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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 925

[Docket No. FV93–925–2FIR]

Grapes Grown in a Designated Area of Southeastern California; Expenses and Assessment Rate for 1994 Fiscal Year

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 the interim final rule that authorized expenses and established an assessment rate for the California Desert Grape Administrative Committee (Committee) under Marketing Order No. 925 for the 1994 fiscal year. Authorization of this budget enables the Committee to incur expenses that are reasonable and necessary to administer its program. Funds to administer the program are derived from assessments on handlers.

EFFECTIVE DATES: Section 925.213 is effective January 1, 1994, through December 31, 1994.

FOR FURTHER INFORMATION CONTACT: Britthany E. Beadle, Marketing Order Administration Branch, F&V, AMS, USDA, PO Box 96456, room 2524–S, Washington, DC 20090–6456; telephone: (202) 720–5127; or Peter Parks, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, Suite 102 B, Fresno, CA 93721, telephone: (209) 487–5901.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order and Agreement No. 925 (7 CFR part 925) regulating the handling of table grapes grown in a designated area of California. The marketing agreement and order are effective under 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 final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, table grapes grown in California are subject to assessments. It is intended that the assessment rate specified herein will be applicable to all assessable grapes handled during the 1994 fiscal year, which began January 1, 1994, through December 31, 1994. This final 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 608c(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. Such handler is afforded the opportunity for a hearing on the petition. After the 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 the 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 action 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 20 handlers of grapes subject to regulation under the marketing order each season. In addition, there are approximately 90 producers of table grapes in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of these producers and handlers may be classified as small entities.

The marketing order requires that the assessment rate for a particular fiscal year shall apply to all assessable grapes handled from the beginning of such year. An annual budget of expenses is prepared by the Committee and submitted to the Department for approval. The members of the Committee are producers and handlers of the regulated commodity. They are familiar with the Committee's needs and with the costs for goods, services, and personnel in their local area and are thus in a position to formulate an appropriate budget. The budget is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by the Committee is derived by dividing anticipated expenses by expected shipments of table grapes. Because this rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the Committee's expected expenses. The recommended budgets and rates of assessment are usually acted upon by the Committee shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, the budget and assessment rate approval must be expedited so that the Committee will have funds to pay its expenses.

The California Desert Grape Administrative Committee met on November 4, 1993, and unanimously recommended a total expense amount of $103,544, which is $75,056 less in expenses than the previous year.

The Committee also unanimously recommended an assessment rate of $0.01 per lug for the 1994 fiscal year,

which is $0.01 less in the assessment rate from the 1993 fiscal year. The assessment rate, when applied to anticipated shipments of 9,000,000 lugs, would yield $90,000 in assessment income. This along with $2,500 in interest income and $113,000 from the Committee's authorized reserves will be adequate to cover estimated expenses.

Major expense categories for the 1994 fiscal year include $50,000 for a U.C. Riverside research grant, $24,000 for the Western Grape Leaf Skeletonizer project, $11,704 for salaries, and $4,340 for rent. Funds in the reserve at the end of the fiscal year, estimated at $101,956, will be within the maximum permitted by the order of one fiscal year's expenses.

This action was issued as an interim final rule on January 13, 1994, and published in the **Federal Register** (59 FR 3316, January 21, 1994). A 30-day comment period was provided for interested persons. No comments were received.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived from the operation of the marketing orders. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

It is found that the specified expenses for the marketing order covered in this rule are reasonable and likely to be incurred and that such expenses and the specified assessment rate to cover such expenses will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because the Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis. The 1994 fiscal year for the program began on January 1, 1994. The marketing order requires that the rate of assessment for the fiscal year apply to all assessable table grapes handled during the fiscal year. In addition, handlers are aware of this action which was recommended by the Committee at a public meeting and published in the **Federal Register** as an interim final rule. No comments were received concerning the interim final rule that is adopted in this action as a final rule without change.

List of Subjects in 7 CFR Part 925

Grapes, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 925 is hereby amended as follows:

1. The authority citation for 7 CFR part 925 continues to read as follows:

Authority: 7 U.S.C. 601–674.

Note: This section will not appear in the annual Code of Federal Regulations.

PART 925—GRAPES GROWN IN A DESIGNATED AREA OF SOUTHEASTERN CALIFORNIA

2. For the reasons set forth in the preamble, the interim final rule adding § 925.213 which was published at 59 FR 3316, is adopted as a final rule without change.

Dated: March 29, 1994.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94–7891 Filed 4–1–94; 8:45 am]

BILLING CODE 3410–02–P

Animal and Plant Health Inspection Service

9 CFR Part 78

[Docket No. 94–009–1]

Brucellosis in Cattle; State and Area Classifications; California

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the brucellosis regulations concerning the interstate movement of cattle by changing the classification of California from Class A to Class Free. We have determined that California meets the standards for Class Free status. This action relieves certain restrictions on the interstate movement of cattle from California.

DATES: Interim rule effective April 4, 1994. Consideration will be given only to comments received on or before June 3, 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. 94–009–1. 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 on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Michael J. Gilsdorf, Senior Staff Veterinarian, Cattle Diseases and Surveillance Staff, Veterinary Services, APHIS, USDA, room 729, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–4918.

SUPPLEMENTARY INFORMATION:

Background

Brucellosis is a contagious disease affecting animals and man, caused by bacteria of the genus *Brucella*.

The brucellosis regulations contained, in 9 CFR part 78 (referred to below as the regulations), provide a system for classifying States or portions of States according to the rate of Brucella infection present, and the general effectiveness of a brucellosis control and eradication program. The classifications are Class Free, Class A, Class B, and Class C. States or areas that do not meet the minimum standards for Class C are required to be placed under Federal quarantine.

The brucellosis Class Free classification is based on a finding of no known brucellosis in cattle for the 12 months preceding classification as Class Free. The Class C classification is for States or areas with the highest rate of brucellosis. Class B and Class A fall between these two extremes. Restrictions on moving cattle interstate become less stringent as a State approaches or achieves Class Free status.

The standards for the different classifications of States or areas entail maintaining (1) a cattle herd infection rate not to exceed a stated level during 12 consecutive months; (2) a rate of infection in the cattle population (based on the percentage of brucellosis reactors found in the Market Cattle Identification (MCI) program—a program of testing at stockyards, farms, ranches, and slaughter establishments) not to exceed a stated level; (3) a surveillance system that includes testing of dairy herds, participation of all recognized slaughtering establishments in the MCI program, identification and monitoring of herds at high risk of infection (including herds adjacent to infected herds and herds from which infected animals have been sold or received), and having an individual herd plan in effect within a stated number of days after the herd owner is notified of the finding of brucellosis in a herd he or she

owns; and (4) minimum procedural standards for administering the program.

Before the effective date of this interim rule, California was classified as a Class A State because of its herd infection rate and its MCI reactor prevalence rate.

To attain and maintain Class Free status, a State or area must (1) remain free from field strain *Brucella abortus* infection for 12 consecutive months or longer; (2) maintain for 12 consecutive months an MCI reactor prevalence rate not to exceed one reactor per 2,000 cattle tested (0.050 percent); and (3) have a specified surveillance system, as described above, including an approved individual herd plan in effect within 15 days of locating the source herd or recipient herd.

After reviewing the brucellosis program records for California, we have concluded that the State meets the standards for Class Free status. Therefore, we are removing California from the list of Class A States in § 78.41(b) and adding it to the list of Class Free States in § 78.41(a). This action relieves certain restrictions on moving cattle interstate from California.

Immediate Action

The Administrator of the Animal and Plant Health Inspection Service has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is warranted to remove unnecessary restrictions on the interstate movement of cattle from California.

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

Executive Order 12866 and Regulatory Flexibility Act

This interim rule has been reviewed under Executive Order 12866.

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

Cattle moved interstate are moved for slaughter, for use as breeding stock, or for feeding. Changing the brucellosis status of California from Class A to Class Free will promote economic growth by reducing certain testing and other requirements governing the interstate movement of cattle from the State. Testing requirements for cattle moved interstate for immediate slaughter or to quarantined feedlots are not affected by this change. Cattle from certified brucellosis-free herds moving interstate are not affected by this change.

The groups affected by this action will be herd owners in California, as well as buyers and importers of cattle from the State.

There are an estimated 28,000 cattle herds in California that would be affected by this rule. Ninety-eight percent of these are owned by small entities. Most of these herds are not certified-free. Test-eligible cattle offered for sale from other than certified-free herds must have a negative test under present Class A status regulations, but not under regulations concerning Class Free status. This testing costs approximately $3.25 per head. If such testing were distributed equally among all herds affected by this rule, Class Free status would save approximately $16 per herd.

Therefore, we believe that changing the brucellosis status for California would not have a significant economic impact on the small entities affected by this interim rule.

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

Executive Order 12372

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

Executive Order 12778

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

Paperwork Reduction Act

This document contains no 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 78

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

Accordingly, 9 CFR part 78 is amended as follows:

PART 78—BRUCELLOSIS

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

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

§ 78.41 [Amended]

2. Section 78.41, paragraph (a), is amended by adding "California," immediately after "Arizona,".

3. Section 78.41, paragraph (b), is amended by removing "California,".

Done in Washington, DC, this 15th day of March 1994.

Patricia Jensen,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 94–7908 Filed 4–1–94; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–ANE–03; Amendment 39–8863, AD 94–07–05]

Airworthiness Directives; General Electric Company CT58 Series Turboshaft Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule, request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to General Electric Company (GE) CT58–110 and –140 series turboshaft engines. This action supersedes priority letter AD 93–10–09 that currently requires inspection of the forward and aft cooling plate locating groove or channel (rabbet groove) of stage 1 and stage 2 turbine wheels for cracks and minimum radii, and replacement, if necessary, with serviceable turbine wheels. In addition, that AD reduces the cyclic life limit of certain stage 1 and stage 2 turbine wheels based on the cycles since new and the rabbet groove radius. This action retains the inspection

requirements of the current priority letter AD, but adds an additional eddy current inspection of the stage 1 and stage 2 turbine wheels, accelerates the inspection schedule, reduces the cyclic life limit of certain stage 1 and stage 2 turbine wheels below the published limits and those imposed by the priority letter AD, and provides for the removal from service of certain stage 1 and stage 2 turbine wheels. This amendment is prompted by an extensive analytical study performed by GE as a result of an uncontained stage 2 turbine wheel failure on a GE Model CT58–140–1 turboshaft engine. The actions specified by this AD are intended to prevent an uncontained engine failure and damage to the aircraft.

DATES: Effective April 19, 1994.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 19, 1994.

Comments for inclusion in the Rules Docket must be received on or before June 3, 1994.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94–ANE–03, 12 New England Executive Park, Burlington, MA 01803–5299.

The service information referenced in this AD may be obtained from General Electric Company, 1000 Western Ave., Lynn, MA 01910. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert J. Ganley, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 238–7138; fax (617) 238–7199.

SUPPLEMENTARY INFORMATION: On May 20, 1993, the Federal Aviation Administration (FAA) issued priority letter airworthiness directive (AD) 93–10–09, applicable to General Electric Company (GE) CT58 series turboshaft engines, which requires inspection of the forward and aft cooling plate locating rabbet groove or channel of stage 1 and stage 2 turbine wheels for cracks and minimum radii, and replacement, if necessary, with serviceable turbine wheels. In addition, that AD reduces the cyclic life limit of stage 1 and stage 2 turbine wheels to 4,200 cycles since new (CSN) for wheels with 3,000 or less CSN on the effective date of that AD, and that, upon inspection, have a rabbet groove radius of less than 0.010 inches. That action was prompted by an investigation into a stage 2 uncontained turbine wheel failure on a GE Model CT58–140–1 turboshaft engine. That condition, if not corrected, could result in an uncontained engine failure and damage to the aircraft.

Since the issuance of that priority letter AD, the FAA received the results of an extensive analytical study performed by GE as a result of the noted stage 2 turbine wheel failure. The study indicates that a crack initiated in the inboard radius of the rabbet groove on the forward side of the wheel. The fatigue crack propagated 360° around the wheel, and approximately 300° of the wheel departed in the failure. The wheel failure has been attributed to an under minimum radius that results in reduced low cycle fatigue capability. The results of this study also indicate that the minimum calculated lives for certain stage 1 and stage 2 turbine wheels, regardless of the forward and aft rabbet groove radii, are significantly lower than the published limits and those imposed by the priority letter AD.

The FAA has reviewed and approved the technical contents of GE CT58 Service Bulletin (SB) No. A72–126 (CEB–206), Revision 2, dated August 31, 1993, that describes the revised inspection requirements, accelerated inspection schedule, and the removal from service of certain stage 1 and stage 2 turbine wheels.

Since an unsafe condition has been identified that is likely to exist or develop on other engines of this same type design, this AD supersedes priority letter AD 93–10–09 to add an additional eddy current inspection requirement, accelerate the inspection schedule, and provide for the removal from service of certain stage 1 and stage 2 turbine wheels. The priority letter AD referred to the stage 1 and stage 2 turbine wheels as high pressure turbine disks. In order to be consistent with the SB described previously, the terminology has been changed in this final rule to turbine wheel. The actions are required to be accomplished in accordance with the SB described previously.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 94–ANE–03." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will 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 final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26,

1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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. 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:

94–07–05 General Electric Company: Amendment 39–8863. Docket No. 94–ANE–03.

Applicability: General Electric Company (GE) CT58–110 and –140 series turboshaft engines installed on but not limited to Boeing Vertol 107 series, and Sikorsky S61 and S62 series aircraft.

Compliance: Required as indicated, unless accomplished previously.

To prevent an uncontained engine failure and damage to the aircraft, accomplish the following:

(a) For stage 1 turbine wheels, Part Number (P/N) 4002T17P01 and 4002T17P02, and stage 2 turbine wheels, P/N 4002T96P01 and 4002T96P02, that have not previously accomplished GE CT58 Service Bulletin (SB) No. A72–126 (CEB–206), Revision 1, dated December 5, 1969, inspect the wheels in accordance with paragraphs 2.A or 2.B; and 2.D, 2.E, and 2.F of GE CT58 SB No. A72–126 (CEB–206), Revision 2, dated August 31, 1993, as follows, or remove the wheels from service prior to August 1, 1994, and replace with a serviceable part, whichever occurs earlier:

(1) For wheels utilized in repetitive heavy lift (RHL) or external lift operation:

(i) For wheels that have accumulated less than 500 hours time since new (TSN) on the effective date of this airworthiness directive (AD), inspect the wheels prior to accumulating 900 hours TSN.

(ii) For wheels that have accumulated 500 hours TSN or more on the effective date of this AD, inspect the wheels at the next engine shop visit, or prior to accumulating 400 hours time in service (TIS) after the effective date of this AD, whichever occurs earlier.

(2) For wheels utilized in non-RHL operation:

(i) For wheels that have accumulated less than 1,500 hours TSN on the effective date of this AD, inspect the wheels prior to accumulating 2,000 hours TSN.

(ii) For wheels that have accumulated 1,500 hours TSN or more on the effective date of this AD, inspect the wheels at the next engine shop visit, or prior to accumulating 600 hours TIS after the effective date of this AD, whichever occurs earlier.

(b) For stage 1 turbine wheel, P/N 4002T17P04, and stage 2 turbine wheel, P/N 4002T96P04, inspect the wheels in accordance with paragraphs 2.D and 2.E of GE CT58 SB No. A72–126 (CEB–206), Revision 2, dated August 31, 1993, and the inspection schedule outlined in paragraph (a)(1) and (a)(2) of this AD, as applicable, or remove the wheels from service prior to August 1, 1994, and replace with a serviceable part, whichever occurs earlier.

(c) For wheels inspected in accordance with paragraph (a) of this AD, accomplish the following:

(1) Prior to further flight, remove from service cracked wheels, wheels that do not meet the required web thickness limits, or wheels that have a cooling plate locating groove or channel (rabbet groove) radius less than 0.006 inches, and replace with a serviceable part.

(2) Prior to further flight, mark wheels that have a rabbet groove radius of 0.006 inches or greater, by marking the part with the number "CEB 206, REV 2" in accordance with paragraph 2.H of GE CT58 SB No. A72–126 (CEB–206), Revision 2, dated August 31, 1993.

(d) For wheels inspected in accordance with paragraph (b) of this AD, accomplish the following:

(1) Prior to further flight, remove from service cracked wheels, and replace with a serviceable part.

(2) Prior to further flight, mark wheels with the number "CEB 206, REV 2" in accordance with paragraph 2.H of GE CT58 SB No. A72–126 (CEB–206), Revision 2, dated August 31, 1993.

(e) For stage 1 turbine wheels, P/N 4002T17P02 and 4002T17P04, and stage 2 turbine wheels, P/N 4002T96P02 and 4002T96P04, that have previously accomplished GE CT58 SB No. A72–126 (CEB–206), Revision 1, dated December 5, 1969, eddy current inspect (ECI) and fluorescent penetrant inspect (FPI) the wheels in accordance with GE CT58 SB No. A72–126 (CEB–206), Revision 2, dated August 31, 1993, as follows, or remove the wheels from service and replace with a serviceable part in accordance with paragraph (g)(1) or (g)(2) of this AD, as applicable, whichever occurs earlier:

(1) For wheels utilized in RHL or external lift operation, inspect wheels in accordance with the inspection limits defined in Table 1 of GE CT58 SB No. A72–126 (CEB–206), Revision 2, dated August 31, 1993, or prior to 400 hours TIS after the effective date of this AD, whichever occurs later.

(2) For wheels utilized in non-RHL operation, inspect wheels in accordance with the inspection limits defined in Table 1 of GE CT58 SB No. A72–126 (CEB–206), Revision 2, dated August 31, 1993, or prior to 600 hours TIS after the effective date of this AD, whichever occurs later.

(f) For wheels inspected in accordance with paragraph (e) of this AD, accomplish the following:

(1) Prior to further flight, remove from service cracked wheels, and replace with a serviceable part.

(2) Prior to further flight, mark wheels with the number "CEB 206, REV 2" in accordance with paragraph 2.H of GE CT58 SB No. A72–126 (CEB–206), Revision 2, dated August 31, 1993.

(g) For wheels marked in accordance with paragraph (c)(2), (d)(2), or (f)(2) of this AD:

(1) For wheels that have a rabbet groove radius less than 0.013 inches, remove from service prior to August 1, 1994, and replace with a serviceable part.

(2) For wheels that have a rabbet groove radius of 0.013 inches or greater, remove from service in accordance with the inspection limits defined in Table 1 of GE CT58 SB No. A72–126 (CEB–206), Revision 2, dated August 31, 1993, or prior to August 1, 1994, whichever occurs later, and replace with a serviceable part.

(3) ECI and FPI wheels in accordance with GE CT58 SB No. A72–126 (CEB–206), Revision 2, dated August 31, 1993, as follows:

(i) For wheels utilized in RHL or external lift operation, reinspect wheels at intervals not to exceed 1,000 hours TIS since the last inspection.

(ii) For wheels utilized in non-RHL operation, reinspect wheels at intervals not to exceed 2,000 hours TIS since the last inspection.

(iii) Prior to further flight, remove from service cracked wheels, and replace with a serviceable part.

(h) Remove from service within 400 hours TIS after the effective date of this AD, stage 1 turbine wheels, P/N 278D978P002, 37D400498P101, 37D400307P101, 37D400010P101, 37D400227P101, 3018T97P02, 3018T97P03, and 3018T97P04; and stage 2 turbine wheels, P/N 278D979P002, 37D400499P101, 37D400228P102, 37D400004P102, 3018T98P01, 3018T98P02, 3018T98P03, and 3018T98P04, and replace with serviceable parts.

(i) For the purpose of this AD, the following definitions apply:

(1) An engine shop visit is defined as the induction of an engine into a shop for maintenance involving the separation of any major flange.

(2) RHL operation is defined as more than ten lift-carry-drop cycles per hour TIS without landing, or more than ten takeoffs and landings per hour TIS.

(3) External lift operation is defined as up to ten lift-carry-drop cycles per hour TIS without landing, or up to ten takeoffs and landings per hour TIS.

(4) Non-RHL operation is defined as carrying passengers or internal cargo.

(5) A serviceable part is defined as stage 1 turbine wheel, P/N 4002T17P02 TF3, and stage 2 turbine wheel, P/N 4002T96P02 TF3.

(j) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

(k) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the aircraft to a location where the requirements of this AD can be accomplished.

(l) The inspection and replacement shall be done in accordance with the following service bulletin:

Document No.	Page	Revision	Date
GE CT58 SB No. A72–126 (CEB–206)	1–28	2	Aug. 31, 1993.
Total Pages	28		

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from General Electric Company, 1000 Western Ave., Lynn, MA 01910. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(m) This amendment supersedes priority letter AD 93–10–09, issued May 20, 1993.

(n) This amendment becomes effective on April 19, 1994. Issued in Burlington, Massachusetts, on March 23, 1994.

Marc Bouthillier,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 94–7786 Filed 4–1–94; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 71

[Airspace Docket No. 93–ANM–36]

Amendment of Class E Airspace; Lakeview, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Lakeview, Oregon, Class E airspace. Controlled airspace extending from 700 feet above ground level (AGL) is necessary for a new instrument approach procedure to Lakeview County Airport, Lakeview, Oregon. Airspace reclassification, in effect as of September 16, 1993, has discontinued the use of the term "transition area," replacing it with the designation "Class E airspace." The airspace will be depicted on aeronautical charts for pilot reference.

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

FOR FURTHER INFORMATION CONTACT: Bob Brown, ANM–535, Federal Aviation Administration, Docket No. 93–ANM–36, 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 amending the Lakeview, Oregon, Class E airspace (59 FR 1681). 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 "transition area," and airspace extending upward from 700 feet or more above the surface of the earth is now Class E airspace. This amendment is the same as that proposed in the notice except the docket number of this action is corrected to read 93–ANM–36 vice 93–ANM–39, and that airspace extending upward from 10,500 feet MSL, which previously existed, is added to the description in this document. Class E airspace designations for airspace areas extending 700 feet or more above the surface of the earth are published in Paragraph 6005 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 E 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 amends the Class E airspace at Lakeview, Oregon, to provide controlled airspace for aircraft executing a new instrument approach procedure at Lakeview County Airport, Lakeview, Oregon.

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 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth

* * * * *

ANM OR E5 Lakeview, OR [Revised]

Lakeview County Airport, OR
(lat. 42°09'40" N, long. 120°23'57" W)
Goose NDB, OR
(lat. 42°09'11" N, long. 120°24'18" W)

That airspace extending upward from 700 feet above the surface within a 4.3-mile radius of the Lake County Airport, and within 1.8 miles each side of the 180° bearing from the Goose NDB extending from the NDB to 7 miles south of the NDB; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 42°22'00" N., long. 120°41'04" W.; to lat. 42°22'00" N., long. 120°12'04" W.; to lat. 41°41'00" N., long. 120°12'04" W.; to lat. 41°41'00" N., long. 120°41'04" W., to the point of beginning; that airspace extending upward from 10,500 feet MSL bounded on the north by lat. 44°00'00" N, long. 120°00'04" W., to the north edge of V-122 at long. 119°00'04" W., on the south by the north edge of V-122, and on the west by the east edge of V-165.

* * * * *

Issued in Seattle, Washington, on March 24, 1994.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 94-7920 Filed 4-1-94; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 93-AGL-9]

Establishment of VOR Federal Airway V-561

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes Federal Airway V-561 located in North Dakota and South Dakota. This action provides controlled airspace and improves operations between Grand Forks, ND, and Pierre, SD. This action improves navigation and saves fuel.

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

FOR FURTHER INFORMATION CONTACT: Patricia P. Crawford, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace—Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9255.

SUPPLEMENTARY INFORMATION:

History

On September 7, 1993, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish V-561 located in North Dakota and South Dakota (58 FR 47087). 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. Except for editorial changes, this amendment is the same as that proposed in the notice. Domestic VOR Federal airways are published in paragraph 6010(a) 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 airway listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations establishes V-561 located in North Dakota and South Dakota. Establishing a direct route between these points will provide controlled airspace and allow aircraft to operate efficiently and expeditiously along this route. This action is necessary to improve navigation and save on fuel consumption.

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 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

Paragraph 6010(a)—Domestic VOR Federal Airways

* * * * *

V-561 [New]

From Grand Forks, ND; Jamestown, ND; to Pierre, SD.

* * * * *

Issued in Washington, DC, on March 25, 1994.

Harold W. Becker,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 94-7924 Filed 4-1-94; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 93-ANM-14]

Amendment of Class E Airspace; Medford, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Medford, Oregon, Class E airspace. This action is necessary to accommodate an amended instrument approach procedure and missed approach holding pattern at Medford-Jackson County Airport, Medford, Oregon. Airspace reclassification, in effect as of September 16, 1993, has discontinued the use of the term "transition area," replacing it with the designation "Class E airspace." The airspace will be depicted on aeronautical charts for pilot reference.

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

FOR FURTHER INFORMATION CONTACT: Bob Brown, ANM-535, Federal Aviation Administration, Docket No. 93-ANM-14, 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 amending the Medford, Oregon, Class E airspace (59 FR 1682). 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.

This amendment is the same as that proposed in the notice except during the comment period an error was

discovered in the coordinates of the Rogue Valley VORTAC and the Klamath Falls VORTAC. The errors are corrected in this document. Class E airspace designations are published in Paragraphs 6004 and 6005 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 E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations amends the Class E airspace at Lakeview, Oregon, to accommodate an amended instrument approach procedure at the Medford-Jackson County Airport, Medford, Oregon.

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 6004 Class E airspace designated as an extension to a Class E surface area

* * * * *

ANM OR E4 Medford, OR [Revised]

Medford-Jackson County Airport, OR,
(lat. 42°22'20" N, long. 122°52'21" W)
Rogue Valley VORTAC
(lat. 42°27'47" N, long. 122°54'47" W)
Pumie LOM
(lat. 42°27'03" N, long. 122°54'48" W)

That airspace extending upward from the surface within 1.8 miles west and 2.7 miles east of the Medford ILS localizer north course extending from the 4.1-mile radius to 2.7 miles north of Pumie LOM and within 2.7 miles each side of the Rogue Valley VORTAC 352° radial extending from the Rogue Valley VORTAC to 11 miles north of the VORTAC, and within 4 miles each side of the Rogue Valley VORTAC 164° radial extending from the 4.1-mile radius to 19.3 miles south of the Medford-Jackson County Airport.

