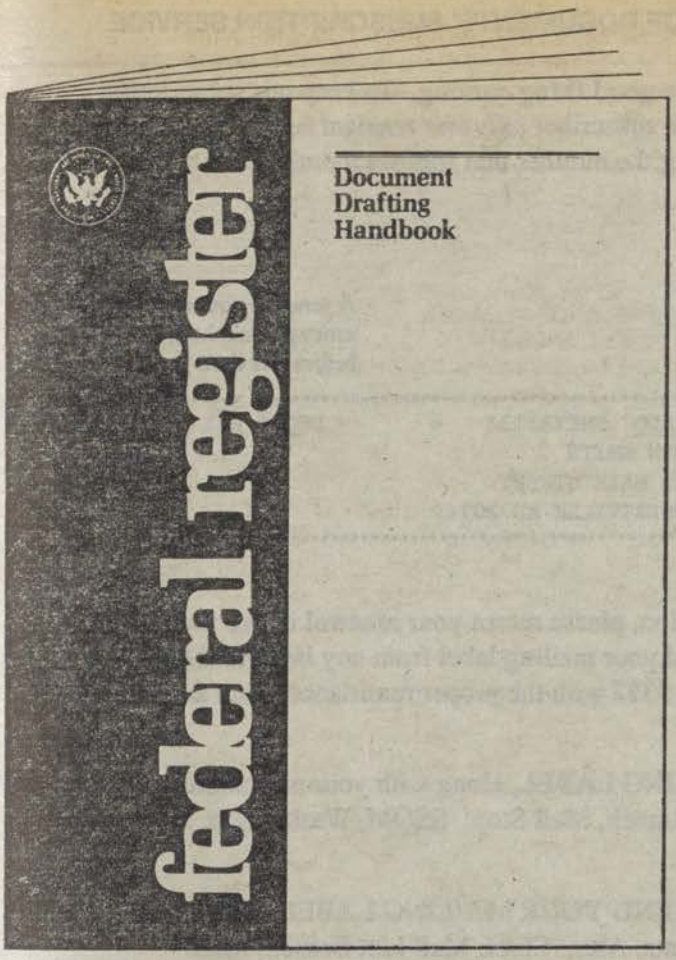

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