* * * * *

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth

* * * * *

ANM OR E5 Medford, OR [Revised]

Medford-Jackson County Airport, OR
(lat. 42°22'20" N, long. 122°52'21" W)
Rogue Valley VORTAC
(lat. 42°28'46" N, long. 122°54'47" W)
Pumie LOM
(lat. 42°27'03" N, long. 122°54'48" W)
Klamath Falls VORTAC
(lat. 42°09'11" N, long. 121°43'39" W)
Fort Jones VORTAC
(lat. 41°26'59" N, long. 122°48'23" W)

That airspace extending upward from 700 feet above the surface within a line from lat. 42°45'00" N, long. 123°10'54" W, to lat. 42°48'54" N, long. 122°57'06" W; to lat. 42°44'00" N, long. 122°44'36" W; lat. 42°18'00" N, long. 122°58'30" W; to lat. 42°28'00" N, long. 123°01'30" W; to the point of beginning; that airspace extending upward from 1,200 feet above the surface bounded on the east by V–452, on the southeast by the 34.8-mile radius of the Klamath Falls VORTAC, on the south by V–122, on the west by V–23, and that airspace southeast of Medford bounded on the north by the south edge of V–122, on the east by the 34.8-mile radius of the Klamth Falls VORTAC, on the southeast by a line 4.3 miles southeast and parallel to the Fort Jones VORTAC 041° radial, on the west by the edge of V–23, and that airspace west of the Rogue Valley VORTAC bounded on the north by the south edge of V–287, on the west by the east edge of V–27, and on the south by the north edge of V–122.

* * * * *

Issued in Seattle, Washington, on March 24, 1994.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 94–7927 Filed 4–1–94; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 93–ANM–9]

Amendment of Class E Airspace; Coeur d'Alene, ID and Spokane, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Coeur d'Alene, Idaho and Spokane, Washington Class E airspace. Controlled airspace is necessary to accommodate a new instrument approach procedure at Coeur d'Alene Air Terminal, Coeur d'Alene, Idaho. Airspace reclassification, in effect as of September 16, 1993, has discontinued the use of the term "transition area," replacing it with the designation "Class E airspace." The airspace will be depicted on aeronautical charts for pilot reference.

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

FOR FURTHER INFORMATION CONTACT: Bob Brown, ANM–535, Federal Aviation Administration, Docket No. 93–ANM–9, 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 amending the Coeur d'Alene, Idaho and Spokane, Washington, Class E airspace (59 FR 1684). 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.

This amendment is the same as that proposed in the notice. Class E airspace designations are published in Paragraph 6004 and 6005 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 E 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 amends the Class E airspace at Coeur d'Alene, Idaho, and Spokane, Washington, to provide controlled airspace for aircraft executing a new instrument approach procedure at Coeur d'Alene Air Terminal, Coeur d'Alene, Idaho.

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 6004 Class E airspace areas designated as an extension to a Class D surface area.

* * * * *

ANM ID E4 Coeur d'Alene, ID [Revised]

Coeur d'Alene Air Terminal, ID
(lat. 47°46'28" N, long. 116°49'11" W)
Coeur d'Alene VOR/DME
(lat. 47°46'25" N, long. 116°49'14" W)

That airspace extending upward from the surface within 3.5 miles each side of the Coeur d'Alene VOR/DME 251° radial extending from the 4.4-mile radius zone to 6 miles southwest of the airport; and that airspace extending upward from the surface within 1.8 miles each side of the Coeur d'Alene VOR/DME 183° radial extending from the 4.4-mile radius zone to 8 miles south of the airport.

* * * * *

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth

* * * * *

ANM WA E5 Spokane, WA [Revised]

Spokane International Airport, WA
(lat. 47°37'12" N, long. 117°32'02" W)
Fairchild AFB, WA
(lat. 47°36'54" N, long. 117°39'29" W)
Spokane VORTAC
(lat. 47°33'54" N, long. 117°37'37" W)
Mullan Pass VOR/DME
(lat. 47°27'25" N, long. 115°38'46" W)

That airspace extending upward from 700 feet above the surface bounded on the north by a line beginning at lat. 47°50'00" N, long. 118°00'04" W, extending to lat. 47°50'00" N, long. 117°30'04" W, to lat. 47°58'00" N, long. 117°16'04" W, to lat. 47°51'00" N, long. 117°08'04" W, to lat. 47°56'00" N, long. 116°47'04" W, to lat. 47°44'00" N, long. 116°41'04" W, to lat. 47°31'10" N, long. 116°44'50" W, to lat. 47°31'50" N, long. 116°56'50" W, to lat. 47°40'40" N, long. 116°56'50" W, to lat. 47°37'00" N, long. 117°12'50" W, to lat. 47°28'00" N, long. 117°16'04" W, to lat. 47°17'00" N, long. 117°47'04" W, to lat. 47°26'00" N, long. 118°00'04" W, thence to the point of beginning; that airspace extending upward from 1,200 feet above the surface within 45.3 mile radius of Fairchild AFB, excluding that portion southeast of Spokane bounded on the north by the 33.1-mile radius of the Fairchild AFB, on the northeast by a line 4 miles south of and parallel to the Spokane VORTAC 107° radial, on the southeast by the 45.3-mile radius of the Fairchild AFB, on the southwest by a line parallel to and 8.7 miles northeast of V–253; that airspace south of Spokane extending from the 45.3-mile radius bounded on the east by a line parallel to and 8.7 miles east of V–253, on the south by V–536, on the west by the east edge of V–444; that airspace southeast of Spokane extending upward from 6,000 feet MSL, bounded on the north by the 33.1-mile radius of Fairchild AFB, on the northeast by a line 4 miles south of and parallel to the Spokane VORTAC 107° radial, on the southeast by that 45.3-mile radius of the Fairchild AFB, on the southwest by a line parallel to and 8.7 miles northeast of V–253; that airspace southeast of Spokane extending upward from 7,000 feet MSL bounded on the northwest by the 45.3 mile radius, on the north by a line 4 miles south of and parallel to the Mullan Pass VOR/DME 260° radial, on the southeast by the north edge of V–536 and on the southwest by a line parallel to and 8.7 miles northeast of V–253; excluding the Pullman, WA, Class E airspace area.

* * * * *

Issued in Seattle, Washington, on March 24, 1994.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 94–7930 Filed 4–1–94; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 97

[Docket No. 27655; Amdt. No. 1593]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Area Office which originated the SIAP.

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

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 "major rule" under Executive Order 12291; (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. For the same reason, the FAA certifies that this amendment 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 97

Air traffic control, Airports, Incorporation by reference, Navigation (Air), Standard instrument approaches, Weather.

Issued in Washington, DC. on March 25, 1994.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. App. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

Effective June 23, 1994

Bullhead City, AZ, Laughlin/Bullhead City, VOR/DME RWY 34, Orig.
Clarksville, AR, Clarksville Muni, NDB–A, Amdt. 4
Helena/West Helena, AR, Thompson-Robbins, NDB RWY 17, Amdt. 4
Springdale, AR, Springdale Muni, ILS RWY 18, Amdt. 5
St. Petersburg-Clearwater, FL, St. Petersburg-Clearwater Intl, VOR RWY 4. Orig.
St. Petersburg-Clearwater, FL, St. Petersburg-Clearwater Intl, VOR RWY 35R, Orig.
Savannah, GS, Savannah Intl, ILS RWY 36, Amdt. 5
Mount Sterling, KY, Mt Sterling-Montgomery County, NDB RWY 3, Amdt. 1
Mount Sterling, KY, Mt Sterling-Montgomery County, NDB RWY 21, Amdt. 1
Lafayette, LA, Lafayette Regional, VOR/DME RWY 11, Amdt. 1
Lafayette, LA, Lafayette Regional, VOR RWY 4R, Amdt. 1
Black River Falls, WI, Black River Falls Area, NDB RWY 8, Amdt. 5

Effective May 26, 1994

Burbank, CS, Burbank-Glendale-Pasadena, LOC Rwy 8, Amdt. 2, CANCELLED
Burbank, CS, Burbank-Glendale-Pasadena, ILS Rwy 8, Amdt. 36,
San Angelo, TX, Mathis Field, VOR RWY 21, Amdt. 15
San Angelo, TX, Mathis Field, LOC BC RWY 21, Amdt. 13

Effective April 28, 1994

Chandler, AZ, Williams Gateway, ILS RWY 30C, Orig.
Plymouth, IN, Plymouth Muni, VOR RWY 28, Amdt.10
Plymouth, IN, Plymouth Muni, VOR RWY 10, Amdt. 11
Coffeyville, KS Coffeyville Muni, NDB RWY 35, Orig.
Coffeyville, KS Coffeyville Muni, NDB RWY 35, Amdt. 8, CANCELLED
Gaithersburg, MD, Montgomery County Arpk, NDB RWY 14, Orig.
Boston, MA, General Edward Lawrence Logan Intl, VOR/DME–A, Orig.
Boston, MA, General Edward Lawrence Logan Intl, ILS/DME–2 RWY 27, Orig. CANCELLED
Boston, MA, General Edward Lawrence Logan Intl, ILS–2 RWY 22L, CANCELLED
Boston, MA, General Edward Lawrence Logan Intl, ILS RWY 22L, Amdt. 4

Boston, MA, General Edward Lawrence Logan Intl, ILS/DME RWY 27, Amdt. 4

Worthington, MN, Worthington Muni, VOR/DME RWY 29, Amdt. 2A, CANCELLED

Rochester, NH, Skyhaven, VOR/DME–A, Amdt. 1

Rochester, NH, Skyhaven, NDB RWY 33, Amdt. 4

Rochester, NH, Skyhaven, NDB–B, Amdt. 1

Teterboro, NJ, Teterboro, VOR/DME–A, Amdt. 2

Albany, NY, Albany County, RADAR–1, Amdt. 15, CANCELLED

Columbus, OH, Rickenbacker Intl, NDB RWY 5R, Orig.

Columbus, OH, Rickenbacker Intl, NDB RWY 23L, Orig.

Columbus, OH, Rickenbacker Intl, ILS–1 RWY 5R, Amdt. 1, CANCELLED

Columbus, OH, Rickenbacker Intl, ILS–1 RWY 23L, Orig., CANCELLED

Columbus, OH, Rickenbacker Intl, ILS RWY 23L, Orig.

Columbus, OH, Rickenbacker Intl, ILS RWY 5R, Orig.

Nacogdoches, TX, A L Mangham Jr. Regional LOC RWY 36, AMdt. 1, CANCELLED

Nacogdoches, TX A L Mangham Jr. Regional, ILS RWY 36, Orig.

Marshfield, WI, Marshfield Muni, SDF RWY 34, Amdt. 5

Marshfield, WI, Marshfield Muni, NDB RWY 16, Amdt. 9

Marshfield, WI, Marshfield Muni, NDB RWY 4, Amdt. 13

Medford, WI, Taylor County, NDB RWY 33, Amdt. 6

Merrill, WI, Merrill Muni, NDB RWY 16, Amdt. 6

Merrill, WI, Merrill Muni, NDB RWY 7, Amdt. 2

Effective March 16, 1994

Harrison, AR, Boone County, LOC/DME 36, Amdt. 8

Harrison, AR, Boone County, NDB–B, Amdt. 2

Note: The FAA published an Amendment in Docket No. 27613, Amdt. No. 1587 to Part 97 of the Federal Aviation Regulations (Vol. 59 FR No. 47, Page 11183; dated Thursday, March 10, 1994) under Section 97.23 Effective 28 APR 94, which is hereby amended as follow:

North Kingstown, RI, Quonset State, VOR RWY 34, Orig. Change effective date April 28, 1994 to "Proposed effective April 28, 1994".

[FR Doc. 94–7916 Filed 4–1–94; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Parts 771 and 774

[Docket No. 940392–4092]

RIN 0694–AA97

Establishment of New General License for Shipments to Country Groups QWY and the People's Republic of China

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Coordinating Committee for Multilateral Export Controls (COCOM) has agreed to cease functioning on March 31, 1994. The current control lists will be retained by the member nations until a successor regime is established. To help make the transition, the United States is establishing a new General License GLX, which will allow certain shipments to civil end-users and end-uses in formerly proscribed destinations. This new general license will reduce paperwork and licensing delays for exporters, and will focus controls on exports that are of direct strategic concern.

EFFECTIVE DATE: This rule is effective April 4, 1994.

FOR FURTHER INFORMATION CONTACT: Patricia Muldonian, Office of Technology and Policy Analysis, Bureau of Export Administration, U.S. Department of Commerce, Telephone: (202) 482–2440.

SUPPLEMENTARY INFORMATION:

Background

The international security environment has changed in the past few years. As a result, the United States and our COCOM partners are revamping approaches to export controls to deal with the new challenges of the Post-Cold War era. In this regard, the members of COCOM agreed to end the Cold War regime on March 31, 1994, and to work together to establish a new arrangement aimed at enhancing transparency and restraint in arms sales and transfer of sensitive technology to countries and regions of concern.

As these discussions progress, the members of COCOM have agreed to retain the current COCOM Lists and the COCOM secretariat until a new successor regime with its own control list and institutional support is established. However, the members have also agreed to modify former COCOM export licensing procedures by making all licensing decisions subject to national discretion.

Accordingly, the United States is establishing a new General License GLX for shipments to formerly COCOM proscribed destinations of many items that previously required an Individual Validated License. With certain important exceptions and additions noted in this regulation, the new GLX general license will be available for the items previously covered by Administrative Exception Notes in the Commerce Control List.

Finally, General License GFW is revised to permit export to eligible countries of those commodities that can be shipped to QWY and the PRC under GLX but have not been eligible for GFW.

The United States will continue to work with the other former COCOM member countries to coordinate transitional licensing policies and procedures and to establish the new arrangement. As these efforts progress, there will be additional modifications to U.S. export licensing requirements.

Rulemaking Requirements

1. This final rule has been determined to be significant for purposes of Executive Order 12866.

2. This rule involves a collection of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget under control numbers 0694–0005, 0694–0007, and 0694–0010. Licensing requirements will be reduced as a result of this rule, thereby reducing the paperwork burden on the public.

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 effective date, are inapplicable because this regulation involves a foreign and military affairs function of the United States. This rule does not impose a new control. No other law requires that a notice of proposed rulemaking and an

opportunity for public comment be given for this rule.

Accordingly, it is issued in final form. However, comments from the public are always welcome. 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 Parts 771 and 774

Exports, Reporting and recordkeeping requirements.

Accordingly, parts 771 and 774 of the Export Administration Regulations (15 CFR parts 730–799) are amended as follows:

1. The authority citations for 15 CFR parts 771 and 774 continue 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. 210 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 51749, October 4, 1993); and E.O. 12868 of September 30, 1993 (58 FR 51749, October 4, 1993).

PART 771—[AMENDED]

2. Section 771.20, formerly reserved, is revised to read as follows:

§ 771.20 General License GLX; exports to Country Groups QWY and the People's Republic of China.

(a) *Scope.* A general license designated GLX is established, authorizing exports to civil end-users in Country Group QWY and the People's Republic of China (PRC) of certain specified items.

(b) *Eligible exports.* The items eligible for this general license are those described in the Advisory Notes in the CCL that indicate likelihood of approval for "Country Groups QWY and the PRC," except items described in the notes to ECCNs 1C18A and 2B18A. Likelihood of approval notes that apply only to the PRC, or to specified destinations in Country Group Y, also qualify for this general license to all eligible destinations (however, those notes indicating Country Group Q or W, but not Y, or individual countries in Q or W, are specifically not eligible). In addition, those entries and sub-entries listed in Supplement No. 1 to this Part 771 are eligible for export under this general license. However, this general license is not available for items that are also subject to missile technology (MT), nuclear nonproliferation (NP), or foreign policy (FP) controls to the recipient country.

(c) *Eligible consignees.* This general license is available only for exports to civil end-users for civil end-uses. Exports under this general license may not be made to military end-users or to known military uses. Such exports will continue to require an individual validated license and be considered on a case-by-case basis. In addition to conventional military activities, military uses include any proliferation activities described in Part 778 of this subchapter. Retransfers to military end-users or end-uses in eligible countries are strictly prohibited without prior authorization.

3. § 771.23 is amended by adding a new sentence after the fifth sentence to paragraph (c) to read as follows:

§ 771.23 General License GFW.

* * * * *

(c) * * * In addition, GFW may be used to export to eligible countries any commodities (but not software or technology) listed in Supplement No. 1 to this part 771 as eligible for General License GLX. * * *

* * * * * *

Supplement No. 1 to Part 771 [Amended]

4. Supplement No. 1 to part 771, formerly reserved, is revised to read as follows:

Supplement No. 1—Additional Items Eligible for General License GLX

Note: Portions of some items listed in this Supplement are controlled for missile technology (MT), nuclear proliferation (NP), or foreign policy (FP) reasons. Exporters are reminded that such portions are not eligible for General License GLX. Refer to the specific ECCNs to identify those portions of entries subject to MT, NP, or FP controls.

CATEGORY 1
- 1D01A
- 1D02A

CATEGORY 2
- 2A01A
- 2A02A
- 2A03A
- 2A04A
- 2A06A
- 2B03A.a

CATEGORY 3
- 3A02A.h

CATEGORY 4
- 4A03A.c (having a CTP of 1,000 MTOPS or less)
- 4A03A.h (having a 3–D vector rate less than 3M vectors/sec.)
- 4A03A.k
- 4B01A
- 4B02A
- 4B03A
- 4C01A

CATEGORY 5
- 5A02A (except .h and .i)
- 5A03A
- 5A04A
- 5A05A
- 5A06A
- 5B01A
- 5B02A
- 5C01A
- 5D01A
- 5D02A
- 5D03A

CATEGORY 6
- 6A01A.b
- 6A02A.a.4
- 6A03A.a.1
- 6A04A.f
- 6A05A.c.2.a
- 6A05A.d
- 6A05A.e
- 6B05A
- 6A08A.b
- 6A08A.c
- 6A08A.l.1
- 6C02A.c
- 6C04A.h
- 6D03A.d

CATEGORY 8
- 8A02A.e.2

CATEGORY 9
- 9B01A.a
- 9B01A.b
- 9B01A.f
- 9B01A.h
- 9B05A
- 9B06A

PART 774—[AMENDED]

5. Section 774.2 is amended by adding a new paragraph (o) to read as follows:

§ 774.2 Permissive reexports.[2]

* * * * *

(o) Reexports to or among destinations in Country Groups QWY and the People's Republic of China of items that may be exported directly from the United States to those destinations under General License GLX. Reexporters are specifically cautioned that GLX does not permit export or retransfer to military end-users or military end-uses.

[2] See § 774.9 for effect on foreign laws.

Dated: March 30, 1994.

Iain S. Baird,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 94–7936 Filed 3–30–94; 1:02 pm]

BILLING CODE 3510–DT–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 173

[Docket No. 89F–0031]

Secondary Direct Food Additives Permitted in Food for Human Consumption; Perfluorinated Ion Exchange Membranes

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of a perfluorinated ion exchange membrane intended for repeated use in the treatment of bulk quantities of liquid foods at temperatures up to 70 °C (158 °C). The membrane is a copolymer of ethanesufonyl fluoride, 2-[1-[difluoro-[(trifluoroethenyl)oxy]methyl]-1,2,2,2-tetrafluoroethoxy]-1,1,2,2,-tetrafluoro- with tetrafluoroethylene that is subsequently treated to hydrolyze the sulfonyl fluoride group to the sulfonic acid. This action is in response to a petition filed by E. I. du Pont de Nemours and Co.

DATES: Effective April 4, 1994; written objections and requests for a hearing by May 4, 1994.

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

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

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of February 21, 1989 (54 FR 7519), FDA announced that a food additive petition (FAP 9B4123) had been filed by E.I. du Pont de Nemours and Co., Wilmington, DE 19898. The petition proposed that the food additive regulations in part 173 *Secondary Direct Food Additives Permitted in Food for Human Consumption* (21 CFR part 173) be amended to provide for the safe use of a fluorocarbon resin, manufactured by the reaction of tetrafluoroethylene and perfluoro(4-methyl-3,6-dioxa-7-octene-1-sulfonyl fluoride), and followed by hydrolysis of the sulfonyl fluoride group to sulfonic acid, for use as a membrane to process food.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed use of the food additive is safe, and that part 173 should be amended by adding new § 173.21 to subpart A, as set forth below. The additive was described in the filing noitce by nomenclature commonly used in industry. In accordance with agency policy, the listing in new § 173.21 uses Chemical Abstracts nomenclature.

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

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

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

List of Subjects in 21 CFR Part 173

Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 173 is amended as follows:

PART 173—SECONDARY DIRECT FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 173 continues to read as follows:

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

2. New § 173.21 is added to subpart A to read as follows:

§ 173.21 Perfluorinated ion exchange membranes.

Substances identified in paragraph (a) of this section may be safely used as ion exchange membranes intended for use in the treatment of bulk quantities of liquid food under the following prescribed conditions:

(a) *Identity.* The membrane is a copolymer of ethanesulfonyl fluoride, 2-[1-[difluoro-[(trifluoroethenyl)oxy]methyl]-1,2,2,2-tetrafluoroethoxy]-1,1,2,2,-tetrafluoro-, with tetrafluoroethylene that has been subsequently treated to hydrolyze the sulfonyl fluoride group to the sulfonic acid. The Chemical Abstracts Service name of this polymer is ethanesulfonic acid, 2-[1-[difluoro-[(trifluoroethenyl)oxy]methyl]-1,2,2,2-tetrafluoroethoxy]-1,1,2,2,-tetrafluoro-, polymer with tetrafluoroethane (CAS Reg. No. 31175–20–9).

(b) *Optional adjuvant substances.* The basic polymer identified in paragraph (a) of this section may contain optional adjuvant substances required in the production of such basic polymer. These optional adjuvant substances may include substances used in accordance with § 174.5 of this chapter.

(c) *Conditions of use.* (1) Perfluorinated ion exchange membranes described in paragraph (a) of this section may be used in contact with all

types of liquid foods at temperatures not exceeding 70 °C (158 °F).

(2) Maximum thickness of the copolymer membrane is 0.007 inch (0.017 centimeter).

(3) Perfluorinated ion exchange membranes shall be maintained in a sanitary manner in accordance with current good manufacturing practice so as to prevent microbial adulteration of food.

(4) To assure their safe use, perfluorinated ionomer membranes shall be thoroughly cleaned prior to their first use in accordance with current good manufacturing practice.

Dated: March 24, 1994.

L. Robert Lake,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 94–7883 Filed 4–1–94; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Bambermycins

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Hoechst-Roussel Agri-Vet Co. The NADA provides for expanding the use of currently approved bambermycins-containing Type A medicated articles to make Type C medicated feeds for increased rate of weight gain in pasture cattle.

EFFECTIVE DATE: April 4, 1994.

FOR FURTHER INFORMATION CONTACT: Warner J. Caldwell, Center for Veterinary Medicine (HFV–126), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1638.

SUPPLEMENTARY INFORMATION: Hoechst-Roussel Agri-Vet Co., Rt. 202–206 North, P.O. Box 2500, Somerville, NJ 08876–1258, has filed NADA 141–034. The NADA provides for expanding the use of currently approved 2-, 4-, and 10-gram-per-pound bambermycins-containing Type A medicated articles to make Type C medicated feeds for increased rate of weight gain in pasture cattle (as in related NADA 44–759 which covers broiler chickens, growing-finishing swine, growing turkeys, and cattle fed in confinement for slaughter). The NADA is approved as of March 4, 1994, and the regulations are amended in § 558.95(b) (21 CFR 558.95(b)) to reflect the approval.

As provided in 21 CFR 558.4(a) and (d), bambermycins are Category I drugs, which as the sole drug ingredient, do not require an approved Form FDA 1900 for making Type C medicated feeds as in approved NADA 141–034 and in § 558.95, as amended herein.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(ii)), this approval for food-producing animals qualifies for 3 years of marketing exclusivity beginning March 4, 1994, because the application contains reports of new clinical or field investigations (other than bioequivalence or residue studies) and, in the case of food-producing animals, human food safety studies (other than bioequivalence or residue studies) essential to the approval of the application and conducted or sponsored by the applicant. The 3 years of marketing exclusivity applies only to the claim of increased rate of weight gain in pasture cattle for which the application is being approved.

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: Secs. 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b, 371).

2. Section 558.95 is amended by adding new paragraph (b)(4)(ii) to read as follows:

§ 558.95 Bambermycins.

* * * * *

(b) * * *

(4) * * *

(ii) *Amount per ton.* 4 to 20 grams.

(*a*) *Indications for use.* For increased rate of weight gain.

(*b*) *Limitations.* Feed continuously to pasture cattle (slaughter, stocker, and feeder) at a rate of 10 to 20 milligrams of bambermycins per head per day in at least 1 pound and not more than 10 pounds of Type C medicated feed. Not for use in animals intended for breeding.

* * * * *

Dated: March 25, 1994.

Richard H. Teske,

Acting Director, Center for Veterinary Medicine.

[FR Doc. 94–7884 Filed 4–1–94; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF STATE

Bureau of Political-Military Affairs

22 CFR Part 126

[Public Notice 1972]

Amendment to the International Traffic in Arms Regulations Proscribed List

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: The Department of State is amending the International Traffic in Arms Regulations (ITAR) to reflect that it is no longer the policy of the United States to deny licenses, other approvals, exports and imports of defense articles and defense services, destined for or originating in the following countries: Albania, Bulgaria, Cambodia, Estonia, Latvia, Lithuania and Romania. The regulations are also amended to add Haiti, as a result of the UN arms embargo against it, and to add Sudan. A new provision is added to reflect the qualified embargo of Angola which is set forth in Executive Order 12865 of September 26, 1993 and which is also implemented by the UNITA (Angola) Sanctions Regulations published by the

Office of Foreign Assets Control, Department of the Treasury on December 10, 1993 (58 FR 64904).

EFFECTIVE DATE: April 4, 1994.

FOR FURTHER INFORMATION CONTACT: Andrew P. Church, Office of Export Control Policy, Bureau of Political-Military Affairs, Department of State (202–647–4231).

SUPPLEMENTARY INFORMATION: The Department of State is amending the ITAR to reflect that it is no longer the policy of the United States to, pursuant to 22 CFR 126.1, deny licenses, other approvals, exports and imports of defense articles and defense services, destined for or originating in the following countries: Albania, Bulgaria, Cambodia, Estonia, Latvia, Lithuania and Romania. With respect to these countries, all requests for approval involving items covered by the U.S. Munitions List (22 CFR part 121) will be reviewed on a case-by-case basis.

With respect to Albania, Bulgaria, Estonia, Latvia, Lithuania and Romania, this action is taken in response to the great progress made by these countries in transforming themselves from authoritarian, one-party communist regimes to free market democracies. Cambodia is removed from the provisions of § 126.1(a) as a result of the installation of a new and democratically-elected government, and the end of multifactional civil conflict that plagued the country for over a decade.

Section 126.1(a) is amended to add Haiti as a result of the UN arms embargo against it, and § 126.1(d) is amended to add Sudan, which was designated by the Secretary of State on August 12, 1993 as a country which has repeatedly provided support for acts of international terrorism.

A § 126.1(f) is added to reflect the qualified embargo of Angola which is set forth in Executive Order 12865 of September 26, 1993 and which is also implemented by the UNITA (Angola) Sanctions Regulations published by the Office of Foreign Assets Control, Department of the Treasury, at 58 FR 64904.

This amendment involves a foreign affairs function of the United States and this is excluded from the major rule procedures of Executive Order 12291 (46 FR 13193) and the procedures of 5 U.S.C. 553 and 554. This final rule does not contain a new or amended information requirement subject to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

List of Subjects in 22 CFR Part 126

Arms and munitions, Exports.

Accordingly, for the reasons set forth in the preamble, and under the authority of section 38 of the Arms Export Control Act (22 U.S.C. 2778) and Executive Order 11958, as amended, 22 CFR subchapter M is amended as follows:

PART 126—GENERAL POLICIES AND PROVISIONS

1. The authority citation for part 126 continues to read as follows:

Authority: Sec. 38, sec. 42, Arms Export Control Act, 90 Stat. 744 (22 U.S.C. 2778, 2780); E.O. 11958, 42 FR 4311, E.O. 11322, 32 FR 119; 22 U.S.C. 2658, unless otherwise noted.

2. Section 126.1 is amended by revising paragraphs (a) and (d), and by adding paragraph (f) as follows:

§ 126.1 Prohibited exports and sales to certain countries.

(a) *General.* It is the policy of the United States to deny licenses, other approvals, exports and imports of defense articles and defense services, destined for or originating in certain countries. This policy applies to Armenia, Azerbaijan, Belarus, Cuba, Georgia, Iran, Iraq, Kazakhstan, Kyrgyzstan, Libya, Moldova, Mongolia, North Korea, Russia, South Africa, Syria, Tajikistan, Turkmenistan, Ukraine, Uzbekistan and Vietnam. This policy also applies to countries with respect to which the United States maintains an arms embargo (e.g., Burma, China, Haiti, Liberia, Somalia, Sudan, the former Yugoslavia, and Zaire) or whenever an export would not otherwise be in furtherance of world peace and the security and foreign policy of the United States. Comprehensive arms embargoes are normally the subject of a State Department notice published in the **Federal Register**. The exemptions provided in the regulations in this subchapter, except §§ 123.17 and 125.4(b)(13) of this subchapter, do not apply with respect to articles originating in or for export to any proscribed countries or areas.

* * * * *

(d) *Terrorism.* Exports to countries which the Secretary of State has determined to have repeatedly provided support for act of international terrorism are contrary to the foreign policy of the United States and are thus subject to the policy specified in paragraph (a) of this section and the requirements of section 40 of the Arms Export Control Act (22 U.S.C. 2780) and the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986 (22 U.S.C. 4801, note). The countries in this category are: Cuba, Iran, Iraq, Libya, North Korea, Sudan and Syria. The same countries are identified pursuant to section 6(j) of the Export Administration Act, as amended (50 U.S.C. App. 2405(j)).

* * * * *

(f) *Angola.* Consistent with U.N. Security Council Resolution 864 of September 15, 1993, an arms embargo exists with respect to UNITA. Accordingly, exports subject to this subchapter are prohibited in accordance with Security Council Resolution 864, Executive Order 12865 of September 29, 1993, and the UNITA (Angola) Sanctions Regulations issued by the Office of Foreign Assets Control, Department of the Treasury, on December 10, 1993 (58 FR 64904).

Date: March 23, 1994.

Lynn E. Davis,

Under Secretary for International Security Affairs.

[FR Doc. 94–8003 Filed 4–1–94; 8:45 am]

BILLING CODE 4710–25–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[FRL–4857–9]

Approval of Tennessee's Petition To Relax the Federal Reid Vapor Pressure Volatility Standard From 7.8 psi to 9.0 psi

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: In this document EPA is approving as a direct final rule Tennessee's petition to relax the Reid Vapor Pressure Standard (RVP) applicable to gasoline introduced into commerce from June 1 to September 15 in the former Knox County ozone nonattainment area from 7.8 pounds per square inches (psi) to 9.0 psi. Knox County, Tennessee has met the requirements for redesignation from nonattainment to attainment status contained in section 107(d)(3)(E) of the Clean Air Act. Tennessee's petition is based on evidence that the Knox County area does not need the 7.8 psi standard to maintain ozone attainment. EPA believes that further imposition of the 7.8 psi volatility standard would impose needless costs in light of Tennessee's attainment of the National Ambient Air Quality standard. This action is being taken without prior proposal because EPA believes that this final rulemaking is noncontroversial, for the reasons

discussed above and due to the limited scope of this rulemaking.

DATES: This action will be effective on June 3, 1994 unless notice is received within 30 days that someone wishes to submit adverse or critical comments. If notice of intention to submit adverse comments is received within the 30 days, EPA will withdraw this final rule and re-publish a notice of proposed rulemaking in the **Federal Register**. Please direct all correspondence to the following addresses.

ADDRESSES: Comments should be submitted (in duplicate if possible) to Docket A–94–07. The docket is located at the Air and Radiation Docket and Information Center (formerly known as the "Air Docket") (LE–131), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, in room M–1500 Waterside Mall. EPA has placed materials relevant to this rulemaking in the docket. Documents be inspected from 8 a.m. to 4 p.m. Monday through Friday. A reasonable fee may be charged for copying docket material.

A copy of comments should also be sent to the EPA contact person at the following address: Anne-Marie Cooney, U.S. Environmental Protection Agency, Office of Air and Radiation, 401 M Street SW. (6406–J), Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Anne-Marie Cooney of the Regional/State/Local Coordination Section at (202) 233–9013. See the **ADDRESSES** section for the mailing address.

SUPPLEMENTARY INFORMATION:

I. Introduction

This notice describes EPA's final action to approve Tennessee's request to change the federal Reid Vapor Pressure (RVP) standard of 7.8 psi to 9.0 psi in the former Knox County ozone nonattainment area from June 1 to September 15. The remainder of this notice is divided into five parts. Section II provides the background for this action. Section III provides the Agency's policy regarding relaxation of volatility standards in nonattainment areas redesignated as attainment. Section IV reviews the Tennessee request and supporting evidence. Section V reviews EPA's redesignation of Knox County as attainment. Finally, Section VI presents EPA's action and rationale.

II. Background

On August 19, 1987, EPA proposed a two-phase national program to reduce summertime gasoline volatility.[1] EPA found that gasoline had become increasingly volatile, which caused an increase in evaporative emissions from gasoline-powered sources. These emissions are volatile organic compounds (VOCs), a precursor of ozone. These gasoline-related emissions are currently a major contributor to the nation's serious ground level ozone problem, which harms human health and the public welfare. The Agency published a Notice of Final Rulemaking on March 22, 1989 that promulgated Phase I of the program to require VOC reductions by the beginning of the 1989 summer ozone season.[2] The Phase II volatility standards were finalized on June 11, 1990[3] and went into effect May 1, 1992.

The final rule for the Phase I program established a federal volatility standard in Tennessee of 10.5 psi for the months of May and June, 9.5 for July and August, and 10.5 for September 1 through September 15. The Phase II rule required a further reduction in the volatility standard to 9.0 psi for May and 7.8 psi for June 1 through September 15 beginning in 1992. The Phase I and Phase II standards were applicable on a statewide basis.

Congress established slightly different requirements for the fuel volatility program in the Clean Air Act Amendments of 1990. Section 211(h)(1) of the Act, as amended, required that EPA promulgate regulations making it unlawful to sell, offer for sale, dispense, supply, offer for supply, transport, or introduce into commerce, gasoline with an RVP level in excess of 9.0 psi during the high ozone season as defined by the Administrator. It further provides that EPA shall establish more stringent RVP standards in nonattainment areas if EPA finds such standards are "necessary to achieve comparable evaporative emissions reductions, on a per vehicle basis, in such areas, taking into consideration the enforceability of such standards, the need of an area for emissions control, and economic factors." Section 211(h) prohibits the regulations from establishing a volatility standard more stringent than 9.0 psi in an attainment area, although it allows EPA to impose a lower standard in any former ozone nonattainment area which is redesignated as being in attainment.

On May 29, 1991, EPA published a Notice of Proposed Rulemaking which modified the Phase II summer ozone volatility standards to reflect new section 211(h) of the Act.[4] In this notice, EPA proposed that, beginning in 1992, the RVP standard be 9.0 psi in all attainment areas where this standard was not already in place. The effect of this proposal was to prohibit the sale of gasoline with a Reid Vapor Pressure above 9.0 psi during the summer ozone season in all areas designated attainment for ozone for 1992 and beyond. For areas that have been designated as nonattainment, EPA proposed that the original Phase II standards published on June 11, 1990 should not be changed. On December 12, 1991 EPA finalized these modifications.[5]

On November 6, 1991, EPA issued its ozone nonattainment designations in the **Federal Register** pursuant to section 107(d)(1)(C) of the Act, as amended. In the November 6, 1991 notice, EPA designated Knox County as a "marginal" nonattainment area for ozone. Under the original Phase II rule, a statewide standard was established in Tennessee that required 7.8 psi gasoline to be provided from June 1 to September 15. In the December 12, 1991 final rule, EPA modified RVP standards for Tennessee to require that those areas designated in Tennessee as nonattainment in the November 6, 1991 notice be provided with 7.8 psi gasoline, and that the remainder of Tennessee be supplied with 9.0 psi gasoline.

III. EPA Policy Regarding Relaxation of Volatility Standards in Nonattainment Areas Redesignated as Attainment

Under the amended Phase II regulations, any change in the volatility standard for an area must be accomplished through a separate rulemaking revising the applicable standard for that area, even for an area that was designated as nonattainment in the November 6, 1991 notice but is subsequently redesignated as being in attainment.[6] Thus, for nonattainment areas where EPA mandated a phase II volatility standard of 7.8 psi RVP in the December 12, 1991 rulemaking, the 7.8 psi standard will remain in effect, even after such an area is redesignated as being in attainment, until a separate rulemaking is completed that revises the RVP standard in that area from 7.8 psi to 9.0 psi.[7]

The Agency believes that relaxation of any RVP standard change is best

[1] 52 FR 31274 (August 16, 1987).

[2] 54 FR 11868 (March 22, 1989).

[3] 54 FR 23658 (June 11, 1990).

[4] 56 FR 24242 (May 29, 1991).

[5] 56 FR 64704 (December 12, 1991).

[6] Relaxation of RVP standards associated with the redesignation process was discussed in the preamble to EPA's final rule modifying the Phase II volatility standards (56 FR 64706, December 12, 1991).

[7] Similarly, when an area originally designated being in attainment is redesignated nonattainment, the volatility level of the gasoline will stay at 9.0 psi RVP unless and until EPA promulgates a rulemaking changing the RVP in that area (56 FR 64706 December 12, 1991).

accomplished in conjunction with the redesignation process. In order for an ozone nonattainment area to be redesignated as being in attainment for ozone, revised section 107(d)(3) of the Act requires the state to make a showing, pursuant to section 175A of the Act, that the area is capable of maintaining attainment for the ozone NAAQS for ten years. This maintenance plan may demonstrate that the area is capable of maintaining attainment for ten years without the more stringent volatility standard. However, the maintenance plan could also show that the more stringent volatility standard is or may be necessary for the area to maintain its attainment with the ozone NAAQS. Therefore, in the context of a request for redesignation, the Agency will not relax the volatility standard unless the maintenance plan demonstrates to the satisfaction of the Agency that the area will maintain attainment for ten years without the need for the more stringent volatility standard.[8]

IV. Tennessee's Redesignation Request and Maintenance Plan; Request for Change in Federal RVP Standard

On August 26, 1992, the State of Tennessee, through the Tennessee Department of Conservation and Environment, submitted to EPA both a request to redesignate Knox County (classified as a marginal nonattainment area) from nonattainment to attainment for ozone and a maintenance plan. The redesignation request was based on three years of ambient monitoring data which showed that Knox County had no violations of the ozone standard during the three year period of 1989 through 1991, and was also based on Tennessee's implementation of EPA-approved ozone control strategies.[9]

The projected inventory for Knox County showed that, even with the 9.0 psi RVP standard, the total emissions for VOC, NO_x, and CO for the year 2004 will be less than the 1990 base year total emissions for those pollutants.

Accompanying the redesignation request was a request to revise the Federal RVP standard for Knox County from 7.8 psi to 9.0 psi. Tennessee's maintenance demonstration assumed a 9.0 psi standard for RVP. EPA deferred action on the relaxation of the RVP standard until after redesignation was completed.

On October 18, 1993 the State of Tennessee Department of Environment and Conservation re-asserted its request that the EPA revise the Federal RVP standard from 7.8 psi to 9.0 psi for Knox County. A copy of the letter, signed by Mr. John W. Walton, P.E., Director, Tennessee, Division of Air Pollution Control, has been placed in the docket at the location shown in the "ADDRESSES" section of this notice.

V. EPA Approval of the Knox County Maintenance Plan and Redesignation

On September 27, 1993,[10] EPA announced a direct final rule in the **Federal Register** that approved the maintenance plan and redesignation of Knox County, Tennessee, to attainment for ozone.

In this rulemaking, EPA's Regional Administrator for Region IV determined that the State had met and fulfilled the requirements for redesignation contained in section 107(d)(3)(E) of the Clean Air Act Amendments of 1990. Information relevant to this redesignation can be viewed during normal business hours at the following locations:

Public Information Reference Unit, United States Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.
Region IV Air Programs Branch, United States Environmental Protection Agency, 345 Courtland Street, Atlanta, Georgia 30365.
Division of Air Pollution Control, Tennessee Department of Conservation and Environment, L&C Annex, 9th Floor, 401 Church Street, Nashville, Tennessee 37243–1531.
Knox County Department of Air Pollution Control, City/County Building, Suite 459, 400 West Main Avenue, Knoxville, Tennessee 37902.

Persons interested in further information about the redesignation may also contact Mr. Bill Denman, Air Programs Branch, U.S. EPA, 345 Courtland Street, Atlanta, Georgia 30365, (404) 347–2864.

Included in that determination were findings that the area had attained the NAAQS for ozone, that the improvements in air quality were due to permanent and enforceable emission reductions, and that the Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A of the Act.[11]

The finding that the area had attained the NAAQS for ozone was based on the data indicating that Knox County had no violations in 1989, 1990 and 1991. The finding that permanent enforceable VOC emissions reductions have been obtained was based on evidence that emissions had been reduced in Knox County as a result of the Federal Motor Vehicle Control Program (FMVCP) and reduced gasoline RVP requirements effective in 1989.

In finding that the maintenance plan meets the requirements of section 175A, EPA cited the elements of the plan discussed above. EPA noted that the plan relied on a gasoline volatility level of 9.0 psi RVP, not 7.8 psi, as is required under current regulations. Moreover, the final rule found that Knox County had demonstrated that it can maintain the ozone NAAQS using the less stringent volatility level of 9.0 psi RVP. On that basis, the maintenance plan was approved. No significant comments were received subsequently and the redesignation of Knox County to attainment for ozone became effective October 27, 1993.

VI. Today's Final Action

EPA is today relaxing the RVP standard for Knox County, Tennessee from 7.8 psi to 9.0 psi. The effective date of this rule is on June 3, 1994. Tennessee has met the criteria for relaxation of the RVP standard discussed in the December 12, 1991 notice. The State has in place a fully approved implementation plan for Knox County that demonstrates that the county can maintain the ozone NAAQS with a 9.0 psi standard.

Tennessee's approved implementation and maintenance plan does not require a RVP standard more stringent than 9.0 psi. EPA's approval of this plan was based on evidence that the Knox County area can maintain ozone attainment for ten years with a 9.0 psi standard. Based upon the approval of the maintenance plan, EPA believes sufficient alternative programs are in place to achieve attainment and maintenance of the ozone NAAQS and

[8] As stated in the preamble for the Agency's initial Phase II volatility standards (*see* 55 FR 23609), and in the preamble in the proposal to revise those standards (56 FR 24244), EPA may also promulgate a rule to revise the volatility standard in a particular nonattainment area in order to enhance local air quality and/or increase the economic efficiency of the program. The Governor of a state, or his designee, may petition EPA for a less stringent standard if such a standard is consistent with the requirements of the Act and if the state can document (1) particular local economic impact that makes the less stringent standard appropriate and (2) sufficient alternative programs to achieve attainment and maintenance of the NAAQS for ozone.

[9] It should also be noted that there were no exceedances of the ozone standard during 1992 or 1993.

[10] *See* 58 *FR* 50271 (September 27, 1993).

[11] Section 175A sets forth requirements for maintenance plans. Section 175A(a) requires each State which submits a redesignation request under section 107(d) to submit a State Implementation Plan (SIP) revision to provide for maintenance of the applicable air quality standard for at least 10 years after redesignation. Section 175A(d) requires inclusion in the SIP of such contingency measures as the EPA Administrator deems necessary to assure the State will promptly correct any violation of the standard which occurs after redesignation.

that further imposition of the 7.8 psi volatility standard would impose needless costs to consumers.[12]

This action is being taken without prior proposal because EPA believes that this relaxation in the RVP regulation is noncontroversial, the effect of this rulemaking is limited to Knox County, Tennessee, and EPA anticipates no significant comments on this action. Today's action is based on the same information that EPA relied on in its approval of Tennessee's maintenance plan. EPA received no significant adverse comments regarding its approval of the maintenance plan or the redesignation of Knox County to attainment.

The public should be advised that this action will be effective 60 days from the date of this **Federal Register** notice, unless notice is received within 30 days that someone wishes to submit adverse or critical comments. If such notice is received, this action will be withdrawn and two subsequent notices will be published. One notice, which will be published before the effective date, will withdraw the final action. Another notice will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. Interested persons are invited to submit comments on this proposed approval. EPA will consider all comments received within thirty days of the publication of this notice.

Consequently, this procedure still allows the opportunity for public comment and opportunity for oral presentation of data that is required under CAA section 307(d). This procedure merely provides an expedited procedure for final action where a rulemaking is not expected to be controversial and no adverse comment is expected.

VII. Environmental Impact

The amendment is not expected to cause Knox County to violate the NAAQS for ozone. The Knox County nonattainment area has met the NAAQS since 1989. That is, Knox County, has not recorded an exceedance during the time when the RVP standard in Knox County was no more stringent than 9.0 psi.

VIII. Economic Impact

The relaxation of the 7.8 psi standard to 9.0 psi will result in a cost savings to consumers of approximately 1.1 cents per gallon at the pump.

IX. Administrative Requirements

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 through 612, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (i.e., small businesses, small organizations and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant impact on a substantial number of small entities. In such circumstances, a regulatory flexibility analysis is not required.

Under Section 605 of the Regulatory Flexibility Act, I certify that these regulations will not have a significant impact on a substantial number of small entities. The regulatory revision is limited to the Knox County area and should have no significant economic impact on a substantial number of small entities. These regulations, therefore, do not require a regulatory flexibility analysis.

Under Executive Order 12866, 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. Specifically, this rule will not have an annual effect on the economy in excess of $100 million, have a significant adverse impact on competition, investment, employment or innovation, or result in a major price increase. In fact, as discussed above, this action will reduce the cost of compliance with Federal requirements in this area.

Under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, EPA must obtain OMB clearance for any activity that will involve collecting substantially the same information from 10 or more non-Federal respondents. This direct final rule does not create any new information requirements or contain any new information collection activities.

List of Subjects in 40 CFR Part 80

Administrative practice and procedures, Air pollution control, Environmental protection, Motor vehicle and motor vehicle engines, Fuel additives, Gasoline, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: March 28, 1994.

Carol M. Browner,

Administrator.

For the reasons set forth in the preamble, part 80 of title 40 of the Code of Federal Regulations is amended as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. The authority citation for part 80 continues to read as follows:

Authority: Sections 114, 211, and 301(a) of the Clean Air Act as amended (42 U.S.C. 7414, 7545 and 7601(a)).

2. Section 80.27 is amended by revising the entry for "Tennessee" in the table in paragraph (a)(2) to read as follows:

§ 80.27 Controls and prohibitions on gasoline volatility.

(a) * * *

(2) * * *

[12] In the May 29, 1991 notice proposing to modify the Phase II volatility standards, EPA estimated that the 7.8 psi standard will increase the cost of gasoline by approximately 1.1 cents per gallon over the 9.0 psi standard.

APPLICABLE STANDARDS [1] 1992 AND SUBSEQUENT YEARS

State	May	June	July	Aug.	Sept.
* * * * * * *					
Tennessee:					
Knox County	9.0	9.0	9.0	9.0	9.0
All other volatility nonattainment areas	9.0	7.8	7.8	7.8	7.8
* * * * * * *					

[1] Standards are expressed in pounds per square inch (psi).

[FR Doc. 94–7981 Filed 4–1–94; 8:45 am]
BILLING CODE 6560–50–P

40 CFR Part 80

[FRL–4857–2]

Approval of Colorado's Petition To Relax the Federal Reid Vapor Pressure Volatility Standard for Colorado in 1994 and 1995

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rulemaking.

SUMMARY: In today's action EPA is issuing as a direct final rule approving the State of Colorado's petition to relax the Reid Vapor Pressure (RVP) Standard applicable to gasoline introduced into commerce in the Denver-Boulder ozone nonattainment area from June 1 to September 15 from 7.8 pounds per square inches (psi) to 9.0 psi for the years 1994 and 1995. Federal RVP standards were promulgated by EPA on June 11, 1990 and revised on December 12, 1991, pursuant to the Clean Air Act, as amended by the Clean Air Act Amendments of 1990 (the Act). Colorado's petition is based on evidence that the Denver-Boulder area does not need the 7.8 psi standard to maintain ozone attainment in the near term and that the 7.8 psi standard would impose significant costs on industry and consumers. Colorado's petition requests a continuation of a previous relaxation for the RVP standard approved by the EPA for the years 1992 and 1993. This action is being taken without prior notice because EPA believes that this rulemaking is noncontroversial due to the limited scope of this rulemaking, Colorado's continued attainment of the ozone standard and for the reasons discussed in this notice.

DATES: This action will be effective on June 3, 1994 unless notice is received within 30 days that someone wishes to submit adverse or critical comments. If notice of intention to submit adverse comments is received within the 30 days, EPA will withdraw this final rule and publish a notice of proposed rulemaking in the **Federal Register**. Please direct all correspondence to the following addresses.

ADDRESSES: Comments should be submitted (in duplicate if possible) to Docket A–94–01. The docket is located at the Air Docket Section (LE–131), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, in room M–1500 Waterside Mall. EPA has placed materials relevant to this rulemaking in the docket. Documents may be inspected from 8:30 a.m. to 12 p.m. and from 1:30 p.m. to 3:30 p.m. Monday through Friday. A reasonable fee may be charged for copying docket material.

A copy of comments should also be sent to the EPA contact at the following address: Michael Ball, U.S. Environmental Protection Agency, Office of Air and Radiation, 401 M Street SW. (6406–J), Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Michael Ball of the Regional/State/Local Coordination Section at (202) 233–9005. See the **ADDRESSES** caption for the mailing address.

SUPPLEMENTARY INFORMATION:

I. Background

On August 19, 1987, EPA proposed a two-phase national program to reduce summertime gasoline volatility.[1] EPA found that gasoline had become increasingly volatile, which caused an increase in evaporative emissions from gasoline powered sources. These emissions are volatile organic compounds (VOCs), a precursor of ozone and a major contributor to the nation's serious ground level ozone problem which results in harm to human health and to the public welfare. The Agency published a Notice of Final Rulemaking on March 22, 1989 that put into place Phase I of the program to require VOC reductions available through refining changes that could be accomplished by the beginning of the 1989 summer ozone season.[2] The Phase II volatility standards were finalized on June 11, 1990[3] and went into effect May 1, 1992.[4]

The final rule for the Phase I program established a federal volatility standard in Colorado of 10.5 psi for the month of May, and 9.5 for June through September 15. The Phase II rule required a further reduction in the volatility standard to 9.0 psi for May and 7.8 psi for June 1 through September 15 beginning in 1992. Under the Phase I and Phase II approach, the gasoline volatility levels were applicable on a state-wide basis.

The Clean Air Act Amendments of 1990, however, established new requirements for the fuel volatility program. Section 211(h) of the Act as amended required that EPA modify the Phase II fuel volatility program. Section 211(h)(1) requires that EPA promulgate regulations making it unlawful to sell, offer for sale, dispense, supply, offer for supply, transport, or introduce into commerce, gasoline with an RVP level in excess of 9.0 psi during the high ozone season as defined by the Administrator. It further provides that EPA shall establish more stringent RVP standards in nonattainment areas if EPA finds such standards are "necessary to achieve comparable evaporative emissions reductions, on a per vehicle basis, in such areas, taking into consideration the enforceability of such standards, the need of an area for emission control, and economic factors." The Act also allows EPA to impose an RVP standard lower than 9.0 psi in any former ozone nonattainment area which is redesignated as being in attainment.

[1] 52 FR 31274 (August 16, 1987).

[2] 54 FR 11868 (March 22, 1989).

[3] 54 FR 23658 (June 11, 1990).

[4] As described in greater detail in the *Background* section, the Phase II regulations were repromulgated to incorporate changes in the federal RVP program as directed by the Act.

On May 29, 1991, EPA published a Notice of Proposed Rulemaking which modified the Phase II summer ozone volatility standards to reflect new section 211(h) of the Act.[5] In this notice, EPA proposed that, beginning in 1992, the RVP standard would be 9.0 psi in all attainment areas where this standard was not already in place. The effect of this proposal was to prohibit the sale of gasoline with a Reid Vapor Pressure above 9.0 psi during the summer ozone season in all areas designated attainment for ozone for 1992 and beyond. For areas that had been designated as nonattainment, EPA proposed that the original Phase II standards published on June 11, 1990 not be changed. On December 12, 1991 EPA finalized these modifications.[6]

The Denver-Boulder metropolitan area is designated nonattainment for the ozone NAAQS. The nonattainment area which encompasses Denver's entire six-county Consolidated Metropolitan Statistical Area, with the exception of Rocky Mountain National Park in Boulder County and the eastern portions of Adams and Arapahoe Counties. Under the Phase II rule finalized on December 12, 1991, the standard applicable in the Denver-Boulder nonattainment area beginning in 1992 was determined to be 9.0 psi in May and 7.8 psi from June 1 to September 15. The standard applicable in other areas of Colorado was established at 9.0 psi from May 1 to September 15.

On November 6, 1991, EPA issued its ozone nonattainment designations in the **Federal Register** pursuant to section 107(d)(1)(C) of the Act, as amended. In the November 6, 1991 notice, EPA designated the Denver-Boulder nonattainment area to be a "transitional area" as determined under section 185A of the Act, as amended. A transitional area is "an area designated as an ozone nonattainment area as of the date of enactment of the Clean Air Act Amendments of 1990 (that) has not violated the national primary ambient air quality standard for ozone for the 36-month period commencing on January 1, 1987, and ending on December 31, 1989."

As stated in the preamble for the Phase II volatility controls[7] and reiterated in the proposed change to the volatility standards published on May 29, 1991,[8] EPA will rely on states to initiate changes to the EPA volatility program that they believe will enhance local air quality and/or increase the economic efficiency of the program, within the statutory limits. EPA provided a mechanism for the Governor of a state to request a less stringent volatility standard for some month or months, if the petition could demonstrate the existence of a particular local economic impact that made such changes appropriate and if the petition could demonstrate that sufficient alternative programs were available to achieve attainment and maintenance of the ozone National Ambient Air Quality Standards (NAAQS).

II. EPA's Approval of Colorado's Petition for 1992 and 1993

On October 16, 1991, Governor Roy Romer requested EPA to amend the federal RVP standards for the Denver-Boulder ozone nonattainment area. The specific change requested was to relax the 7.8 psi standard for the Denver-Boulder nonattainment area to 9.0 psi area for 1992 and 1993. The Governor further requested that the 7.8 psi standard take effect beginning in June of 1994, unless the State of Colorado specifically requested via the Colorado Ozone Maintenance State Implementation Plan (SIP), that the 9.0 psi standard be retained. EPA thus treated this petition as a request for a two-year relaxation of the volatility standard for the Denver-Boulder nonattainment area to 9.0 psi until 1994.

On May 12, 1992, EPA proposed to approve the State of Colorado's petition to relax until 1994 the gasoline volatility standard for the Denver-Boulder nonattainment area. EPA reviewed the State of Colorado's petition and found that the request to relax the federal volatility standard for the Denver-Boulder nonattainment area until 1994 from the Phase II standard of 7.8 psi to 9.0 psi was justified based on the petition itself, the evidence submitted on behalf of Governor Romer, and EPA's own analysis of the costs of implementation of the 7.8 psi standard and the environmental need for the 7.8 psi standard.

The petition and available evidence sufficiently demonstrated that retention of the 7.8 psi standard would impose significant costs on consumers and industry relative to a 9.0 psi standard, and that the 7.8 psi standard was not necessary for emission control until 1994 in light of the current transitional status of the Denver-Boulder area. EPA also determined that an analysis by Colorado to demonstrate that sufficient alternative programs were in place to insure future attainment of the ozone standard was not necessary due to the State's consistent attainment of the ozone NAAQS since 1986. Finally, Colorado provided further assurances that a two-year relaxation of the standard would provide sufficient time for the State to complete an ozone maintenance plan. Such a plan would allow the State to determine if 7.8 psi gasoline was necessary for continued attainment in future years. Thus, at that time, the State could determine if a permanent change in the standard was necessary.

On April 30, 1993[9] the EPA approved Colorado's petition. The relaxation was therefore determined to be justified under section 211(h) of the Act.[10] EPA received three comments in response to this proposal. For the reasons discussed in the April 30, 1993 final notice (and in greater detail in the NPRM), EPA approved the State of Colorado's petition.

III. Colorado's Petition To Relax the RVP Standard for 1994 and 1995

On September 15, 1993, Governor Roy Romer sent a letter to Jack McGraw, Acting Administrator of EPA Region VIII, requesting that EPA amend the federal RVP standards for the Denver-Boulder nonattainment area. Specifically, Governor Romer requested that EPA extend the relaxation of the RVP standard of 7.8 psi to 9.0 psi granted for the 1992 and 1993 summer ozone season to the years 1994 and 1995. The Governor further requested that the 7.8 psi standard take effect beginning in June of 1996, unless the State of Colorado specifically requests via the Colorado Ozone Maintenance SIP that the 9.0 psi standard be retained. EPA thus will treat this petition as a request for a two-year relaxation of the volatility standard for the Denver-Boulder nonattainment area to 9.0 psi until 1996. If the Governor's request were granted, the phase II volatility standard of 7.8 psi would not become effective until 1996. Thereafter, the 7.8 psi standard would be implemented unless EPA receives and approves a subsequent request from the Governor to continue the relaxation or a maintenance plan is submitted and approved that demonstrates no future need for the 7.8 psi gasoline to achieve attainment.

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[5] 56 FR 24242 (May 29, 1991).

[6] 56 FR 64704 (December 12, 1991).

[7] The Phase II final rulemaking established procedures by which states could petition EPA for more or less stringent volatility standards. 55 FR 23660 (June 11, 1980).

[8] 56 FR 24242 (May 29, 1991).

[9] 53 FR 26067 (April 30, 1993).

[10] Under section 211(h), EPA must set a national summertime gasoline volatility standard of 9.0 psi beginning in 1992. EPA must also establish more stringent volatility standards "in a nonattainment area as the Administrator finds necessary to generally achieve comparable evaporative emissions (on a per-vehicle basis) in nonattainment areas taking into consideration the enforceability of such standards, the need of an area for emission control and economic factors."

Governor Romer's request results from the Colorado Air Quality Control Commission's (the Commission) recommendation to relax the RVP standard. The Commission endorsed the relaxed RVP standard based upon testimony provided at a public hearing on August 19, 1993, and after consideration of the environmental and economic impact of the 7.8 psi federal standard. A transcript of the testimony and comments submitted at this hearing are available in the docket for this rulemaking.[11] In forwarding this request to EPA, Governor Romer is following procedures stated in the preamble for the Phase II volatility rule. As mentioned in Section II, requests for changes to the federal volatility standard must include the following: (1) documentation of the local economic impact of the otherwise applicable standard and (2) an indication that sufficient alternative programs are available to achieve attainment and maintenance of the ozone NAAQS.

A. The Commission's Hearing

The Air Pollution Control Division (APCD) of the Colorado Department of Health submitted documentation and testimony to the EPA regarding the environmental need of the 7.8 standard. This testimony was presented at a hearing before the Colorado Air Quality Control Commission held on August 19, 1993. The APCD testified in support of a relaxation of the RVP standard to 9.0 psi before the Commission, stating that the Denver-Boulder nonattainment area had not violated the NAAQS for ozone for the period from January 1, 1987 to December 31, 1989 when EPA designated areas under the Act. Because Denver had not experienced ozone violations during this time period, the Denver-Boulder area was afforded "transitional" nonattainment status. The APCD further testified that there were no monitored violations of the ozone NAAQS since 1986. The APCD noted that the volatility standard for the Denver-Boulder nonattainment area in 1992 and 1993 was 9.0 psi and no violations of the standard were recorded. (However, there were single exceedances of the ozone NAAQS at two stations during 1993.) The APCD concluded that the Denver-Boulder area would be able to continue attainment of the ozone standard with 9.0 psi RVP gasoline based upon this information. The APCD also concluded that implementation of the lower RVP standard would burden refiners, gasoline marketers, and consumers unnecessarily with higher costs especially in light of current ozone concentration levels.

According to the petition that Colorado sent to EPA in 1991 requesting relaxation of the RVP standard in the Denver-Boulder area during 1992 and 1993, the APCD was to have completed an ozone maintenance plan for the Denver area by June of 1993. The maintenance plan is necessary in order for the EPA to redesignate the area as having attained the ozone standard.[12] In the August 19, 1993 hearing, the Commission raised questions regarding the inability of the APCD to complete the ozone maintenance plan on time. The APCD testified that due to resource limitations caused by programmatic obligations under the Act, an ozone maintenance plan assumed a lower priority and could not be completed by the June 1993 deadline.[13] Thus, the APCD concluded that a two year extension of the RVP relaxation would be necessary to provide sufficient time to develop the ozone maintenance plan. Furthermore, because the Denver area continued to attain the ozone standard, the APCD concluded that an extension of the relaxation was not inappropriate. The APCD estimated that a plan would be developed and submitted by early 1995. It therefore recommended that a petition to relax the 7.8 psi standard to 9.0 be approved by the Commission and subsequently recommended to the Governor.

Based on the information received in the hearing, the Commission on August 19, 1993 adopted a resolution requesting that Governor Romer petition the EPA to retain the 9.0 psi standard for the 1994 and 1995 summer ozone seasons. The Commission also adopted a declaration that the APCD begin work on the Ozone Maintenance SIP and that it be completed on time. Governor Romer subsequently requested the two year relaxation in a letter dated September 15, 1993 to Acting Regional Administrator Jack McGraw.

B. Sufficient Alternative Programs

Because Colorado has not violated the ozone standard since 1986, EPA does not believe it is necessary for the State to show that sufficient alternative programs are in place to provide for attainment of the ozone NAAQS. EPA approved the Ozone State Implementation Plan (SIP) for the Denver-Boulder area in 1983.[14] This plan relied upon emission reductions from the Federal Motor Vehicle Control Program and an Inspection and Maintenance Program to provide for attainment of the ozone NAAQS by the statutory deadline of December 31, 1987. Since the beginning of 1986, none of the area's several ozone air quality monitors has recorded a violation of the ozone NAAQS.[15] Because the available data showed no violations, EPA did not require the State to submit a revised Ozone SIP in 1988 during EPA's nationwide ozone SIP evaluation. As noted above, the area is currently classified as a "Transitional" area under section 185(A) of the Act. Under these circumstances, Colorado need not provide for alternative ozone control programs in order to obtain a relaxation of the RVP standard to 9.0 psi.

IV. EPA's Proposed Action

A. Relaxation of Colorado's Reid Vapor Pressure Standard

EPA is approving as a direct final decision the State of Colorado's request to relax the federal volatility standard for the Denver-Boulder nonattainment area until 1996 from the current standard of 7.8 psi to 9.0 psi. Section 211(h) of the Act requires EPA to promulgate regulations that shall establish RVP standards in a nonattainment area that are more stringent than 9.0 psi "as the Administrator finds necessary to generally achieve comparable evaporative emissions (on a per-vehicle basis) in nonattainment areas taking into consideration the enforceability of such standards, the need of an area for emission control, and economic factors." Based on the petition and the evidence submitted on behalf of Governor Romer, EPA believes that the requested relaxation of the standard is justified.

The petition and available evidence indicated that retention of the 7.8 psi standard would impose significant cost on consumers and industry and that the 7.8 psi standard is not necessary in the short-term given the current transitional status of the Denver-Boulder area and the area's record of continued attainment of the ozone standard. Although Colorado has not submitted additional analysis regarding the costs

[11] Docket A–94–01.

[12] An ozone maintenance plan that demonstrates long term (10 years) maintenance of the ozone NAAQS must be developed by the state before an area can be redesignated to attainment.

[13] In particular, the APCD testified that the considerable amount of work that had to be devoted to the PM 10 and CO nonattainment SIPs, made it impossible to complete work on the ozone SIP. The Denver-Boulder area is a moderate nonattainment area for both PM10 and CO.

[14] 48 FR 55284 (December 12, 1983).

[15] EPA has ongoing concerns with the quality of some of the ozone data and the geographic coverage of the monitoring network, and is working with Colorado to resolve these issues. Region VIII is currently working with the state to establish a network of maximum concentration monitors.

of implementing a 7.8 psi RVP standard, EPA believes the cost analysis it performed based on Colorado's original 1991 petition is still applicable. That analysis indicated that a $3,500,000 to $4,000,000 savings would be realized in the Denver-Boulder area during the summer ozone season.[16] As discussed in the May 29, 1991 notice EPA estimates that a relaxation of the 7.8 psi standard to 9.0 psi will result in a savings of approximately 1.1 cents per gallon.[17] EPA believes, therefore, that retention of the 7.8 psi standard would impose significant costs on consumers and industry relative to a 9.0 psi standard.

Moreover, EPA agrees with Colorado that the Denver-Boulder area will not need a 7.8 psi standard in the next two years to comply with the ozone NAAQS. The area has not violated the standard since 1986. Since this time summertime gasoline volatility was reduced significantly through the implementation of the Phase I and Phase II of the federal RVP standards. Although EPA believes that a short term relaxation of the RVP standard will not cause a violation of the ozone NAAQS in the Denver-Boulder area, EPA is concerned regarding the area's long term compliance. The Denver-Boulder area's growing population and increase in vehicle miles travelled generate questions regarding whether sufficient controls are available to provide for maintenance of the ozone NAAQS over the long term. Moreover, the area did experience single exceedances during the 1993 ozone season at two monitoring stations and has experienced other readings near or above 0.120 in recent years. Therefore, the long-term maintenance of the standard in the Denver-Boulder areas is in question.

Moreover, Colorado has failed to develop a maintenance plan for the Denver-Boulder area, despite its commitment to do so by June, 1993 in the original request for relaxation of the RVP standard in Denver-Boulder during 1992 and 1993. EPA granted Colorado's original request for relaxation with the expectation that the state would submit an ozone maintenance plan by this date. Colorado's failure has left EPA with no assurance that the Denver-Boulder area will be able to maintain its compliance with the ozone NAAQS for the next ten years.

Because of the area's classification as transitional, EPA was required to determine by June 30, 1992 whether the area had in fact attained the ozone standard by December 31, 1991. If the Administrator determined that the area had attained the standard, the state was required to submit, within twelve months of the determination, a maintenance plan meeting the requirements of section 175A of the Act.[18] Thomas Getz, Director of the APCD has submitted a letter to EPA that asserts that the ozone maintenance plan has been delayed because of serious staff resource constraints caused by projects of higher priority, including the PM 10 and CO SIPs. The letter states that the PM 10 and CO SIPs are subject to potential sanctions and that the state has been working to address the statutorily mandated deadlines for these plans. As the Denver-Boulder area has not experienced an ozone violation in recent years, the APCD believed the completion of the ozone SIP to be less urgent than the completion of the other plans. In addition, data necessary to complete baseline emissions inventories was not available for use in the plan. This memo has been placed in the docket for this rulemaking.

Despite these limitations, however, Colorado has committed to developing a maintenance plan for ozone to be submitted by early 1995. Through this plan, the state will determine what additional control measures, if any, will be necessary to provide for continued attainment of the ozone NAAQS. The maintenance plan must show that the ozone standard will be maintained for a period of at least ten years. The development of this maintenance plan will give Colorado an opportunity to conduct a comprehensive air quality modeling exercise to determine what control measures will be necessary to provide for long term maintenance of the ozone NAAQS. Along with the existing SIP measures, tighter gasoline volatility and other strategies will be evaluated to determine the most appropriate and cost-effective strategy for maintaining the NAAQS. Today's action should provide Colorado with sufficient time to complete an ozone maintenance plan. Moreover, ongoing vehicle fleet turnover, as well as several new requirements of the Clean Air Act Amendments (such as tighter tailpipe standards, longer useful life definitions, on-board diagnostic and refueling equipment, and enhanced inspection and maintenance requirements) are likely to lead to reduction in overall mobile source emissions of VOCs.

While the maintenance plan is being developed, EPA believes that air quality will be protected by the ongoing control programs. The volatility standard for Denver-Boulder will drop to 7.8 psi in 1996 unless additional action by the Commission and the Governor, backed by a comprehensive maintenance plan, is taken to extend the 9.0 psi standard.

B. Direct Final Rulemaking

This action is being taken without prior proposal because EPA believes that this relaxation in the RVP regulation is noncontroversial; the effect of this rulemaking is limited to the Denver-Boulder, Colorado nonattainment area; and EPA anticipates no significant comments on this action. This action represents a continuation of a previously approved relaxation in the RVP standard and will provide Colorado the necessary time to complete an ozone maintenance plan at which time a long term projection will be made regarding the need for a more stringent RVP standard.

This action will be effective 60 days from the date of this **Federal Register** notice, unless notice is received within 30 days of today's notice that someone wishes to submit adverse or critical comments. If such notice is received, this action will be withdrawn and two subsequent notices will be published. One notice, which will be published before the effective date, will withdraw the final action. Another notice will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. Interested persons are invited to submit comments on this proposed approval. EPA will consider all comments received within thirty days of the publication of this notice.

Consequently, this procedure still allows the opportunity for public comment and opportunity for oral presentation of data that is required under CAA section 307(d). This procedure merely provides an expedited procedure for final action where a rulemaking is not expected to be controversial and no adverse comment is expected.

V. Environmental Impact

The proposed amendment is not expected to have any adverse environmental effects. The Denver-Boulder six county nonattainment area has met the NAAQS since 1986. Current air quality is expected to be further maintained by a 9.0 psi standard.

[16] A detailed analysis of the costs associated with the RVP program in Colorado can be found in air docket A–92–08 created for the proposal to grant Colorado's petition for relaxation for 1992 and 1993. 57 FR 20234 (May 12, 1992).

[17] 56 FR 24246 (May 29, 1991).

[18] On October 22, 1992, EPA Region VIII sent a letter to Governor Romer stating that the Denver-Boulder transitional area had not violated the ozone NAAQS during the period from January 1, 1987 to December 31, 1991.

VI. Economic Impact

The proposed relaxation of the 7.8 psi standard to 9.0 psi will result in a cost reduction in refining, and an increase in summertime gasoline supply levels. For each summer, this translates into approximately a 1.1 cent per gallon cost savings to consumers at the pump.

VII. Administrative Requirements

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 through 612, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (i.e., small businesses, small organizations and small governmental jurisdictions). The Administrator may certify, however, that the rule will not have a significant impact on a substantial number of small entities. In such circumstances, a regulatory flexibility analysis is not required.

Under Section 605 of the Regulatory Flexibility Act, I certify that these regulations will not have a significant impact on a substantial number of small entities. The regulatory revision is limited to the Denver-Boulder area and should have no significant economic impact on a substantial number of small entities. These regulations, therefore, do not require a regulatory flexibility analysis.

Under Executive Order 12866,[19] 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. Specifically, this rule will not have an annual effect on the economy in excess of $100 million, have a significant adverse impact on competition, investment, employment or innovation, or result in a major price increase. In fact, as discussed above, this action will reduce the cost of compliance with Federal requirements in this area.

Under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, EPA must obtain OMB clearance for any activity that will involve collecting substantially the same information from 10 or more non-Federal respondents. This direct final rule does not create any new information requirements or contain any new information collection activities.

List of Subjects in 40 CFR Part 80

Administrative practice and procedures, Air pollution control, Environmental protection, Motor vehicle and motor vehicle engines, Fuel additives, Gasoline, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: March 28, 1994.

Carol M. Browner,

Administrator.

For the reasons set forth in the preamble, part 80 of title 40 of the Code of Federal Regulations is amended as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. The authority citation for part 80 continues to read as follows:

Authority: Sections 114, 211, and 301(a) of the Clean Air Act as amended (42 U.S.C. 7414, 7545 and 7601(a)).

2. Section 80.27 is amended by revising the entry for "Colorado" in the table in paragraph (a)(2) to read as follows:

§ 80.27 Controls and prohibitions on gasoline volatility.

(a) * * *

(2) * * *

APPLICABLE STANDARDS [1] 1992 and Subsequent Years

State	May	June	July	Aug.	Sept.
* * * * * * *					
Colorado [2]	9.0	7.8	7.8	7.8	7.8
* * * * * * *					

[1] Standards are expressed in pounds per square inch (psi).

[2] The standard for 1992 through 1995 in the Denver-Boulder nonattainment area will be 9.0 for June 1 through September 15.

[FR Doc. 94–7982 Filed 4–1–94; 8:45 am]

BILLING CODE 6560–50–P

[19] 58 FR 51735 (October 4, 1993).

40 CFR Part 271

[FRL 4855–5]

North Carolina; Final Authorization of Revisions to State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate Final Rule.

SUMMARY: North Carolina has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). North Carolina's revisions consist of the provisions contained in rules promulgated between July 1, 1991, and June 30, 1992, otherwise known as

RCRA Cluster II. These requirements are listed in Section B of this notice. The Environmental Protection Agency (EPA) has reviewed North Carolina's application and has made a decision, subject to public review and comment, that the North Carolina hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve North Carolina's hazardous waste program revisions. North Carolina's application for program revisions is available for public review and comment.

DATES: Final authorization for North Carolina's program revisions shall be effective June 3, 1994 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on North Carolina's program revision application must be received by the close of business, May 4, 1994.

ADDRESSES: Copies of North Carolina's program revision application are available during normal business hours at the following addresses for inspection and copying: North Carolina Department of Environment, Health, and Natural Resources, Hazardous Waste Branch, PO Box 27687, Raleigh, North Carolina 27611–7687; U.S. EPA Region IV, Library, 345 Courtland Street, NE, Atlanta, Georgia 30365; (404) 347–4216. Written comments should be sent to Al Hanke at the address listed below.

FOR FURTHER INFORMATION CONTACT: Al Hanke, Chief, State Programs Section, Waste Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365; (404) 347–2234.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98–616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260–268 and 124 and 270.

B. North Carolina

North Carolina initially received final authorization for its base RCRA program effective on December 31, 1984, (49 FR 48694). North Carolina most recently received final authorization effective March 28, 1994, for RCRA I (59 FR 3791, January 27, 1994). On September 27, 1993, North Carolina submitted a program revision application for additional program approvals. Today, North Carolina is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed North Carolina's application and has made an immediate final decision that North Carolina's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to North Carolina. The public may submit written comments on EPA's immediate final decision up until May 4, 1994.

Copies of North Carolina's application for these program revisions are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of North Carolina's program revisions shall become effective June 3, 1994, unless an adverse comment pertaining to the State's revisions discussed in this notice is received by the end of the comment period.

If an adverse comment is received EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

EPA shall administer any RCRA hazardous waste permits, or portions of permits that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization.

North Carolina is today seeking authority to administer the following Federal requirements promulgated between July 1, 1991, and June 30, 1992, for the requirements of RCRA Cluster II. This would include all rules except for the Technical Amendments and Administrative Stay for the Boilers and Industrial Furnaces rule noted at the end of this section.

Federal requirement	HSWA or FR reference	Promulgation	State authority
Checklist 92: Wood Preserving Listings; Technical Corrections	56 FR 30192	7/1/91	15A NCAC 13A .0006(a) 15A NCAC 13A .0006(d) 15A NCAC 13A .0007(c) 15A NCAC 13A .0009(s) 15A NCAC 13A .0010(r) 15A NCAC 13A .0013(b)
Checklist 95: Land Disposal Restrictions for Electric Arc Furnace Dust (K061).	56 FR 41164	8/19/91	15A NCAC 13A .0006(a) 15A NCAC 13A .0012(c)
Checklist 97: Exports of Hazardous Waste; Technical Correction	56 FR 43704	9/4/91	15A NCAC 13A .0007(e)
Checklist 99: Amendments to Interim Status Standards for Downgradient Groundwater Monitoring Well Locations.	56 FR 66365	12/23/91	15A NCAC 13A .0002(b) 15A NCAC 13A .0010(f)
Checklist 100: Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units.	57 FR 3462	1/29/92	15A NCAC 13A .0002(b) 15A NCAC 13A .0009(c)

Federal requirement	HSWA or FR reference	Promulgation	State authority
			15A NCAC 13A .0009(f)
			15A NCAC 13A .0009(l)
			15A NCAC 13A .0009(m)
			15A NCAC 13A .0009(o)
			15A NCAC 13A .0010(b)
			15A NCAC 13A .0010(e)
			15A NCAC 13A .0010(k)
			15A NCAC 13A .0010(l)
			15A NCAC 13A .0010(m)
			15A NCAC 13A .0010(n)
			15A NCAC 13A .0013(a)
			15A NCAC 13A .0013(b)
			15A NCAC 13A .0013(g)
Checklist 101: Administrative Stay for the Requirement that Existing Drip Pads be Impermeable.	57 FR 5859	2/18/92	15A NCAC 13A .0009(s)
			15A NCAC 13A .0010(r)
Checklist 102: Second Correction to the Third Third Land Disposal Restrictions.	57 FR 8086	3/6/92	15A NCAC 13A .0009(c)
			15A NCAC 13A .0010(b)
			15A NCAC 13A .0012(a)
			15A NCAC 13A .0012(c)
Checklist 103: Hazardous Debris Case-by-Case Capacity Variance	57 FR 20766	5/15/92	15A NCAC 13A .0012(b)
Checklist 104: Used Oil Filters Exclusion	57 FR 21524	5/20/92	15A NCAC 13A .0006(a)
Checklist 105: Recycle Coke by Product Exclusion	57 FR 27880	6/22/92	15A NCAC 13A .0011(f)
Checklist 106: Lead-bearing Hazardous Materials Case-by-Case Capacity Variance.	57 FR 28628	6/26/92	15A NCAC 13A .0012(b)

North Carolina is not authorized for the February 21, 1991, (56 FR 7134), Boilers and Industrial Furnaces Rule, (BIF). Therefore, authorization for the Technical Amendments and the Administrative Stay for BIF promulgated July 17, 1991; (56 FR 32688) Checklist 94; August 27, 1991, (56 FR 42504) Checklist 96; and September 5, 1991, (56 FR 43874) Checklist 98, will be deferred until the State is granted authorization for the Boilers and Industrial Furnace Rule.

C. Decision

I conclude that North Carolina's application for these program revisions meet all of the statutory and regulatory requirements established by RCRA. Accordingly, North Carolina is granted final authorization to operate its hazardous waste program as revised.

North Carolina now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitations of its program revision application, and its previously approved authorities. North Carolina also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under section 3008, 3013, and 7003 of RCRA.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of section 6 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of North Carolina's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities.

This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended (42 U.S.C. 6912(a), 6926, 6974(b)).

Dated: March 22, 1994.

Don Guinyard,

Regional Administrator.

[FR Doc. 94–7546 Filed 4–1–94; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–38

[FPMR Temp. Reg. G–56]

RIN 3090–AF35

Federal Energy Management for Motor Vehicles

AGENCY: Federal Supply Service, GSA.

ACTION: Temporary regulation; extension of expiration date.

SUMMARY: FPMR Temporary Regulation G–56 provides guidance on developing a fuel reduction plan as required by Executive Order 12759. This rule extends the expiration date of the temporary regulation from March 31, 1994, to March 31, 1996.

DATES: Effective date: April 1, 1994; Expiration date: March 31, 1996.

FOR FURTHER INFORMATION CONTACT: Larry Frisbee, Fleet Management Division, 703–305–6837.

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a significant rule for the purposes of Executive Order 12866.

Regulatory Flexibility Act

This rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

List of Subjects in 41 CFR Part 101–38

Government property management, Motor vehicles.

Accordingly, 41 CFR Chapter 101 (part 101–38) is amended as follows:

1. The authority citation for part 101–38 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

Appendix to Subchapter G [Amended]

2. The appendix to subchapter G is amended by revising the expiration date of "March 31, 1994" in paragraph 3 of FPMR temporary regulation G–56 to read "March 31, 1996."

Julia M. Stasch,

Acting Administrator for General Services.

[FR Doc. 94–8000 Filed 4–1–94; 8:45 am]

BILLING CODE 6820–24–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43–CFR Public Land Order 7035

[MT–930–4210–05; MTM 81816]

Public Land Order No. 7016, Correction; Jurisdiction Transfer, Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order will correct the error in the land description in Public Land Order No. 7016.

EFFECTIVE DATE: April 4, 1994.

FOR FURTHER INFORMATION CONTACT:

Dick Thompson, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406–255–2829.

By virtue of the authority vested in the Secretary of the Interior by section 10(e) of the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992, Public Law 102–374 (106 Stat. 1192), it is ordered as follows:

The land description in Public Land Order No. 7016, 58 FR 64499, December 8, 1993, is hereby corrected as follows:

On page 64499, third column, line 3 which reads "Sec. 27, N½SW¼" is hereby corrected to read "Sec. 27, N½SE¼."

Dated: March 22, 1994.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 94–8002 Filed 4–1–94; 8:45 am]

BILLING CODE 4310–DN–M

FEDERAL MARITIME COMMISSION

46 CFR Part 503

[Docket No. 94–02]

Access to any Record of Identifiable Personal Information

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission is amending its Privacy Act ("Act") regulations to adopt additional exemptions from requirements of the Act in regard to information about individuals which is included in certain investigatory material systems of records. The amendments are required to avoid compromise of ongoing investigations, disclosure of confidential sources and unwarranted invasion of privacy of third parties.

EFFECTIVE DATE: May 4, 1994.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Secretary, Federal Maritime Commission, 800 North Capital Street, NW., Washington, DC 20573–0001, (202) 523–5725.

SUPPLEMENTARY INFORMATION: The Federal Maritime Commission, by Notice of Proposed Rulemaking ("NPR") published February 11, 1994; 59 FR 6610, proposed amendments to its regulations implementing the Privacy Act, 5 U.S.C. 552a. The Commission previously had exempted certain systems of records containing investigatory materials from the provisions of subsections (c)(3) and (d) of the Act which require an accounting of disclosures and permit access to records in the systems. The NPR proposed additional exemptions under subsections (k)(2) and (5) of the Act for various systems of records within the agency. These exemptions would apply to those systems of records which include investigatory material compiled either for law enforcement purposes or, to the extent disclosure would reveal the identity of a confidential source, for the purpose of determining suitability for Federal civilian employment or for access to classified information. An additional exemption under subsection (j)(2) of the Act was proposed for the "Inspector General File" system of records in regards to activity pertaining to the enforcement of criminal laws. The thrust of the NPR was to invoke the full reach of permitted exemptions so that the provisions of certain subsections of the Act would not routinely limit the sources from which information is obtained and the types of information permitted to be collected, or require procedures for notification of the existence of and access to these classes of records.

No comments were filed in response to the NPR and the Commission has determined to adopt the amendments proposed therein as final. The new exemptions pertaining to law enforcement records are appropriate to avoid compromise of ongoing investigations, disclosure of the identity of confidential sources, and invasion of personal privacy of third parties. The exemptions pertaining to personnel-related investigatory records will protect confidential sources.

The Chairman of the Commission certifies pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that this rule, if adopted, will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units or small governmental organizations because individuals affected by the rule do not appear to fall within the meaning of "small entity."

List of Subjects in 46 CFR Part 503

Classified information, Freedom of Information, Privacy, Sunshine Act.

Therefore, pursuant to 5 U.S.C. 552a (j) and (k) and 533, part 503 of title 46, Code of Federal Regulations is amended as follows:

1. The authority citation for part 503 continues to read as follows:

Authority: 5 U.S.C. 552, 552a, 552b, 553; E.O. 12356, 47 FR 14874, 15557, 3 CFR 1982 Comp., p. 167.

2. Section 503.68 is revised to read as follows:

§ 503.68 Exemptions.

(a) The system of records designated FMC–25 Inspector General File is exempt from the provisions of 5 U.S.C. 552a except subsections (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11) and (i) to the extent it contains information meeting the criteria of 5 U.S.C. 552a(j)(2) pertaining to the enforcement of criminal laws. Exemption is appropriate to avoid compromise of ongoing investigations, disclosure of the identity of confidential sources and unwarranted invasions of personal privacy of third parties.

(b) The following systems of records are exempt from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H) and (I) and (f), which otherwise require the Commission, among other things, to provide the individual named in the records an accounting of disclosures and access to and opportunity to amend the records. The scope of the exemptions and the reasons

therefor are described for each particular system of records.

(1) *FMC–1 Personnel Security File.* All information about individuals that meets the criteria of 5 U.S.C. 552a(k)(5), regarding suitability, eligibility or qualifications for Federal civilian employment or for access to classified information, to the extent that disclosure would reveal the identity of a source who furnished information to the Commission under a promise of confidentiality. Exemption is required to honor promises of confidentiality.

(3) *FMC–7 Licensed Ocean Freight Forwarders File.* All information that meets the criteria of 5 U.S.C. 552a(k)(2) regarding investigatory materials compiled for law enforcement purposes. Exemption is appropriate to avoid compromise of ongoing investigations, disclosure of the identity of confidential sources and unwarranted invasions of personal privacy of third parties.

(3) *FMC–22 Investigatory Files.* All information that meets the criteria of 5 U.S.C. 552a(k)(2) regarding investigatory material compiled for law enforcement purposes. Exemption is appropriate to avoid compromise of ongoing investigations, disclosure of the identity of confidential sources and unwarranted invasions of personal privacy of third parties.

(4) *FMC–24 Informal Inquiries and Complaint Files.* All information that meets the criteria of 5 U.S.C. 552a(k)(2) regarding investigatory material compiled for law enforcement purposes. Exemption is appropriate to avoid compromise of ongoing investigations, disclosure of the identity of confidential sources and unwarranted invasion of personal privacy of third parties.

(5) *FMC–25 Inspector General File.* (i) All information that meets the criteria of 5 U.S.C. 552a(k)(2) regarding investigatory material compiled for law enforcement purposes. Exemption is appropriate to avoid compromise of ongoing investigations, disclosure of the identity of confidential sources and unwarranted invasions of personal privacy of third parties.

(ii) All information about individuals that meets the criteria of 5 U.S.C. 552a(k)(5), regarding suitability, eligibility or qualifications for Federal civilian employment or for access to classified information, to the extent the disclosure would reveal the identity of a source who furnished information to the Commission under the promises of confidentiality. Exemption is required to honor promises of confidentiality.

(6) *FMC–26 Administrative Grievance File.* (i) All information that meets the criteria of 5 U.S.C. 552a(k)(2) regarding investigatory material compiled for law enforcement purposes, Exemption is appropriate to avoid compromise of ongoing investigations, disclosure of the identity of confidential sources and unwarranted invasions of personal privacy of third parties.

(ii) All information about individuals that meets the criteria of 5 U.S.C. 552a(k)(5), regarding suitability, eligibility or qualification for Federal civilian employment or for access to classified information, to the extent that disclosure would reveal the identity of a source who furnished information to the Commission under a promise of confidentiality. Exemption is required to honor promises of confidentiality.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 94–7914 Filed 4–1–94; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF TRANSPORTATION

Office of The Secretary

49 CFR Part 19

[OST Docket No. 49475; Notice No. 94–5]

RIN 2105–AC02

Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations

AGENCY: Office of the Secretary, DOT.

ACTION: Interim Final Rule; request for comments.

SUMMARY: This interim final rule is in response to the Office of Management and Budget (OMB) publishing a final revised OMB Circular A–110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, in the **Federal Register** (58 FR 62992) on November 29, 1993. The revised Circular was developed by an interagency task force for governmentwide use in a common rule format to facilitate regulatory adoption by executive departments and agencies. In the published revised Circular, OMB specified as "required action" that, Federal agencies responsible for awarding and administering grants and other agreements to recipients described therein, shall adopt the language in the Circular unless other provisions are required by Federal statute or exceptions or deviations are approved by OMB. This interim final rule essentially adopts the provisions of the Circular word-for-word to the maximum extent possible but documents statutory deviations. Except for controls over deviations to the rule, the Department of Transportation (DOT) operating administrations and departmental offices that make awards are responsible for all sections of the rule.

DATES: This regulation is effective April 4, 1994. Written and signed comments must be received on or before June 3, 1994. DOT grantees are authorized to use the requirements of this rule, such as the higher threshold for equipment disposition, for grants awarded prior to April 4, 1994, including completed grants.

ADDRESSES: Interested persons should submit written and signed comments to Docket Clerk, OST Docket No. 49475, U.S. Department of Transportation, 400 Seventh Street SW., room 4107, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Robert G. Taylor, U.S. Department of Transportation, Office of Acquisition and Grant Management, M–62, 400 Seventh Street SW., room 9401, Washington, DC 20590, (202) 366–4289.

SUPPLEMENTARY INFORMATION:

Background

This interim final rule incorporates and reflects the provisions of the Office of Management and Budget (OMB) issuance of revised OMB Circular A–110 at 58 FR 62992 into a new 49 CFR part 19 of the DOT regulatory requirements for financial assistance. OMB Circular A–110 was originally issued by OMB in 1976 with minor revision made in 1987. The standards it contained were structured into 15 attachments lettered A-O. An interagency task force also reviewed the circular in 1987 and recommended it be combined with OMB Circular A–102, Uniform Requirements for Grants and Agreements with State and Local Governments, as a consolidated "common rule". In November 1988, a proposed consolidated "common rule" was published in the **Federal Register** (53 FR 44716) but, due to adverse concerns by some university groups and Federal agencies it was not finalized and issued by OMB. In November 1990, another interagency task force was convened to review Circular A–110 and a revision in a "common rule" format was proposed and developed. This revision was published for comment in the **Federal Register** (57 FR 39018) in August 1992 and over 200 comments were received from all sources.

All comments were considered in a final revision of Circular A–110 which was issued for governmentwide use in

the **Federal Register** on November 29, 1993. Consequently, this rule is published as an interim final rule because of the previous request for comment process used in the development of the Circular, the large number of comments already received and considered by OMB and the Federal agencies, and due to the limited flexibility to revise the rule provided by OMB.

Deviations

Certain specific statutes governing the Department take precedence over some requirements of the revised OMB Circular A–110. All deviations have been written in a standard format to provide both the basis for the exception and information on where the exception has been implemented in DOT guidance. A summary of proposed deviations appears below. Where nonregulatory guidance is cited as the implementing instruction, it does not supersede regulatory requirements nor is it intended to request formal comments on the specific procedures nor provide regulatory clearance for the guidance. Some DOT operating administrations have developed nonregulatory guidance for administering financial assistance awards to recipients. Section 19.6, Availability of material reference in this part, has been added to Subpart A—General to reference where copies of these directives may be found and obtained. Each DOT deviation is discussed below. In addition, the revised OMB Circular affects the management of subgrants in two FTA programs run by States and this is discussed below.

Deviations Based on Statute

Subsection 23(i) is added to 19.23, Cost-sharing or matching, to clarify that local share for Section 18 operating assistance must be derived from sources other than Federal funds or revenues of the system; and up to half of the local share may be derived from other Federal funds.

Subsection 24(i) is added to 19.24, Program income, to clarify the special requirements for determining program income for FTA section 16(b)(2) and section 18 grant programs.

Subsection 30(b) is added to 19.30, Purpose of property standards, to clarify that real property (including land) and equipment acquired under the Act can be transferred without compensation to another organization for another public purpose under certain conditions.

Subsection 44(f) is added to 19.44, Procurement procedures, to note the additional procurement requirements imposed on certain programs in the areas of Buy American, contracting for architectural and engineering services, exclusionary or discriminatory specifications, and cargo preference.

Nonstatutory Deviations

Section 19.5, Subgrants. The March 11, 1988, common rule for grants to State and local governments clearly provides for States to use their own procedures for managing subgrants to governmental subrecipients, but is silent on the treatment of nongovernmental subrecipients. The Department had interpreted the rule to allow States to use State procedures for all types of subrecipients. The November 1988, notice of proposed rulemaking (NPRM) that would have merged the common rule for State and local governments with the requirements for institutions of higher education, hospitals, and other non-profit organizations would have allowed States to use their own procedures for managing subgrants to all types of recipients. Revised OMB Circular A–110 clearly does not provide this flexibility to States. The FTA section 18 and section 16(b)(2) programs provide grants to States which have local government and nonprofit subrecipients which perform similar functions. Prohibiting States from using State procedures could complicate the State administration of the programs. However, the increased flexibility provided in the rule should eliminate most of the issues that have caused problems for the States in the past. The Department does not have sufficient detailed information to support a deviation request from OMB that would allow States to continue to use their own procedures to manage subgrants to nongovernmental subrecipients for FTA section 18 and section 16(b)(2) programs. If after reviewing this rule, grantees can provide detailed examples of how the new requirement will complicate the grant process without a subsequent gain in control, the Department will consider requesting a class deviation from OMB as provided in § 19.4, Deviations.

Regulatory Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The Department of Transportation has determined that this rulemaking is not a significant regulatory action within the meaning of Executive Order 12866, nor a significant regulation under the Department's Regulatory Policies and Procedures. The regulations should create savings for recipients by reducing the costs of administering grants. Because of this, the Department certifies that this regulation is nonsignificant under the Department of Transportation's Regulatory Policies and Procedures.

Regulatory Flexibility Act of 1980

The Regulatory Flexibility Act (5 U.S.C. 605(b)) requires that, for each rule with a "significant economic impact on a substantial number of small entities," an analysis be prepared describing the rule's impact on small entities and identifying any significant alternatives to the rule that would minimize the economic impact on small entities. We certify that these regulations will not have a significant economic impact on a substantial number of small entities because they do not affect the amount of funds provided in the covered programs, but rather modify and update administrative and procedural requirements.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. The rule primarily applies to organizations other than State and local governments, but for some programs State or local governments are required to pass on these requirements to subrecipients covered by this rule. The rule was drafted to be as consistent as possible with requirements imposed on State and local governments. Accordingly, the Department certifies that this proposal does not have sufficient Federalism implications to warrant a full Federalism Assessment under the principles and criteria contained in Executive Order 12612.

Paperwork Reduction Act

The collection of information requirements in this interim final rule notice are being submitted to the Office of Information and Regulatory Affairs of the OMB for review under section 3504(h) of the Paperwork Reduction Act of 1980. A notice will be published in the **Federal Register** when those requirements are approved by OMB. The notice will incorporate the OMB approval numbers into the regulation.

Justification to Issue Interim Final Rule

Under the Administrative Procedures Act, to issue a final rule without an NPRM, it is necessary to make a finding that issuing an NPRM would be impractical, unnecessary, and contrary to the public interest. As stated above, this rule is based on the revised OMB Circular A–110, that was developed by

an interagency task force and received extensive public comment. The revised Circular specifies that Federal agencies responsible for awarding and administering grants and other agreements to recipients described therein, shall adopt the language in the Circular unless other provisions are required by Federal statute or exceptions or deviations are approved by OMB. This interim final rule essentially adopts the provisions of the Circular word-for-word to the maximum extent possible. Therefore, an NPRM would not allow the public to make comments that could have a significant impact on the content of the rule. This would make such an effort impractical, unnecessary, and contrary to the public interest.

List of Subjects in 49 CFR Part 19

Accounting, Administrative practice and procedure, Grant programs, Grants administration, Insurance, Reporting and recordkeeping requirements.

Issued this 9th day of March 1994 at Washington, DC.

Federico Peña,

Secretary of Transportation.

Title 49 of the Code of Federal Regulations is amended by adding part 19 to read as set forth below.

PART 19—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NON-PROFIT ORGANIZATIONS

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Appendix A to Part 19—Contract Provisions

Authority: 49 U.S.C. 322(a).

Subpart A—General

§ 19.1 Purpose.

This part establishes uniform administrative requirements for Federal grants and agreements awarded to institutions of higher education, hospitals, and other non-profit organizations. Federal awarding agencies shall not impose additional or inconsistent requirements, except as provided in §§ 19.4 and 19.14 or unless specifically required by Federal statute or executive order. Non-profit organizations that implement Federal programs for the States are also subject to State requirements.

§ 19.2 Definitions.

(a) *Accrued expenditures* means the charges incurred by the recipient during a given period requiring the provision of funds for:

(1) Goods and other tangible property received;

(2) Services performed by employees, contractors, subrecipients, and other payees; and,

(3) Other amounts becoming owed under programs for which no current services or performance is required.

(b) *Accrued income* means the sum of:

(1) Earnings during a given period from:

(i) Services performed by the recipient, and

(ii) Goods and other tangible property delivered to purchasers; and

(2) Amounts becoming owed to the recipient for which no current services or performance is required by the recipient.

(c) *Acquisition cost of equipment* means the net invoice price of the equipment, including the cost of modifications, attachments, accessories, or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired. Other charges, such as the cost of installation, transportation, taxes, duty or protective in-transit insurance, shall be included or excluded from the unit acquisition cost in accordance with the recipient's regular accounting practices.

(d) *Advance* means a payment made by Treasury check or other appropriate payment mechanism to a recipient upon its request either before outlays are made by the recipient or through the use of predetermined payment schedules.

(e) *Award* means financial assistance that provides support or stimulation to accomplish a public purpose. Awards include grants and other agreements in the form of money or property in lieu of money, by the Federal Government to an eligible recipient. The term does not include: Technical assistance, which provides services instead of money; other assistance in the form of loans, loan guarantees, interest subsidies, or insurance; direct payments of any kind to individuals; and, contracts which are required to be entered into and administered under procurement laws and regulations.

(f) *Cash contributions* means the recipient's cash outlay, including the outlay of money contributed to the recipient by third parties.

(g) *Closeout* means the process by which a Federal awarding agency determines that all applicable administrative actions and all required work of the award have been completed by the recipient and Federal awarding agency.

(h) *Contract* means a procurement contract under an award or subaward,

and a procurement subcontract under a recipient's or subrecipient's contract.

(i) *Cost sharing or matching* means that portion of project or program costs not borne by the Federal Government.

(j) *Date of completion* means the date on which all work under an award is completed or the date on the award document, or any supplement or amendment thereto, on which Federal sponsorship ends.

(k) *Disallowed costs* means those charges to an award that the Federal awarding agency determines to be unallowable, in accordance with the applicable Federal cost principles or other terms and conditions contained in the award.

(l) *Equipment* means tangible nonexpendable personal property including exempt property charged directly to the award having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. However, consistent with recipient policy, lower limits may be established.

(m) *Excess property* means property under the control of any Federal awarding agency that, as determined by the head thereof, is no longer required for its needs or the discharge of its responsibilities.

(n) *Exempt property* means tangible personal property acquired in whole or in part with Federal funds, where the Federal awarding agency has statutory authority to vest title in the recipient without further obligation to the Federal Government. An example of exempt property authority is contained in the Federal Grant and Cooperative Agreement Act (31 U.S.C. 6306), for property acquired under an award to conduct basic or applied research by a non-profit institution of higher education or non-profit organization whose principal purpose is conducting scientific research.

(o) *Federal awarding agency* means the Federal agency that provides an award to the recipient. Except for the specific review requirements for deviations in § 19.4, for Department of Transportation (DOT) awards, it means the DOT operating administration or departmental office that made the award.

(p) *Federal funds authorized* means the total amount of Federal funds obligated by the Federal Government for use by the recipient. This amount may include any authorized carryover of unobligated funds from prior funding periods when permitted by agency regulations or agency implementing instructions.

(q) *Federal share* of real property, equipment, or supplies means that percentage of the property's acquisition costs and any improvement expenditures paid with Federal funds.

(r) *Funding period* means the period of time when Federal funding is available for obligation by the recipient.

(s) *Intangible property and debt instruments* means, but is not limited to, trademarks, copyrights, patents and patent applications and such property as loans, notes and other debt instruments, lease agreements, stock and other instruments of property ownership, whether considered tangible or intangible.

(t) *Obligations* means the amounts of orders placed, contracts and grants awarded, services received and similar transactions during a given period that require payment by the recipient during the same or a future period.

(u) *Outlays or expenditures* means charges made to the project or program. They may be reported on a cash or accrual basis. For reports prepared on a cash basis, outlays are the sum of cash disbursements for direct charges for goods and services, the amount of indirect expense charged, the value of third party in-kind contributions applied and the amount of cash advances and payments made to subrecipients. For reports prepared on an accrual basis, outlays are the sum of cash disbursements for direct charges for goods and services, the amount of indirect expense incurred, the value of in-kind contributions applied, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received, for services performed by employees, contractors, subrecipients and other payees and other amounts becoming owed under programs for which no current services or performance are required.

(v) *Personal property* means property of any kind except real property. It may be tangible, having physical existence, or intangible, having no physical existence, such as copyrights, patents, or securities.

(w) *Prior approval* means written approval by an authorized official evidencing prior consent.

(x) *Program income* means gross income earned by the recipient that is directly generated by a supported activity or earned as a result of the award (see exclusions in §§ 19.24 (e) and (h)). Program income includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under federally-funded projects, the sale of commodities or items fabricated under an award, license fees and royalties on patents and copyrights, and interest on loans made with award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal awarding agency regulations or the terms and conditions of the award, program income does not include the receipt of principal on loans, rebates, credits, discounts, etc., or interest earned on any of them.

(y) *Project costs* means all allowable costs, as set forth in the applicable Federal cost principles, incurred by a recipient and the value of the contributions made by third parties in accomplishing the objectives of the award during the project period.

(z) *Project period* means the period established in the award document during which Federal sponsorship begins and ends.

(aa) *Property* means, unless otherwise stated, real property, equipment, intangible property and debt instruments.

(bb) *Real property* means land, including land improvements, structures and appurtenances thereto, but excludes movable machinery and equipment.

(cc) *Recipient* means an organization receiving financial assistance directly from Federal awarding agencies to carry out a project or program. The term includes public and private institutions of higher education, public and private hospitals, and other quasi-public and private non-profit organizations such as, but not limited to, community action agencies, research institutes, educational associations, and health centers. The term may include commercial organizations, foreign or international organizations (such as agencies of the United Nations) which are recipients, subrecipients, or contractors or subcontractors of recipients or subrecipients at the discretion of the Federal awarding agency. The term does not include government-owned contractor-operated facilities or research centers providing continued support for mission-oriented, large-scale programs that are government-owned or controlled, or are designated as federally-funded research and development centers.

(dd) *Research and development* means all research activities, both basic and applied, and all development activities that are supported at universities, colleges, and other non-profit institutions. "Research" is defined as a systematic study directed toward fuller scientific knowledge or understanding of the subject studied. "Development" is the systematic use of knowledge and understanding gained from research directed toward the production of useful materials, devices,

systems, or methods, including design and development of prototypes and processes. The term research also includes activities involving the training of individuals in research techniques where such activities utilize the same facilities as other research and development activities and where such activities are not included in the instruction function.

(ee) *Small awards* means a grant or cooperative agreement not exceeding the small purchase threshold fixed at 41 U.S.C. 403(11) (currently $25,000).

(ff) *Subaward* means an award of financial assistance in the form of money, or property in lieu of money, made under an award by a recipient to an eligible subrecipient or by a subrecipient to a lower tier subrecipient. The term includes financial assistance when provided by any legal agreement, even if the agreement is called a contract, but does not include procurement of goods and services nor does it include any form of assistance which is excluded from the definition of "award" in paragraph (e) of this section.

(gg) *Subrecipient* means the legal entity to which a subaward is made and which is accountable to the recipient for the use of the funds provided. The term may include foreign or international organizations (such as agencies of the United Nations) at the discretion of the Federal awarding agency.

(hh) *Supplies* means all personal property excluding equipment, intangible property, and debt instruments as defined in this section, and inventions of a contractor conceived or first actually reduced to practice in the performance of work under a funding agreement ("subject inventions"), as defined in 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements."

(ii) *Suspension* means an action by a Federal awarding agency that temporarily withdraws Federal sponsorship under an award, pending corrective action by the recipient or pending a decision to terminate the award by the Federal awarding agency. Suspension of an award is a separate action from suspension under Federal agency regulations implementing E.O.s 12549 and 12689, "Debarment and Suspension."

(jj) *Termination* means the cancellation of Federal sponsorship, in whole or in part, under an agreement at any time prior to the date of completion.

(kk) *Third party in-kind contributions* means the value of non-cash contributions provided by non-Federal third parties. Third party in-kind contributions may be in the form of real property, equipment, supplies and other expendable property, and the value of goods and services directly benefiting and specifically identifiable to the project or program.

(ll) *Unliquidated obligations*, for financial reports prepared on a cash basis, means the amount of obligations incurred by the recipient that have not been paid. For reports prepared on an accrued expenditure basis, they represent the amount of obligations incurred by the recipient for which an outlay has not been recorded.

(mm) *Unobligated balance* means the portion of the funds authorized by the Federal awarding agency that has not been obligated by the recipient and is determined by deducting the cumulative obligations from the cumulative funds authorized.

(nn) *Unrecovered indirect cost* means the difference between the amount awarded and the amount which could have been awarded under the recipient's approved negotiated indirect cost rate.

(oo) *Working capital advance* means a procedure whereby funds are advanced to the recipient to cover its estimated disbursement needs for a given initial period.

§ 19.3 Effect on other issuances.

For awards subject to this part, all administrative requirements of codified program regulations, program manuals, handbooks and other non-regulatory materials which are inconsistent with the requirements of this part are superseded, except to the extent they are required by statute, or authorized in accordance with the deviations provision in § 19.4.

§ 19.4 Deviations.

The Office of Management and Budget (OMB) may grant exceptions for classes of grants or recipients subject to the requirements of this part when exceptions are not prohibited by statute. However, in the interest of maximum uniformity, exceptions from the requirements of this part shall be permitted only in unusual circumstances. Federal awarding agencies may apply more restrictive requirements to a class of recipients when approved by OMB. All requests for class deviations shall be processed through the Assistant Secretary for Administration. Federal awarding agencies may apply less restrictive requirements when awarding small awards, except for those requirements which are statutory, subject to the concurrence of the Assistant Secretary for Administration. Exceptions on a case-by-case basis may also be made by Federal awarding agencies, with the concurrence of the Assistant Secretary for Administration to ensure conformance with Department of Transportation grant administration policies.

§ 19.5 Subawards.

Unless sections of this part specifically exclude subrecipients from coverage, the provisions of this part shall be applied to subrecipients performing work under awards if such subrecipients are institutions of higher education, hospitals or other non-profit organizations. State and local government subrecipients are subject to the provisions of 49 CFR part 18, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments."

§ 19.6 Availability of material referenced in this part.

(a) Copies of Federal Transit Administration (FTA) documents identified in this part may be obtained by calling the FTA Administrative Services Division at (202) 366–4865.

(b) Copies of Federal Aviation Administration (FAA) documents identified in this part may be obtained by calling the FAA Program Guidance Branch at (202) 267–3831.

Subpart B—Pre-Award Requirements

§ 19.10 Purpose.

Sections 19.11 through 19.17 prescribes forms and instructions and other pre-award matters to be used in applying for Federal awards.

§ 19.11 Pre-award policies.

(a) *Use of grants and cooperative agreements, and contracts.* In each instance, the Federal awarding agency shall decide on the appropriate award instrument (i.e., grant, cooperative agreement, or contract). The Federal Grant and Cooperative Agreement Act (31 U.S.C. 6301–08) governs the use of grants, cooperative agreements and contracts. A grant or cooperative agreement shall be used only when the principal purpose of a transaction is to accomplish a public purpose of support or stimulation authorized by Federal statute. The statutory criterion for choosing between grants and cooperative agreements is that for the latter, "substantial involvement is expected between the executive agency and the State, local government, or other recipient when carrying out the activity contemplated in the agreement." Contracts shall be used when the principal purpose is acquisition of property or services for the direct

benefit or use of the Federal Government.

(b) *Public notice and priority setting.* Federal awarding agencies shall notify the public of its intended funding priorities for discretionary grant programs, unless funding priorities are established by Federal statute.

§ 19.12 Forms for applying for Federal assistance.

(a) Federal awarding agencies shall comply with the applicable report clearance requirements of 5 CFR part 1320, "Controlling Paperwork Burdens on the Public," with regard to all forms used by the Federal awarding agency in place of or as a supplement to the Standard Form 424 (SF–424) series.

(b) Applicants shall use the SF–424 series or those forms and instructions prescribed by the Federal awarding agency.

(c) For Federal programs covered by E.O. 12372, "Intergovernmental Review of Federal Programs," as implemented at 49 CFR part 17, Intergovernmental review of Department of Transportation programs and activities, the applicant shall complete the appropriate sections of the SF–424 (Application for Federal Assistance) indicating whether the application was subject to review by the State Single Point of Contact (SPOC). The name and address of the SPOC for a particular State can be obtained from the Federal awarding agency or the Catalog of Federal Domestic Assistance. The SPOC shall advise the applicant whether the program for which application is made has been selected by that State for review.

(d) Federal awarding agencies that do not use the SF–424 form should indicate whether the application is subject to review by the State under E.O. 12372.

§ 19.13 Debarment and suspension.

Federal awarding agencies and recipients shall comply with the nonprocurement debarment and suspension rule, 49 CFR part 29, "Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)," implementing E.O.s 12549 and 12689, "Debarment and Suspension." This rule restricts subawards and contracts with certain parties that are debarred, suspended or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.

§ 19.14 Special award conditions.

(a) Federal awarding agencies may impose additional requirements as needed, if an applicant or recipient:

(1) Has a history of poor performance,

(2) Is not financially stable,

(3) Has a management system that does not meet the standards prescribed in this part,

(4) Has not conformed to the terms and conditions of a previous award, or

(5) Is not otherwise responsible.

(b) Additional requirements may only be imposed provided that such applicant or recipient is notified in writing as to:

(1) The nature of the additional requirements,

(2) The reason why the additional requirements are being imposed,

(3) The nature of the corrective action needed,

(4) The time allowed for completing the corrective actions, and

(5) The method for requesting reconsideration of the additional requirements imposed.

(c) A copy of such notices shall be sent to the Assistant Secretary for Administration. Any special conditions shall be promptly removed once the conditions that prompted them have been corrected.

§ 19.15 Metric system of measurement.

The Metric Conversion Act, as amended by the Omnibus Trade and Competitiveness Act (15 U.S.C. 205), declares that the metric system is the preferred measurement system for U.S. trade and commerce. The Act requires each Federal agency to establish a date or dates in consultation with the Secretary of Commerce, when the metric system of measurement will be used in the agency's procurements, grants, and other business-related activities. Metric implementation may take longer where the use of the system is initially impractical or likely to cause significant inefficiencies in the accomplishment of federally-funded activities. Federal awarding agencies shall follow the provisions of E.O. 12770, "Metric Usage in Federal Government Programs."

§ 19.16 Resource Conservation and Recovery Act.

Under the Act, any State agency or agency of a political subdivision of a State which is using appropriated Federal funds must comply with section 6002. Section 6002 requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by the Environmental Protection Agency (EPA) (40 CFR parts 247–254). Accordingly, State and local institutions of higher education, hospitals, and non-profit organizations that receive direct Federal awards or other Federal funds shall give preference in their procurement programs funded with Federal funds to the purchase of recycled products pursuant to the EPA guidelines.

§ 19.17 Certifications and representations.

Unless prohibited by statute or codified regulation, each Federal awarding agency is authorized and encouraged to allow recipients to submit certifications and representations required by statute, executive order, or regulation on an annual basis, if the recipients have ongoing and continuing relationships with the agency. Annual certifications and representations shall be signed by responsible officials with the authority to ensure recipients' compliance with the pertinent requirements.

Subpart C—Post-Award Requirements

Financial and Program Management

§ 19.20 Purpose of financial and program management.

Sections 19.21 through 19.28 prescribe standards for financial management systems, methods for making payments and rules for: satisfying cost sharing and matching requirements, accounting for program income, budget revision approvals, making audits, determining allowability of cost, and establishing fund availability.

§ 19.21 Standards for financial management systems.

(a) Federal awarding agencies shall require recipients to relate financial data to performance data and develop unit cost information whenever practical.

(b) Recipients' financial management systems shall provide for the following.

(1) Accurate, current and complete disclosure of the financial results of each federally-sponsored project or program in accordance with the reporting requirements set forth in § 19.52. If a Federal awarding agency requires reporting on an accrual basis from a recipient that maintains its records on other than an accrual basis, the recipient shall not be required to establish an accrual accounting system. These recipients may develop such accrual data for its reports on the basis of an analysis of the documentation on hand.

(2) Records that identify adequately the source and application of funds for federally-sponsored activities. These records shall contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, outlays, income and interest.

(3) Effective control over and accountability for all funds, property and other assets. Recipients shall adequately safeguard all such assets and assure they are used solely for authorized purposes.

(4) Comparison of outlays with budget amounts for each award. Whenever appropriate, financial information should be related to performance and unit cost data.

(5) Written procedures to minimize the time elapsing between the transfer of funds to the recipient from the U.S. Treasury and the issuance or redemption of checks, warrants or payments by other means for program purposes by the recipient. To the extent that the provisions of the Cash Management Improvement Act (CMIA) (Pub. L. 101–453) govern, payment methods of State agencies, instrumentalities, and fiscal agents shall be consistent with CMIA Treasury-State Agreements or the CMIA default procedures codified at 31 CFR part 205, "Withdrawal of Cash from the Treasury for Advances under Federal Grant and Other Programs."

(6) Written procedures for determining the reasonableness, allocability and allowability of costs in accordance with the provisions of the applicable Federal cost principles and the terms and conditions of the award.

(7) Accounting records including cost accounting records that are supported by source documentation.

(c) Where the Federal Government guarantees or insures the repayment of money borrowed by the recipient, the Federal awarding agency, at its discretion, may require adequate bonding and insurance if the bonding and insurance requirements of the recipient are not deemed adequate to protect the interest of the Federal Government.

(d) The Federal awarding agency may require adequate fidelity bond coverage where the recipient lacks sufficient coverage to protect the Federal Government's interest.

(e) Where bonds are required in the situations described above, the bonds shall be obtained from companies holding certificates of authority as acceptable sureties, as prescribed in 31 CFR part 223, "Surety Companies Doing Business with the United States."

§ 19.22 Payment.

(a) Payment methods shall minimize the time elapsing between the transfer of funds from the United States Treasury and the issuance or redemption of checks, warrants, or payment by other means by the recipients. Payment methods of State agencies or instrumentalities shall be consistent with Treasury-State CMIA agreements or default procedures codified at 31 CFR part 205.

(b) (1) Recipients are to be paid in advance, provided they maintain or demonstrate the willingness to maintain:

(i) Written procedures that minimize the time elapsing between the transfer of funds and disbursement by the recipient, and

(ii) Financial management systems that meet the standards for fund control and accountability as established in section § 19.21.

(2) Cash advances to a recipient organization shall be limited to the minimum amounts needed and be timed to be in accordance with the actual, immediate cash requirements of the recipient organization in carrying out the purpose of the approved program or project. The timing and amount of cash advances shall be as close as is administratively feasible to the actual disbursements by the recipient organization for direct program or project costs and the proportionate share of any allowable indirect costs.

(c) Whenever possible, advances shall be consolidated to cover anticipated cash needs for all awards made by the Federal awarding agency to the recipient.

(1) Advance payment mechanisms include, but are not limited to, Treasury check and electronic funds transfer.

(2) Advance payment mechanisms are subject to 31 CFR part 205.

(3) Recipients shall be authorized to submit requests for advances and reimbursements at least monthly when electronic fund transfers are not used.

(d) Requests for Treasury check advance payment shall be submitted on SF–270, "Request for Advance or Reimbursement," or other forms as may be authorized by OMB. This form is not to be used when Treasury check advance payments are made to the recipient automatically through the use of a predetermined payment schedule or if precluded by special Federal awarding agency instructions for electronic funds transfer.

(e) Reimbursement is the preferred method when the requirements in paragraph (b) cannot be met. Federal awarding agencies may also use this method on any construction agreement, or if the major portion of the construction project is accomplished through private market financing or Federal loans, and the Federal assistance constitutes a minor portion of the project.

(1) When the reimbursement method is used, the Federal awarding agency shall make payment within 30 days after receipt of the billing, unless the billing is improper.

(2) Recipients shall be authorized to submit request for reimbursement at least monthly when electronic funds transfers are not used.

(f) If a recipient cannot meet the criteria for advance payments and the Federal awarding agency has determined that reimbursement is not feasible because the recipient lacks sufficient working capital, the Federal awarding agency may provide cash on a working capital advance basis. Under this procedure, the Federal awarding agency shall advance cash to the recipient to cover its estimated disbursement needs for an initial period generally geared to the awardee's disbursing cycle. Thereafter, the Federal awarding agency shall reimburse the recipient for its actual cash disbursements. The working capital advance method of payment shall not be used for recipients unwilling or unable to provide timely advances to their subrecipient to meet the subrecipient's actual cash disbursements.

(g) To the extent available, recipients shall disburse funds available from repayments to and interest earned on a revolving fund, program income, rebates, refunds, contract settlements, audit recoveries and interest earned on such funds before requesting additional cash payments.

(h) Unless otherwise required by statute, Federal awarding agencies shall not withhold payments for proper charges made by recipients at any time during the project period unless the conditions in paragraphs (h)(1) or (2) of this section apply.

(1) A recipient has failed to comply with the project objectives, the terms and conditions of the award, or Federal reporting requirements.

(2) The recipient or subrecipient is delinquent in a debt to the United States as defined in OMB Circular A–129, "Managing Federal Credit Programs." Under such conditions, the Federal awarding agency may, upon reasonable notice, inform the recipient that payments shall not be made for obligations incurred after a specified date until the conditions are corrected or the indebtedness to the Federal Government is liquidated.

(i) Standards governing the use of banks and other institutions as depositories of funds advanced under awards are as follows.

(1) Except for situations described in paragraph (i)(2) of this section, Federal awarding agencies shall not require separate depository accounts for funds provided to a recipient or establish any

eligibility requirements for depositories for funds provided to a recipient. However, recipients must be able to account for the receipt, obligation and expenditure of funds.

(2) Advances of Federal funds shall be deposited and maintained in insured accounts whenever possible.

(j) Consistent with the national goal of expanding the opportunities for women-owned and minority-owned business enterprises, recipients shall be encouraged to use women-owned and minority-owned banks (a bank which is owned at least 50 percent by women or minority group members).

(k) Recipients shall maintain advances of Federal funds in interest bearing accounts, unless the conditions in paragraphs (k)(1), (2) or (3) of this section apply.

(1) The recipient receives less than $120,000 in Federal awards per year.

(2) The best reasonably available interest bearing account would not be expected to earn interest in excess of $250 per year on Federal cash balances.

(3) The depository would require an average or minimum balance so high that it would not be feasible within the expected Federal and non-Federal cash resources.

(l) For those entities where CMIA and its implementing regulations do not apply, interest earned on Federal advances deposited in interest bearing accounts shall be remitted annually to Department of Health and Human Services, Payment Management System, P.O. Box 6021, Rockville, MD 20852. Interest amounts up to $250 per year may be retained by the recipient for administrative expense. In keeping with Electric Funds Transfer rules, (31 CFR part 206), interest should be remitted to the HHS Payment Management System through an electric medium such as the FEDWIRE Deposit system. Recipients which do not have this capability should use a check. State universities and hospitals shall comply with CMIA, as it pertains to interest. If an entity subject to CMIA uses its own funds to pay pre-award costs for discretionary awards without prior written approval from the Federal awarding agency, it waives its right to recover the interest under CMIA.

(m) Except as noted elsewhere in this part, only the following forms shall be authorized for the recipients in requesting advances and reimbursements. Federal agencies shall not require more than an original and two copies of these forms.

(1) SF–270, Request for Advance or Reimbursement. Each Federal awarding agency shall adopt the SF–270 as a standard form for all nonconstruction programs when electronic funds transfer or predetermined advance methods are not used. Federal awarding agencies, however, have the option of using this form for construction programs in lieu of the SF–271, "Outlay Report and Request for Reimbursement for Construction Programs."

(2) SF–271, Outlay Report and Request for Reimbursement for Construction Programs. Each Federal awarding agency shall adopt the SF–271 as the standard form to be used for requesting reimbursement for construction programs. However, a Federal awarding agency may substitute the SF–270 when the Federal awarding agency determines that it provides adequate information to meet Federal needs.

§ 19.23 Cost sharing or matching.

(a) All contributions, including cash and third party in-kind, shall be accepted as part of the recipient's cost sharing or matching when such contributions meet all of the following criteria.

(1) Are verifiable from the recipient's records.

(2) Are not included as contributions for any other federally-assisted project or program.

(3) Are necessary and reasonable for proper and efficient accomplishment of project or program objectives.

(4) Are allowable under the applicable cost principles.

(5) Are not paid by the Federal Government under another award, except where authorized by Federal statute to be used for cost sharing or matching.

(6) Are provided for in the approved budget when required by the Federal awarding agency.

(7) Conform to other provisions of this part, as applicable.

(b) Unrecovered indirect costs may be included as part of cost sharing or matching only with the prior approval of the Federal awarding agency.

(c) Values for recipient contributions of services and property shall be established in accordance with the applicable cost principles. If a Federal awarding agency authorizes recipients to donate buildings or land for construction/facilities acquisition projects or long-term use, the value of the donated property for cost sharing or matching shall be the lesser of (1) or (2).

(1) The certified value of the remaining life of the property recorded in the recipient's accounting records at the time of donation.

(2) The current fair market value. However, when there is sufficient justification, the Federal awarding agency may approve the use of the current fair market value of the donated property, even if it exceeds the certified value at the time of donation to the project.

(d) Volunteer services furnished by professional and technical personnel, consultants, and other skilled and unskilled labor may be counted as cost sharing or matching if the service is an integral and necessary part of an approved project or program. Rates for volunteer services shall be consistent with those paid for similar work in the recipient's organization. In those instances in which the required skills are not found in the recipient organization, rates shall be consistent with those paid for similar work in the labor market in which the recipient competes for the kind of services involved. In either case, paid fringe benefits that are reasonable, allowable, and allocable may be included in the valuation.

(e) When an employer other than the recipient furnishes the services of an employee, these services shall be valued at the employee's regular rate of pay (plus an amount of fringe benefits that are reasonable, allowable, and allocable, but exclusive of overhead costs), provided these services are in the same skill for which the employee is normally paid.

(f) Donated supplies may include such items as expendable equipment, office supplies, laboratory supplies or workshop and classroom supplies. Value assessed to donated supplies included in the cost sharing or matching share shall be reasonable and shall not exceed the fair market value of the property at the time of the donation.

(g) The method used for determining cost sharing or matching for donated equipment, buildings and land for which title passes to the recipient may differ according to the purpose of the award, if the conditions in paragraph (g)(1) or (2) of this section apply.

(1) If the purpose of the award is to assist the recipient in the acquisition of equipment, buildings or land, the total value of the donated property may be claimed as cost sharing or matching.

(2) If the purpose of the award is to support activities that require the use of equipment, buildings or land, normally only depreciation or use charges for equipment and buildings may be made. However, the full value of equipment or other capital assets and fair rental charges for land may be allowed, provided that the Federal awarding agency has approved the charges.

(h) The value of donated property shall be determined in accordance with the usual accounting policies of the

recipient, with the following qualifications.

(1) The value of donated land and buildings shall not exceed its fair market value at the time of donation to the recipient as established by an independent appraiser (e.g., certified real property appraiser or General Services Administration representative) and certified by a responsible official of the recipient.

(2) The value of donated equipment shall not exceed the fair market value of equipment of the same age and condition at the time of donation.

(3) The value of donated space shall not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in a privately-owned building in the same locality.

(4) The value of loaned equipment shall not exceed its fair rental value.

(5) The following requirements pertain to the recipient's supporting records for in-kind contributions from third parties.

(i) Volunteer services shall be documented and, to the extent feasible, supported by the same methods used by the recipient for its own employees.

(ii) The basis for determining the valuation for personal service, material, equipment, buildings and land shall be documented.

(iii) Section 18(e) of the Federal Transit Act, as amended, (49 U.S.C. app. 1614(e)) provides that the Federal share for operating assistance shall not exceed 50 percent of the net cost. At least 50 percent of the remainder (the local share) must be derived from sources other than Federal funds or revenues of the system; and up to half of the local share may be derived from other Federal funds. For purposes of determining local share for section 18 operating assistance, the term "Federal funds or revenues" does not include funds received pursuant to a service agreement with a State or local service agency or a private social service organization. Nonregulatory guidance is contained in FTA Circular 9040.1B, section 18 Program Guidance and Grant Application Instructions, Chapter III, section 7.

§ 19.24 Program income.

(a) Federal awarding agencies shall apply the standards set forth in this section in requiring recipient organizations to account for program income related to projects financed in whole or in part with Federal funds.

(b) Except as provided in paragraph (h) of this section, program income earned during the project period shall be retained by the recipient and, in accordance with Federal awarding agency regulations or the terms and conditions of the award, shall be used in one or more of the ways listed in the following.

(1) Added to funds committed to the project by the Federal awarding agency and recipient and used to further eligible project or program objectives.

(2) Used to finance the non-Federal share of the project or program.

(3) Deducted from the total project or program allowable cost in determining the net allowable costs on which the Federal share of costs is based.

(c) When an agency authorizes the disposition of program income as described in paragraph (b)(1) or (b)(2) of this section, program income in excess of any limits stipulated shall be used in accordance with paragraph (b)(3) of this section.

(d) In the event that the Federal awarding agency does not specify in its regulations or the terms and conditions of the award how program income is to be used, paragraph (b)(3) of this section shall apply automatically to all projects or programs except research. For awards that support research, paragraph (b)(1) of this section shall apply automatically unless the awarding agency indicates in the terms and conditions another alternative on the award or the recipient is subject to special award conditions, as indicated in § 19.14.

(e) Unless Federal awarding agency regulations or the terms and conditions of the award provide otherwise, recipients shall have no obligation to the Federal Government regarding program income earned after the end of the project period.

(f) If authorized by Federal awarding agency regulations or the terms and conditions of the award, costs incident to the generation of program income may be deducted from gross income to determine program income, provided these costs have not been charged to the award.

(g) Proceeds from the sale of property shall be handled in accordance with the requirements of the Property Standards (See §§ 19.30 through 19.37).

(h) Unless Federal awarding agency regulations or the terms and condition of the award provide otherwise, recipients shall have no obligation to the Federal Government with respect to program income earned from license fees and royalties for copyrighted material, patents, patent applications, trademarks, and inventions produced under an award. However, Patent and Trademark Amendments (35 U.S.C. 18) apply to inventions made under an experimental, developmental, or research award.

(i) Section 4(a) of the Federal Transit Act, as amended, (49 U.S.C. app. 1603(a)) allows FTA recipients to retain program income for allowable capital or operating expenses, but program income may not be used to refund or reduce the local share of a grant. The section 16 and 18 programs, however, operate differently. Under the special authority to set appropriate terms and conditions for the section 16(b)(2) program, program income in the form of contract service revenue may be used as local share without a proportionate reduction in the Federal share. Similarly, section 18 allows the use of program income in the form of contract service revenue as local share without requiring a proportionate reduction in the Federal share. Grantees must account for program income in their accounting systems, which are subject to audit. The accounting system must be capable of identifying program income and the purpose for which it was used. Nonregulatory guidance is contained in FTA notice N 5.5005.1, Guidance on Program Income and Sales Proceeds.

§ 19.25 Revision of budget and program plans.

(a) The budget plan is the financial expression of the project or program as approved during the award process. It may include either the Federal and non-Federal share, or only the Federal share, depending upon Federal awarding agency requirements. It shall be related to performance for program evaluation purposes whenever appropriate.

(b) Recipients are required to report deviations from budget and program plans, and request prior approvals for budget and program plan revisions, in accordance with this section.

(c) For nonconstruction awards, recipients shall request prior approvals from Federal awarding agencies for one or more of the following program or budget related reasons.

(1) Change in the scope or the objective of the project or program (even if there is no associated budget revision requiring prior written approval).

(2) Change in a key person specified in the application or award document.

(3) The absence for more than three months, or a 25 percent reduction in time devoted to the project, by the approved project director or principal investigator.

(4) The need for additional Federal funding.

(5) The transfer of amounts budgeted for indirect costs to absorb increases in direct costs, or vice versa, if approval is required by the Federal awarding agency.

(6) The inclusion, unless waived by the Federal awarding agency, of costs that require prior approval in accordance with OMB Circular A–21, "Cost Principles for Institutions of Higher Education," OMB Circular A–122, "Cost Principles for Non-Profit Organizations," or 45 CFR part 74 Appendix E, "Principles for Determining Costs Applicable to Research and Development under Grants and Contracts with Hospitals," or 48 CFR part 31, "Contract Cost Principles and Procedures," as applicable.

(7) The transfer of funds allotted for training allowances (direct payment to trainees) to other categories of expense.

(8) Unless described in the application and funded in the approved awards, the subaward, transfer or contracting out of any work under an award. This provision does not apply to the purchase of supplies, material, equipment or general support services.

(d) No other prior approval requirements for specific items may be imposed unless a deviation has been approved by OMB.

(e) Except for requirements listed in paragraphs (c)(1) and (c)(4) of this section, Federal awarding agencies are authorized, at their option, to waive cost-related and administrative prior written approvals required by this part and OMB Circulars A–21 and A–122. Such waivers may include authorizing recipients to do any one or more of the following:

(1) Incur pre-award costs 90 calendar days prior to award or more than 90 calendar days with the prior approval of the Federal awarding agency. All pre-award costs are incurred at the recipient's risk (i.e., the Federal awarding agency is under no obligation to reimburse such costs if for any reason the recipient does not receive an award or if the award is less than anticipated and inadequate to cover such costs).

(2) Initiate a one-time extension of the expiration date of the award of up to 12 months unless one or more of the following conditions apply. For one-time extensions, the recipient must notify the Federal awarding agency in writing with the supporting reasons and revised expiration date at least 10 days before the expiration date specified in the award. This one-time extension may not be exercised merely for the purpose of using unobligated balances.

(i) The terms and conditions of award prohibit the extension.

(ii) The extension requires additional Federal funds.

(iii) The extension involves any change in the approved objectives or scope of the project.

(3) Carry forward unobligated balances to subsequent funding periods.

(4) For awards that support research, unless the Federal awarding agency provides otherwise in the award or in the agency's regulations, the prior approval requirements described in paragraph (e) of this section are automatically waived (i.e., recipients need not obtain such prior approvals) unless one of the conditions included in paragraph (e)(2) of this section applies.

(f) The Federal awarding agency may, at its option, restrict the transfer of funds among direct cost categories or programs, functions and activities for awards in which the Federal share of the project exceeds $100,000 and the cumulative amount of such transfers exceeds or is expected to exceed 10 percent of the total budget as last approved by the Federal awarding agency. No Federal awarding agency shall permit a transfer that would cause any Federal appropriation or part thereof to be used for purposes other than those consistent with the original intent of the appropriation.

(g) All other changes to nonconstruction budgets, except for the changes described in paragraph (j) of this section, do not require prior approval.

(h) For construction awards, recipients shall request prior written approval promptly from Federal awarding agencies for budget revisions whenever the conditions in paragraphs (h) (1), (2) or (3) of this section apply.

(1) The revision results from changes in the scope or the objective of the project or program.

(2) The need arises for additional Federal funds to complete the project.

(3) A revision is desired which involves specific costs for which prior written approval requirements may be imposed consistent with applicable OMB cost principles listed in § 19.27.

(i) No other prior approval requirements for specific items may be imposed unless a deviation has been approved by OMB.

(j) When a Federal awarding agency makes an award that provides support for both construction and nonconstruction work, the Federal awarding agency may require the recipient to request prior approval from the Federal awarding agency before making any fund or budget transfers between the two types of work supported.

(k) For both construction and nonconstruction awards, Federal awarding agencies shall require recipients to notify the Federal awarding agency in writing promptly whenever the amount of Federal authorized funds is expected to exceed the needs of the recipient for the project period by more than $5,000 or five percent of the Federal award, whichever is greater. This notification shall not be required if an application for additional funding is submitted for a continuation award.

(l) When requesting approval for budget revisions, recipients shall use the budget forms that were used in the application unless the Federal awarding agency indicates a letter of request suffices.

(m) Within 30 calendar days from the date of receipt of the request for budget revisions, Federal awarding agencies shall review the request and notify the recipient whether the budget revisions have been approved. If the revision is still under consideration at the end of 30 calendar days, the Federal awarding agency shall inform the recipient in writing of the date when the recipient may expect the decision.

§ 19.26 Non-Federal audits.

(a) Recipients and subrecipients that are institutions of higher education or other non-profit organizations shall be subject to the audit requirements contained in OMB Circular A–133, "Audits of Institutions of Higher Education and Other Non-Profit Institutions."

(b) State and local governments shall be subject to the audit requirements contained in the Single Audit Act (31 U.S.C. 7501–7) and 49 CFR part 90, "Audits of State and Local Governments," which implements OMB Circular A–128, "Audits of State and Local Governments."

(c) Hospitals not covered by the audit provisions of OMB Circular A–133 shall be subject to the audit requirements of the Federal awarding agencies.

(d) Commercial organizations shall be subject to the audit requirements of the Federal awarding agency or the prime recipient as incorporated into the award document.

§ 19.27 Allowable costs.

For each kind of recipient, there is a set of Federal principles for determining allowable costs. Allowability of costs shall be determined in accordance with the cost principles applicable to the entity incurring the costs. Thus, allowability of costs incurred by State, local or federally-recognized Indian tribal governments is determined in accordance with the provisions of OMB Circular A–87, "Cost Principles for State and Local Governments." The allowability of costs incurred by non-profit organizations is determined in accordance with the provisions of OMB

Circular A–122, "Cost Principles for Non-Profit Organizations." The allowability of costs incurred by institutions of higher education is determined in accordance with the provisions of OMB Circular A–21, "Cost Principles for Educational Institutions." The allowability of costs incurred by hospitals is determined in accordance with the provisions of Appendix E of 45 CFR part 74, "Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts with Hospitals." The allowability of costs incurred by commercial organizations and those non-profit organizations listed in Attachment C to Circular A–122 is determined in accordance with the provisions of the Federal Acquisition Regulation (FAR) at 48 CFR part 31.

§ 19.28 Period of availability of funds.

Where a funding period is specified, a recipient may charge to the grant only allowable costs resulting from obligations incurred during the funding period and any pre-award costs authorized by the Federal awarding agency.

Property Standards

§ 19.30 Purpose of property standards.

(a) Sections 19.31 through 19.37 set forth uniform standards governing management and disposition of property furnished by the Federal Government whose cost was charged to a project supported by a Federal award. Federal awarding agencies shall require recipients to observe these standards under awards and shall not impose additional requirements, unless specifically required by Federal statute. The recipient may use its own property management standards and procedures provided it observes the provisions of §§ 19.31 through 19.37.

(b) Transfer of capital assets. Section 12(k) of the Federal Transit Act, as amended, (49 U.S.C. app. 1608(k)) allows the transfer without compensation of real property (including land) and equipment acquired under the Act for another public purpose under certain conditions. Procedures to allow these transfers have not been issued.

§ 19.31 Insurance coverage.

Recipients shall, at a minimum, provide the equivalent insurance coverage for real property and equipment acquired with Federal funds as provided to property owned by the recipient. Federally-owned property need not be insured unless required by the terms and conditions of the award.

§ 19.32 Real property.

Each Federal awarding agency shall prescribe requirements for recipients concerning the use and disposition of real property acquired in whole or in part under awards. Unless otherwise provided by statute, such requirements, at a minimum, shall contain the following.

(a) Title to real property shall vest in the recipient subject to the condition that the recipient shall use the real property for the authorized purpose of the project as long as it is needed and shall not encumber the property without approval of the Federal awarding agency.

(b) The recipient shall obtain written approval by the Federal awarding agency for the use of real property in other federally-sponsored projects when the recipient determines that the property is no longer needed for the purpose of the original project. Use in other projects shall be limited to those under federally-sponsored projects (i.e., awards) or programs that have purposes consistent with those authorized for support by the Department of Transportation.

(c) When the real property is no longer needed as provided in paragraphs (a) and (b) of this section, the recipient shall request disposition instructions from the Federal awarding agency or its successor Federal awarding agency. The Federal awarding agency shall observe one or more of the following disposition instructions.

(1) The recipient may be permitted to retain title without further obligation to the Federal Government after it compensates the Federal Government for that percentage of the current fair market value of the property attributable to the Federal participation in the project.

(2) The recipient may be directed to sell the property under guidelines provided by the Federal awarding agency and pay the Federal Government for that percentage of the current fair market value of the property attributable to the Federal participation in the project (after deducting actual and reasonable selling and fix-up expenses, if any, from the sales proceeds). When the recipient is authorized or required to sell the property, proper sales procedures shall be established that provide for competition to the extent practicable and result in the highest possible return.

(3) The recipient may be directed to transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the recipient shall be entitled to compensation for its attributable percentage of the current fair market value of the property.

§ 19.33 Federally-owned and exempt property.

(a) Federally-owned property.

(1) Title to federally-owned property remains vested in the Federal Government. Recipients shall submit annually an inventory listing of federally-owned property in their custody to the Federal awarding agency. Upon completion of the award or when the property is no longer needed, the recipient shall report the property to the Federal awarding agency for further Federal agency utilization.

(2) If the Federal awarding agency has no further need for the property, it shall be declared excess and reported to the General Services Administration, unless the Federal awarding agency has statutory authority to dispose of the property by alternative methods (e.g., the authority provided by the Federal Technology Transfer Act (15 U.S.C. 3710(I)) to donate research equipment to educational and non-profit organizations in accordance with E.O. 12821, "Improving Mathematics and Science Education in Support of the National Education Goals.") Appropriate instructions shall be issued to the recipient by the Federal awarding agency.

(b) Exempt property. When statutory authority exists, the Federal awarding agency has the option to vest title to property acquired with Federal funds in the recipient without further obligation to the Federal Government and under conditions the Federal awarding agency considers appropriate. Such property is "exempt property." Should a Federal awarding agency not establish conditions, title to exempt property upon acquisition shall vest in the recipient without further obligation to the Federal Government.

§ 19.34 Equipment.

(a) Title to equipment acquired by a recipient with Federal funds shall vest in the recipient, subject to conditions of this section.

(b) The recipient shall not use equipment acquired with Federal funds to provide services to non-Federal outside organizations for a fee that is less than private companies charge for equivalent services, unless specifically authorized by Federal statute, for as long as the Federal Government retains an interest in the equipment.

(c) The recipient shall use the equipment in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by

Federal funds and shall not encumber the property without approval of the Federal awarding agency. When no longer needed for the original project or program, the recipient shall use the equipment in connection with its other federally-sponsored activities, in the following order of priority:

(1) Activities sponsored by the Federal awarding agency which funded the original project, then

(2) Activities sponsored by other Federal awarding agencies.

(d) During the time that equipment is used on the project or program for which it was acquired, the recipient shall make it available for use on other projects or programs if such other use will not interfere with the work on the project or program for which the equipment was originally acquired. First preference for such other use shall be given to other projects or programs sponsored by the Federal awarding agency that financed the equipment; second preference shall be given to projects or programs sponsored by other Federal awarding agencies. If the equipment is owned by the Federal Government, use on other activities not sponsored by the Federal Government shall be permissible if authorized by the Federal awarding agency. User charges shall be treated as program income.

(e) When acquiring replacement equipment, the recipient may use the equipment to be replaced as trade-in or sell the equipment and use the proceeds to offset the costs of the replacement equipment subject to the approval of the Federal awarding agency.

(f) The recipient's property management standards for equipment acquired with Federal funds and federally-owned equipment shall include all of the following.

(1) Equipment records shall be maintained accurately and shall include the following information.

(i) A description of the equipment.

(ii) Manufacturer's serial number, model number, Federal stock number, national stock number, or other identification number.

(iii) Source of the equipment, including the award number.

(iv) Whether title vests in the recipient or the Federal Government.

(v) Acquisition date (or date received, if the equipment was furnished by the Federal Government) and cost.

(vi) Information from which one can calculate the percentage of Federal participation in the cost of the equipment (not applicable to equipment furnished by the Federal Government).

(vii) Location and condition of the equipment and the date the information was reported.

(viii) Unit acquisition cost.

(ix) Ultimate disposition data, including date of disposal and sales price or the method used to determine current fair market value where a recipient compensates the Federal awarding agency for its share.

(2) Equipment owned by the Federal Government shall be identified to indicate Federal ownership.

(3) A physical inventory of equipment shall be taken and the results reconciled with the equipment records at least once every two years. Any differences between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the causes of the difference. The recipient shall, in connection with the inventory, verify the existence, current utilization, and continued need for the equipment.

(4) A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft of the equipment. Any loss, damage, or theft of equipment shall be investigated and fully documented; if the equipment was owned by the Federal Government, the recipient shall promptly notify the Federal awarding agency.

(5) Adequate maintenance procedures shall be implemented to keep the equipment in good condition.

(6) Where the recipient is authorized or required to sell the equipment, proper sales procedures shall be established which provide for competition to the extent practicable and result in the highest possible return.

(g) When the recipient no longer needs the equipment, the equipment may be used for other activities in accordance with the following standards. For equipment with a current per unit fair market value of $5,000 or more, the recipient may retain the equipment for other uses provided that compensation is made to the original Federal awarding agency or its successor. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project or program to the current fair market value of the equipment. If the recipient has no need for the equipment, the recipient shall request disposition instructions from the Federal awarding agency. The Federal awarding agency shall determine whether the equipment can be used to meet the agency's requirements. If no requirement exists within that agency, the availability of the equipment shall be reported to the General Services Administration by the Federal awarding agency to determine whether a requirement for the equipment exists in other Federal agencies. The Federal awarding agency shall issue instructions to the recipient no later than 120 calendar days after the recipient's request and the following procedures shall govern.

(1) If so instructed or if disposition instructions are not issued within 120 calendar days after the recipient's request, the recipient shall sell the equipment and reimburse the Federal awarding agency an amount computed by applying to the sales proceeds the percentage of Federal participation in the cost of the original project or program. However, the recipient shall be permitted to deduct and retain from the Federal share $500 or ten percent of the proceeds, whichever is less, for the recipient's selling and handling expenses.

(2) If the recipient is instructed to ship the equipment elsewhere, the recipient shall be reimbursed by the Federal Government by an amount which is computed by applying the percentage of the recipient's participation in the cost of the original project or program to the current fair market value of the equipment, plus any reasonable shipping or interim storage costs incurred.

(3) If the recipient is instructed to otherwise dispose of the equipment, the recipient shall be reimbursed by the Federal awarding agency for such costs incurred in its disposition.

(4) The Federal awarding agency may reserve the right to transfer the title to the Federal Government or to a third party named by the Federal Government when such third party is otherwise eligible under existing statutes. Such transfer shall be subject to the following standards.

(i) The equipment shall be appropriately identified in the award or otherwise made known to the recipient in writing.

(ii) The Federal awarding agency shall issue disposition instructions within 120 calendar days after receipt of a final inventory. The final inventory shall list all equipment acquired with grant funds and federally-owned equipment. If the Federal awarding agency fails to issue disposition instructions within the 120 calendar day period, the recipient shall apply the standards of this section, as appropriate.

(iii) When the Federal awarding agency exercises its right to take title, the equipment shall be subject to the provisions for federally-owned equipment.

§ 19.35 Supplies and other expendable property.

(a) Title to supplies and other expendable property shall vest in the

recipient upon acquisition. If there is a residual inventory of unused supplies exceeding $5000 in total aggregate value upon termination or completion of the project or program and the supplies are not needed for any other federally-sponsored project or program, the recipient shall retain the supplies for use on non-Federal sponsored activities or sell them, but shall, in either case, compensate the Federal Government for its share. The amount of compensation shall be computed in the same manner as for equipment.

(b) The recipient shall not use supplies acquired with Federal funds to provide services to non-Federal outside organizations for a fee that is less than private companies charge for equivalent services, unless specifically authorized by Federal statute as long as the Federal Government retains an interest in the supplies.

§ 19.36 Intangible property.

(a) The recipient may copyright any work that is subject to copyright and was developed, or for which ownership was purchased, under an award. The Federal awarding agency(ies) reserve a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so.

(b) Recipients are subject to applicable regulations governing patents and inventions, including government-wide regulations issued by the Department of Commerce at 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements."

(c) Unless waived by the Federal awarding agency, the Federal Government has the right to the following:

(1) Obtain, reproduce, publish or otherwise use the data first produced under an award.

(2) Authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

(d) Title to intangible property and debt instruments acquired under an award or subaward vests upon acquisition in the recipient. The recipient shall use that property for the originally-authorized purpose, and the recipient shall not encumber the property without approval of the Federal awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property shall occur in accordance with the provisions of paragraph § 19.34(g).

§ 19.37 Property trust relationship.

Real property, equipment, intangible property and debt instruments that are acquired or improved with Federal funds shall be held in trust by the recipient as trustee for the beneficiaries of the project or program under which the property was acquired or improved. Agencies may require recipients to record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with Federal funds and that use and disposition conditions apply to the property.

Procurement Standards

§ 19.40 Purpose of procurement standards.

Sections 19.41 through 19.48 set forth standards for use by recipients in establishing procedures for the procurement of supplies and other expendable property, equipment, real property and other services with Federal funds. These standards are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal statutes and executive orders. No additional procurement standards or requirements shall be imposed by the Federal awarding agencies upon recipients, unless specifically required by Federal statute or executive order or approved by OMB.

§ 19.41 Recipient responsibilities.

The standards contained in this section do not relieve the recipient of the contractual responsibilities arising under its contract(s). The recipient is the responsible authority, without recourse to the Federal awarding agency, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in support of an award or other agreement. This includes disputes, claims, protests of award, source evaluation or other matters of a contractual nature. Matters concerning violation of statute are to be referred to such Federal, State or local authority as may have proper jurisdiction.

§ 19.42 Codes of conduct.

The recipient shall maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts. No employee, officer, or agent shall participate in the selection, award, or administration of a contract supported by Federal funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award. The officers, employees, and agents of the recipient shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, or parties to subagreements. However, recipients may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct shall provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the recipient.

§ 19.43 Competition.

All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. The recipient shall be alert to organizational conflicts of interest as well as noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, invitations for bids and/or requests for proposals shall be excluded from competing for such procurements. Awards shall be made to the bidder or offeror whose bid or offer is responsive to the solicitation and is most advantageous to the recipient, price, quality and other factors considered. Solicitations shall clearly set forth all requirements that the bidder or offeror shall fulfill in order for the bid or offer to be evaluated by the recipient. Any and all bids or offers may be rejected when it is in the recipient's interest to do so.

§ 19.44 Procurement procedures.

(a) All recipients shall establish written procurement procedures. These procedures shall provide for, at a minimum, that the conditions in paragraphs (a)(1), (2) and (3) of this section apply.

(1) Recipients avoid purchasing unnecessary items.

(2) Where appropriate, an analysis is made of lease and purchase alternatives to determine which would be the most economical and practical procurement for the Federal Government.

(3) Solicitations for goods and services provide for all of the following:

(i) A clear and accurate description of the technical requirements for the

material, product or service to be procured. In competitive procurements, such a description shall not contain features which unduly restrict competition.

(ii) Requirements which the bidder/offeror must fulfill and all other factors to be used in evaluating bids or proposals.

(iii) A description, whenever practicable, of technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards.

(iv) The specific features of "brand name or equal" descriptions that bidders are required to meet when such items are included in the solicitation.

(v) The acceptance, to the extent practicable and economically feasible, of products and services dimensioned in the metric system of measurement.

(vi) Preference, to the extent practicable and economically feasible, for products and services that conserve natural resources and protect the environment and are energy efficient.

(b) Positive efforts shall be made by recipients to utilize small businesses, minority-owned firms, and women's business enterprises, whenever possible. Recipients of Federal awards shall take all of the following steps to further this goal.

(1) Ensure that small businesses, minority-owned firms, and women's business enterprises are used to the fullest extent practicable.

(2) Make information on forthcoming opportunities available and arrange timeframes for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women's business enterprises.

(3) Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms, and women's business enterprises.

(4) Encourage contracting with consortiums of small businesses, minority-owned firms and women's business enterprises when a contract is too large for one of these firms to handle individually.

(5) Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Department of Commerce's Minority Business Development Agency in the solicitation and utilization of small businesses, minority-owned firms, and women's business enterprises.

(c) The type of procuring instruments used (e.g., fixed price contracts, cost reimbursable contracts, purchase orders, and incentive contracts) shall be determined by the recipient but shall be appropriate for the particular procurement and for promoting the best interest of the program or project involved. The "cost-plus-a-percentage-of-cost" or "percentage of construction cost" methods of contracting shall not be used.

(d) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources or accessibility to other necessary resources. In certain circumstances, contracts with certain parties are restricted by 49 CFR part 29, the implementation of E.O.'s 12549 and 12689, "Debarment and Suspension."

(e) Recipients shall, on request, make available for the Federal awarding agency, pre-award review and procurement documents, such as request for proposals or invitations for bids, independent cost estimates, etc., when any of the following conditions apply.

(1) A recipient's procurement procedures or operation fails to comply with the procurement standards in this part.

(2) The procurement is expected to exceed the small purchase threshold fixed at 41 U.S.C. 403 (11) (currently $25,000) and is to be awarded without competition or only one bid or offer is received in response to a solicitation.

(3) The procurement, which is expected to exceed the small purchase threshold, specifies a "brand name" product.

(4) The proposed award over the small purchase threshold is to be awarded to other than the apparent low bidder under a sealed bid procurement.

(5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the amount of the small purchase threshold.

(f) Additional procurement procedures.

(1) Section 165 of the STAA of 1982, as amended; section 337 of the Surface Transportation and Uniform Relocation Assistance Act (STURAA) of 1987, 49 U.S.C. 1601, section 1048 of the Intermodal Surface Transportation Efficiency Act of 1991, and section 9129 of the Aviation Safety and Capacity Expansion Act of 1990, 49 U.S.C. app. 2226, impose Buy America requirements on the procurement of foreign products and materials by all recipients of FHWA, FTA, and Federal Aviation Administration (FAA) funds. Procedures are contained in 49 CFR part 660, Buy America Requirements and part 661, Buy America Requirements—STAA of 1982. In addition, for FTA recipients, nonregulatory guidance is contained in FTA Circular 4220.1B, Third Party Contracting Guidelines, Chapter I, section 11. Non-regulatory guidance for FAA programs is contained in FAA Order 5100.38A and special conditions in grant awards.

(2) Section 511(a)(16) of the Airport and Airway Improvement Act of 1982, 49 U.S.C. app. 2210, requires FAA recipients and subrecipients to extend the use of qualifications-based (e.g., architectural and engineering services) contract selection procedures to certain other related areas and to award such contracts in the same manner as Federal contracts for architectural and engineering services are negotiated under Title IX of the 1949 Federal Property and Administrative Services Act, or equivalent airport sponsor qualifications based requirements. Non-regulatory guidance for FAA programs is contained in FAA Order 5100.38A and special conditions in grant awards.

(3) Section 3(a)(2)(C) of the Federal Transit Act, as amended, (49 U.S.C. app. 1602(a)(2)(C)) prohibits the use of grant or loan funds to support procurements utilizing exclusionary or discriminatory specifications. Nonregulatory guidance is contained in FTA Circular 4220.1B, Third Party Contracting Guidelines, Chapter I, section 15 and Attachment A.

(4) Section 1241(b)(1) of 46 U.S.C. and 46 CFR part 381, Cargo Preference—U.S. Flag Vessels impose cargo preference requirements on the shipment of foreign made goods for FTA recipients. Nonregulatory guidance is contained in FTA Circular 4220.1B, Third Party Contracting Guidelines, Chapter I, section 10.

§ 19.45 Cost and price analysis.

Some form of cost or price analysis shall be made and documented in the procurement files in connection with every procurement action. Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices and similar indicia, together with discounts. Cost analysis is the review and evaluation of each element of cost to determine reasonableness, allocability and allowability.

§ 19.46 Procurement records.

Procurement records and files for purchases in excess of the small purchase threshold shall include the following at a minimum:

(a) Basis for contractor selection,

(b) Justification for lack of competition when competitive bids or offers are not obtained, and

(c) Basis for award cost or price.

§ 19.47 Contract administration.

A system for contract administration shall be maintained to ensure contractor conformance with the terms, conditions and specifications of the contract and to ensure adequate and timely follow up of all purchases. Recipients shall evaluate contractor performance and document, as appropriate, whether contractors have met the terms, conditions, and specifications of the contract.

§ 19.48 Contract provisions.

The recipient shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts. The following provisions shall also be applied to subcontracts.

(a) Contracts in excess of the small purchase threshold shall contain contractual provisions or conditions that allow for administrative, contractual, or legal remedies in instances in which a contractor violates or breaches the contract terms, and provide for such remedial actions as may be appropriate.

(b) All contracts in excess of the small purchase threshold shall contain suitable provisions for termination by the recipient, including the manner by which termination shall be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(c) Except as otherwise required by statute, an award that requires the contracting (or subcontracting) for construction or facility improvements shall provide for the recipient to follow its own requirements relating to bid guarantees, performance bonds, and payment bonds unless the construction contract or subcontract exceeds $100,000. For those contracts or subcontracts exceeding $100,000, the Federal awarding agency may accept the bonding policy and requirements of the recipient, provided the Federal awarding agency has made a determination that the Federal Government's interest is adequately protected. If such a determination has not been made, the minimum requirements shall be as follows:

(1) A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder shall, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

(2) A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

(3) A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by statute of all persons supplying labor and material in the execution of the work provided for in the contract.

(4) Where bonds are required in the situations described herein, the bonds shall be obtained from companies holding certificates of authority as acceptable sureties pursuant to 31 CFR part 223, "Surety Companies Doing Business with the United States."

(d) All negotiated contracts (except those for less than the small purchase threshold) awarded by recipients shall include a provision to the effect that the recipient, the Federal awarding agency, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts and transcriptions.

(e) All contracts, including small purchases, awarded by recipients and their contractors shall contain the procurement provisions of Appendix A to this part, as applicable.

Reports and Record

§ 19.50 Purpose of reports and records.

Sections 19.51 through 19.53 set forth the procedures for monitoring and reporting on the recipient's financial and program performance and the necessary standard reporting forms. They also set forth record retention requirements.

§ 19.51 Monitoring and reporting program performance.

(a) Recipients are responsible for managing and monitoring each project, program, subaward, function or activity supported by the award. Recipients shall monitor subawards to ensure subrecipients have met the audit requirements as delineated in § 19.26.

(b) The Federal awarding agency shall prescribe the frequency with which the performance reports shall be submitted. Except as provided in § 19.51(f), performance reports shall not be required more frequently than quarterly or, less frequently than annually. Annual reports shall be due 90 calendar days after the grant year; quarterly or semi-annual reports shall be due 30 days after the reporting period. The Federal awarding agency may require annual reports before the anniversary dates of multiple year awards in lieu of these requirements. The final performance reports are due 90 calendar days after the expiration or termination of the award.

(c) If inappropriate, a final technical or performance report shall not be required after completion of the project.

(d) When required, performance reports shall generally contain, for each award, brief information on each of the following:

(1) A comparison of actual accomplishments with the goals and objectives established for the period, the findings of the investigator, or both. Whenever appropriate and the output of programs or projects can be readily quantified, such quantitative data should be related to cost data for computation of unit costs.

(2) Reasons why established goals were not met, if appropriate.

(3) Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

(e) Recipients shall not be required to submit more than the original and two copies of performance reports.

(f) Recipients shall immediately notify the Federal awarding agency of developments that have a significant impact on the award-supported activities. Also, notification shall be given in the case of problems, delays, or adverse conditions which materially impair the ability to meet the objectives of the award. This notification shall include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.

(g) Federal awarding agencies may make site visits, as needed.

(h) Federal awarding agencies shall comply with clearance requirements of 5 CFR part 1320 when requesting performance data from recipients.

§ 19.52 Financial reporting.

(a) The following forms or such other forms as may be approved by OMB are authorized for obtaining financial information from recipients.

(1) SF–269 or SF–269A, Financial Status Report.

(i) Each Federal awarding agency shall require recipients to use the SF–269 or SF–269A to report the status of

funds for all nonconstruction projects or programs. A Federal awarding agency may, however, have the option of not requiring the SF–269 or SF–269A when the SF–270, Request for Advance or Reimbursement, or SF–272, Report of Federal Cash Transactions, is determined to provide adequate information to meet its needs, except that a final SF–269 or SF–269A shall be required at the completion of the project when the SF–270 is used only for advances.

(ii) The Federal awarding agency shall prescribe whether the report shall be on a cash or accrual basis. If the Federal awarding agency requires accrual information and the recipient's accounting records are not normally kept on the accrual basis, the recipient shall not be required to convert its accounting system, but shall develop such accrual information through best estimates based on an analysis of the documentation on hand.

(iii) The Federal awarding agency shall determine the frequency of the Financial Status Report for each project or program, considering the size and complexity of the particular project or program. However, the report shall not be required more frequently than quarterly or less frequently than annually. A final report shall be required at the completion of the agreement.

(iv) The Federal awarding agency shall require recipients to submit the SF–269 or SF–269A (an original and no more than two copies) no later than 30 days after the end of each specified reporting period for quarterly and semi-annual reports, and 90 calendar days for annual and final reports. Extensions of reporting due dates may be approved by the Federal awarding agency upon request of the recipient.

(2) SF–272, Report of Federal Cash Transactions.

(i) When funds are advanced to recipients the Federal awarding agency shall require each recipient to submit the SF–272 and, when necessary, its continuation sheet, SF–272a. The Federal awarding agency shall use this report to monitor cash advanced to recipients and to obtain disbursement information for each agreement with the recipients.

(ii) Federal awarding agencies may require forecasts of Federal cash requirements in the "Remarks" section of the report.

(iii) When practical and deemed necessary, Federal awarding agencies may require recipients to report in the "Remarks" section the amount of cash advances received in excess of three days. Recipients shall provide short narrative explanations of actions taken to reduce the excess balances.

(iv) Recipients shall be required to submit not more than the original and two copies of the SF–272 15 calendar days following the end of each quarter. The Federal awarding agencies may require a monthly report from those recipients receiving advances totaling $1 million or more per year.

(v) Federal awarding agencies may waive the requirement for submission of the SF–272 for any one of the following reasons:

(A) When monthly advances do not exceed $25,000 per recipient, provided that such advances are monitored through other forms contained in this section;

(B) If, in the Federal awarding agency's opinion, the recipient's accounting controls are adequate to minimize excessive Federal advances; or,

(C) When the electronic payment mechanisms provide adequate data.

(b) When the Federal awarding agency needs additional information or more frequent reports, the following shall be observed.

(1) When additional information is needed to comply with legislative requirements, Federal awarding agencies shall issue instructions to require recipients to submit such information under the "Remarks" section of the reports.

(2) When a Federal awarding agency determines that a recipient's accounting system does not meet the standards in § 19.21, additional pertinent information to further monitor awards may be obtained upon written notice to the recipient until such time as the system is brought up to standard. The Federal awarding agency, in obtaining this information, shall comply with report clearance requirements of 5 CFR part 1320.

(3) Federal awarding agencies are encouraged to shade out any line item on any report if not necessary.

(4) Federal awarding agencies may accept the identical information from the recipients in machine readable format or computer printouts or electronic outputs in lieu of prescribed formats.

(5) Federal awarding agencies may provide computer or electronic outputs to recipients when such expedites or contributes to the accuracy of reporting.

§ 19.53 Retention and access requirements for records.

(a) This section sets forth requirements for record retention and access to records for awards to recipients. Federal awarding agencies shall not impose any other record retention or access requirements upon recipients.

(b) Financial records, supporting documents, statistical records, and all other records pertinent to an award shall be retained for a period of three years from the date of submission of the final expenditure report or, for awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, as authorized by the Federal awarding agency. The only exceptions are the following.

(1) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved and final action taken.

(2) Records for real property and equipment acquired with Federal funds shall be retained for 3 years after final disposition.

(3) When records are transferred to or maintained by the Federal awarding agency, the 3-year retention requirement is not applicable to the recipient.

(4) Indirect cost rate proposals, cost allocations plans, etc. as specified in paragraph § 19.53(g).

(c) Copies of original records may be substituted for the original records if authorized by the Federal awarding agency.

(d) The Federal awarding agency shall request transfer of certain records to its custody from recipients when it determines that the records possess long term retention value. However, in order to avoid duplicate recordkeeping, a Federal awarding agency may make arrangements for recipients to retain any records that are continuously needed for joint use.

(e) The Federal awarding agency, the Inspector General, Comptroller General of the United States, or any of their duly authorized representatives, have the right of timely and unrestricted access to any books, documents, papers, or other records of recipients that are pertinent to the awards, in order to make audits, examinations, excerpts, transcripts and copies of such documents. This right also includes timely and reasonable access to a recipient's personnel for the purpose of interview and discussion related to such documents. The rights of access in this paragraph are not limited to the required retention period, but shall last as long as records are retained.

(f) Unless required by statute, no Federal awarding agency shall place restrictions on recipients that limit public access to the records of recipients

that are pertinent to an award, except when the Federal awarding agency can demonstrate that such records shall be kept confidential and would have been exempted from disclosure pursuant to the Freedom of Information Act (5 U.S.C. 552) if the records had belonged to the Federal awarding agency.

(g) Indirect cost rate proposals, cost allocations plans, etc. Paragraphs (g)(1) and (g)(2) of this section apply to the following types of documents, and their supporting records: Indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).

(1) *If submitted for negotiation.* If the recipient submits to the Federal awarding agency or the subrecipient submits to the recipient the proposal, plan, or other computation to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts on the date of such submission.

(2) *If not submitted for negotiation.* If the recipient is not required to submit to the Federal awarding agency or the subrecipient is not required to submit to the recipient the proposal, plan, or other computation for negotiation purposes, then the 3-year retention period for the proposal, plan, or other computation and its supporting records starts at the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.

Termination and Enforcement

§ 19.60 Purpose of termination and enforcement.

Sections 19.61 and 19.62 set forth uniform suspension, termination and enforcement procedures.

§ 19.61 Termination.

(a) Awards may be terminated in whole or in part only if the conditions in paragraph (a) (1), (2) or (3) of this section apply.

(1) By the Federal awarding agency, if a recipient materially fails to comply with the terms and conditions of an award.

(2) By the Federal awarding agency with the consent of the recipient, in which case the two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated.

(3) By the recipient upon sending to the Federal awarding agency written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the Federal awarding agency determines in the case of partial termination that the reduced or modified portion of the grant will not accomplish the purposes for which the grant was made, it may terminate the grant in its entirety under either paragraph (a) (1) or (2) of this section.

(b) If costs are allowed under an award, the responsibilities of the recipient referred to in § 19.71(a), including those for property management as applicable, shall be considered in the termination of the award, and provision shall be made for continuing responsibilities of the recipient after termination, as appropriate.

§ 19.62 Enforcement.

(a) Remedies for noncompliance. If a recipient materially fails to comply with the terms and conditions of an award, whether stated in a Federal statute, regulation, assurance, application, or notice of award, the Federal awarding agency may, in addition to imposing any of the special conditions outlined in § 19.14, take one or more of the following actions, as appropriate in the circumstances.

(1) Temporarily withhold cash payments pending correction of the deficiency by the recipient or more severe enforcement action by the Federal awarding agency.

(2) Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.

(3) Wholly or partly suspend or terminate the current award.

(4) Withhold further awards for the project or program.

(5) Take other remedies that may be legally available.

(b) Hearings and appeals. In taking an enforcement action, the awarding agency shall provide the recipient an opportunity for hearing, appeal, or other administrative proceeding to which the recipient is entitled under any statute or regulation applicable to the action involved.

(c) Effects of suspension and termination. Costs of a recipient resulting from obligations incurred by the recipient during a suspension or after termination of an award are not allowable unless the awarding agency expressly authorizes them in the notice of suspension or termination or subsequently. Other recipient costs during suspension or after termination which are necessary and not reasonably avoidable are allowable if the conditions in paragraph (c) (1) or (2) of this section apply.

(1) The costs result from obligations which were properly incurred by the recipient before the effective date of suspension or termination, are not in anticipation of it, and in the case of a termination, are noncancellable.

(2) The costs would be allowable if the award were not suspended or expired normally at the end of the funding period in which the termination takes effect.

(d) Relationship to debarment and suspension. The enforcement remedies identified in this section, including suspension and termination, do not preclude a recipient from being subject to debarment and suspension under E.O.s 12549 and 12689 and 49 CFR part 29 (see § 19.13).

Subpart D—After-the-Award Requirements

§ 19.70 Purpose.

Sections 19.71 through 19.73 contain closeout procedures and other procedures for subsequent disallowances and adjustments.

§ 19.71 Closeout procedures.

(a) Recipients shall submit, within 90 calendar days after the date of completion of the award, all financial, performance, and other reports as required by the terms and conditions of the award. The Federal awarding agency may approve extensions when requested by the recipient.

(b) Unless the Federal awarding agency authorizes an extension, a recipient shall liquidate all obligations incurred under the award not later than 90 calendar days after the funding period or the date of completion as specified in the terms and conditions of the award or in agency implementing instructions.

(c) The Federal awarding agency shall make prompt payments to a recipient for allowable reimbursable costs under the award being closed out.

(d) The recipient shall promptly refund any balances of unobligated cash that the Federal awarding agency has advanced or paid and that is not authorized to be retained by the recipient for use in other projects. OMB Circular A–129 governs unreturned amounts that become delinquent debts.

(e) When authorized by the terms and conditions of the award, the Federal awarding agency shall make a settlement for any upward or downward adjustments to the Federal share of costs after closeout reports are received.

(f) The recipient shall account for any real and personal property acquired

with Federal funds or received from the Federal Government in accordance with §§ 19.31 through 19.37.

(g) In the event a final audit has not been performed prior to the closeout of an award, the Federal awarding agency shall retain the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

§ 19.72 Subsequent adjustments and continuing responsibilities.

(a) The closeout of an award does not affect any of the following.

(1) The right of the Federal awarding agency to disallow costs and recover funds on the basis of a later audit or other review.

(2) The obligation of the recipient to return any funds due as a result of later refunds, corrections, or other transactions.

(3) Audit requirements in § 19.26.

(4) Property management requirements in §§ 19.31 through 19.37.

(5) Records retention as required in § 19.53.

(b) After closeout of an award, a relationship created under an award may be modified or ended in whole or in part with the consent of the Federal awarding agency and the recipient, provided the responsibilities of the recipient referred to in § 19.73(a), including those for property management as applicable, are considered and provisions made for continuing responsibilities of the recipient, as appropriate.

§ 19.73 Collection of amounts due.

(a) Any funds paid to a recipient in excess of the amount to which the recipient is finally determined to be entitled under the terms and conditions of the award constitute a debt to the Federal Government. If not paid within a reasonable period after the demand for payment, the Federal awarding agency may reduce the debt by the provisions of paragraph (a) (1), (2) or (3) of this section.

(1) Making an administrative offset against other requests for reimbursements.

(2) Withholding advance payments otherwise due to the recipient.

(3) Taking other action permitted by statute.

(b) Except as otherwise provided by law, the Federal awarding agency shall charge interest on an overdue debt in accordance with 4 CFR chapter II, "Federal Claims Collection Standards."

Appendix A to Part 19—Contract Provisions

All contracts, awarded by a recipient including small purchases, shall contain the following provisions as applicable:

1. *Equal Employment Opportunity*—All contracts shall contain a provision requiring compliance with E.O. 11246, "Equal Employment Opportunity," as amended by E.O. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

2. *Copeland "Anti-Kickback" Act (18 U.S.C. 874 and 40 U.S.C. 276c)*—All contracts and subgrants in excess of $2,000 for construction or repair awarded by recipients and subrecipients shall include a provision for compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874), as supplemented by Department of Labor regulations (29 CFR part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to the Federal awarding agency.

3. *Davis-Bacon Act, as amended (40 U.S.C. 276a to a–7)*—When required by Federal program legislation, all construction contracts awarded by the recipients and subrecipients of more than $2000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a(7) and as supplemented by Department of Labor regulations (29 CFR part 5, "Labor Standards Provisions Applicable to Contracts Governing Federally Financed and Assisted Construction"). Under this Act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the Federal awarding agency.

4. *Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333)*—Where applicable, all contracts awarded by recipients in excess of $2,000 for construction contracts and in excess of $2,500 for other contracts that involve the employment of mechanics or laborers shall include a provision for compliance with sections 102 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333), as supplemented by Department of Labor regulations (29 CFR part 5). Under section 102 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than 1½ times the basic rate of pay for all hours worked in excess of 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

5. *Rights to Inventions Made Under a Contract or Agreement*—Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the recipient in any resulting invention in accordance with 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

6. *Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended*—Contracts and subgrants of amounts in excess of $100,000 shall contain a provision that requires the recipient to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.). Violations shall be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

7. *Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)*—Contractors who apply or bid for an award of $100,000 or more shall file the certification required by 49 CFR part 20, "New Restrictions on Lobbying." Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.

8. *Debarment and Suspension (E.O.s 12549 and 12689)*—No contract shall be made to parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension" and 49 CFR part 29. This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than E.O. 12549. Contractors with awards

that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principal employees.

[FR Doc. 94–7684 Filed 4–1–94; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 940260–4060; I.D. 021594G]

Taking and Importing of Marine Mammals

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

ACTION: Notice of affirmative findings and finding of conformance.

SUMMARY: The Assistant Administrator for Fisheries (AA), NMFS, announces that Ecuador, Spain and Vanuatu have submitted acceptable documentation to indicate that they continue to be in compliance with the yellowfin tuna importation regulations for nations that harvest yellowfin tuna in the eastern tropical Pacific Ocean (ETP). NMFS announces that it has made the affirmative findings and findings of conformance for these nations thus allowing the importation of yellowfin tuna and yellowfin tuna products from these nations to continue through December 31, 1994.

The AA also announces that Spain has submitted acceptable documentation that it has not imported, during the preceding 6 months, yellowfin tuna or yellowfin tuna products prohibited from direct export to the United States. NMFS announces that it has made such affirmative finding. This finding, in conjunction with renewal of the affirmative finding for Spain as a harvesting nation, allows the importation of yellowfin tuna and products derived from yellowfin tuna into the United States from Spain through December 31, 1994.

DATES: These findings remain in effect until December 31, 1994, unless revoked by the AA.

ADDRESSES: Questions regarding the primary and secondary embargoes should be directed to Ms. Anneka W. Bane, Acting Director, Southwest Region, NMFS, NOAA, 501 W. Ocean Blvd., suite 4200, Long Beach, CA 90802–4213. Telephone: 310–980–4000, Fax: 310 980–4018.

FOR FURTHER INFORMATION CONTACT: Ms. Anneka W. Bane, Acting Director, Southwest Region, NMFS, 310–980–4001.

SUPPLEMENTARY INFORMATION: On November 18, 1992, NMFS published a final rule (57 FR 54334) that established a provision for timely consideration and making of an affirmative finding under the yellowfin tuna import regulations for nations that prohibit their vessels from intentionally setting on marine mammals in the course of harvesting yellowfin tuna by purse seine in the ETP. With an affirmative finding, yellowfin tuna and yellowfin tuna products from a harvesting nation can be imported into the United States. The regulations, found at 50 CFR 216.24(e)(5) (viii) through (x), require that the AA announce and publish the finding in the **Federal Register**.

On December 16, 1993, the AA, after consultation with the Department of State, found that the Republic of Ecuador had provided documentary evidence establishing that its regulatory program continues to comply with the yellowfin tuna importation provisions of 50 CFR 216.24(e)(5) (viii) through (x). As a result of this affirmative finding, yellowfin tuna and products from yellowfin tuna harvested by Ecuadorian-flag purse seine vessels operating in the ETP, may be imported into the United States through December 31, 1994.

On December 23, 1993, the AA, after consultation with the Department of State, found that Spain had submitted documentary evidence establishing that its regulatory program continues to comply with the tuna importation provisions of 50 CFR 216.24(e)(5) (viii) through (x). However, a secondary embargo on yellowfin tuna from Spain as an intermediary nation had been in effect since January 31, 1991. Yellowfin tuna harvested by Spanish-flag purse seine vessels could not be imported into the United States until the secondary embargo on all yellowfin tuna from Spain as an intermediary nation had been lifted.

On December 3, 1993, the AA, after consultation with the Department of State, found that Spain had submitted acceptable documentary evidence that it had not imported in the preceding 6 months, yellowfin tuna or yellowfin tuna products prohibited from direct export to the United States. As a result of this finding, the secondary embargo on Spain as an intermediary nation was lifted, and yellowfin tuna and products derived from yellowfin tuna harvested in the ETP by Spanish-flag vessels can be imported into the United States through December 31, 1994.

The yellowfin tuna import regulations at 50 CFR 216.24.(e)(5) also establish provisions for timely consideration and making of an affirmative finding for nations whose vessels harvest yellowfin tuna in the ETP by intentionally setting on marine mammals. These regulations require that the government of the harvesting nation adopt a regulatory program governing the incidental taking of marine mammals in the course of such harvesting that is comparable to the regulatory program of the United States; and that the average rate of incidental mortality by vessels of the harvesting nation is comparable to the average rate of incidental mortality of marine mammals by U.S. vessels in the course of such harvesting. An affirmative finding under these regulations allows importation into the United States of yellowfin tuna and products derived from yellowfin tuna harvested in the ETP by purse seine vessels greater than 400 short tons carrying capacity through December 31, 1994.

The AA reviewed the annual report submitted by the Republic of Vanuatu as required by 50 CFR 216.24(e)(5)(iv), describing the activities of the Vanuatu-flag purse seine fleet during the 1993 fishing year (October 1, 1992, through September 30, 1993). The review resulted in a determination that the average rate of incidental taking by Vanuatu-flag vessels was 0.80 times that of the U.S. fleet during the same period (no more than 1.25 times that of U.S. vessels is permitted), and that the percentage of the total mortality for eastern spinner dolphin and coastal spotted dolphin is 6.50 and 6.15 percent, respectively. (Percentages of no greater than 15.0 and 2.0 percent of the total mortality are required.) Based on these data, a negative finding was indicated because the number of incidental coastal spotted dolphin mortalities exceeded 2.0 percent of the total mortality, and NMFS was prepared to make such a finding.

However, Vanuatu authorized the Inter-American Tropical Tuna Commission (IATTC) to provide observer data to NMFS for the 12-month period December 1, 1992, through November 30, 1993, for reconsideration by the AA. These data provided the information required by 50 CFR 216.24(e)(5)(vii). Submission of the most recent 12 months of data is described by § 216.24(e)(5)(vii)(A), for reconsideration of a negative finding if the species composition rate was not acceptable for the fishing year. The data provided for the December 1, 1992,

through November 30, 1993, period indicated that the mortality for eastern spinner and coastal spotted dolphin comprised 4.08 and 0.54 percent of the total mortality, respectively. An affirmative finding for Vanuatu was indicated based on these data.

The overall, rather than a weighted, incidental kill-per-set (kps) factor for Vanuatu was used to determine comparability for both periods because the U.S. fleet had fewer than five sets in Fishing Area 3 on common dolphins, an area and species grouping in which the Vanuatu fleet made sets (50 CFR 216.24(e)(5)(v)(F)). Observers assigned by the IATTC accompanied all fishing trips made by Vanuatu-flag purse seine vessels in the ETP during the 1993 fishing season and during the 12-month period submitted for reconsideration, as required by the Notice of Determination published in the **Federal Register** on January 8, 1992 (57 FR 668). A complete list of Vanuatu-flag tuna purse seine vessels over 400 short tons carrying capacity and their status during the two periods has been submitted, as required by § 216.24(e)(5)(ii)(B).

Therefore, based on the information described above, the AA, after consultation with the Department of State, found that the average rate of incidental taking of marine mammals by Vanuatu-flag vessels was comparable to that of U.S.-flag vessels, and Vanuatu's regulatory program governing the incidental taking of marine mammals in the course of harvesting yellowfin tuna by purse seine in the ETP was comparable to the regulatory program of the United States, as required by the tuna importation provisions of 50 CFR 216.24(e). As a result of this affirmative finding, yellowfin tuna and products derived from yellowfin tuna harvested by Vanuatu-flag purse seine vessels operating in the ETP may be imported into the United States through December 31, 1994.

At this time, primary embargoes banning the importation of yellowfin tuna and products derived from yellowfin tuna harvested in the ETP by purse seine vessels of Mexico, Colombia, Venezuela, and Panama remain in effect. In addition, intermediary nation embargoes banning the importation of all yellowfin tuna and yellowfin tuna products from Costa Rica, Italy, and Japan remain in effect. Questions regarding these primary and secondary embargoes should be directed to the Director, Southwest Region, NMFS (See **ADDRESSES**).

Dated: March 23, 1994.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 94–7996 Filed 4–1–94; 8:45 am]

BILLING CODE 3510–22–P

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50 CFR Part 651

[Docket No. 931243–3343; I.D. 032594B]

Northeast Multispecies Fishery

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

ACTION: Emergency interim rule, extension of effective dates.

SUMMARY: An emergency interim rule in effect through April 2, 1994, to protect overfished stocks of haddock is extended from April 3, 1994, through June 30, 1994, because conditions warranting the emergency still exist. The Secretary of Commerce (Secretary) extends the 500-lb (226.8-kg) possession limit of haddock for all vessels permitted under the regulations governing the Northeast Multispecies Fishery and for all vessels in possession of haddock from or in the exclusive economic zone (EEZ), except for scallop dredge vessels, which are prohibited from possessing or landing haddock; and the closure of the area known as Closed Area II. Extension of other measures contained in the emergency rule is not necessary, since these were permanently implemented on March 1, 1994, under Amendment 5 to the Northeast Multispecies Fishery Management Plan (FMP). The intended effect of this rule is to provide protection to depleted haddock and cod stocks.

EFFECTIVE DATE: Section 651.9 paragraphs (a) (11) and (12), (e) (33) and (34); and § 651.27(b), as published on March 1, 1994 (59 FR 9872), remain effective from April 3, 1994, through June 30, 1994. Section 651.21(b)(3)(i) is temporarily suspended and § 651.21(b)(6) is temporarily added effective April 3, 1994, through June 30, 1994.

ADDRESSES: Copies of the Environmental Assessment (EA) supporting this action may be obtained from Richard B. Roe, Regional Director, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: Susan A. Murphy, Fishery Policy Analyst, Northeast Region, NMFS, 508–281–9252.

SUPPLEMENTARY INFORMATION: Under section 305(c) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), the Secretary promulgated an emergency interim rule (59 FR 26, January 3, 1994) that implemented cod and haddock protective measures for the Northeast multispecies fishery for the period January 3, 1994, through April 2, 1994. The emergency interim rule implemented: (1) A 500-lb (226.8-kg) possession limit of haddock for all vessels permitted under 50 CFR 651.4 and for all vessels in possession of haddock from or in the EEZ, except scallop dredge vessels, which are prohibited from possessing or landing haddock; (2) an early closure of the area known as Closed Area II, except for lobster pot vessels and scallop dredge vessels; (3) an expansion of Closed Area II by 20 minutes longitude to the west and 15 minutes latitude to the south, along its existing western and southern boundaries, intersecting with the Regulated Mesh Boundary line; (4) a suspension of the closure of the area known as Closed Area I, except for vessels using sink gillnet gear; (5) a prohibition on transfer of fish at sea; and (6) a ban on pair trawling in the multispecies fishery. With the agreement of the New England Fishery Management Council, the Secretary extends the emergency interim rule under provisions of section 305(c)(3)(B) of the Magnuson Act because conditions warranting this emergency still exist. The 500-lb (226.8-kg) haddock possession limit, except for scallop dredge vessels, which are prohibited from possessing or landing haddock, and the closure of Closed Area II, are extended from April 3, 1994, through June 30, 1994.

With the implementation of Amendment 5 to the FMP on March 1, 1994 (59 FR 9872), five of the measures contained in the emergency interim rule published January 3, 1994 (59 FR 26), were permanently added to 50 CFR part 651, and are therefore not included in this extension. These measures are: (1) The expansion of Closed Area II; (2) the closure of Area II from February through May in 1994 and 1995, and from January through June in 1996 and after; (3) the suspension of the closure of the area known as Closed Area I, except for vessels using sink gillnet gear; (4) a prohibition on transfer of fish at sea; and (5) a ban on pair trawling in the multispecies fishery.

This action is not subject to review under E.O. 12866.

List of Subjects in 50 CFR Part 651

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 29, 1994.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 651 is amended as follows:

PART 651—NORTHEAST MULTISPECIES FISHERY

1. The authority citation for part 651 continues to read as follows:

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

2. In § 651.21, paragraph (b)(6) is temporarily added and paragraph (b)(3)(i) is temporarily suspended, effective April 3, 1994, through June 30, 1994, to read as follows:

§ 651.21 Closed areas.

* * * * *

(b) * * *

(6) *Duration.* No fishing vessel or person on a fishing vessel may fish or be in Closed Area II during the months of February through June.

* * * * *

[FR Doc. 94–7933 Filed 3–30–94; 11:53 am]

BILLING CODE 3510–22–P

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50 CFR Part 651

[Docket No. 931076–4094; I.D. 032894H]

Northeast Multispecies Fishery

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to delay for 30 days the effective date for implementation of the 6-inch (15.24-cm) minimum mesh size requirement for the Gulf of Maine/Georges Bank (GOM/GB) regulated mesh area and the Stellwagen Bank/Jeffreys Ledge (SB/JL) juvenile protection area as established under Amendment 5 to the Fishery Management Plan for the Northeast Multispecies Fishery (FMP) and its implementing regulations. Participants fishing in these areas in this fishery may continue to fish with 5½-inch (13.97-cm) mesh through April 30, 1994. The minimum mesh-size requirement for the GOM/GB and SB/JL areas will become 6 inches (15.24 cm) beginning May 1, 1994. The intent of this delay in effective date is to allow additional time for fishermen to obtain nets with the required mesh size which are presently in short supply in the fishery.

EFFECTIVE DATE: April 1, 1994.

FOR FURTHER INFORMATION CONTACT: Susan A. Murphy, Fishery Policy Analyst, NMFS, 508–281–9252.

SUPPLEMENTARY INFORMATION:

Background

Amendment 5 to the FMP was prepared by the New England Fishery Management Council (Council) under the authority of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (Magnuson Act) and approved by NMFS. Regulations implementing Amendment 5 were published March 1, 1994 (59 FR 9872), and corrected on March 7, 1994 (59 FR 10588). In addition to other management measures, the regulations implemented a 6-inch (15.24-cm) minimum mesh size requirement in the GOM/GB regulated mesh area and the SB/JL juvenile protection area effective April 1, 1994.

The fishing industry has reported that local New England mesh suppliers do not have adequate supplies of 6-inch (15.24-cm) mesh available. In order to allow time for adequate supply quantities to become available and for all in the fishery to procure conforming nets, this rule delays the effective date of the 6-inch (15.24-cm) mesh requirement for 30 days. Beginning May 1, 1994, all multispecies permit holders must comply with the 6-inch (15.24-cm) minimum mesh-size requirement in the GOM/GB and SB/JL areas.

The Assistant Administrator for Fisheries, NOAA (AA) has determined that this delay in effective date is necessary to respond to an emergency situation and is consistent with the Magnuson Act and other applicable law.

This rule makes a permanent change in the regulations at § 651.20(a)(2) and (a)(5) to incorporate language specifying that the 6-inch (15.24-cm) minimum mesh-size requirement is not effective until May 1, 1994, under the emergency authority of section 305(c)(3)(B) of the Magnuson Act. Although section 305(c)(3)(B) stipulates that emergency regulations may not remain in effect for more than two 90-day periods after publication in the **Federal Register**, the permanent change in the regulatory language which is needed for clarity and for the convenience of the public, will have regulatory effect on the public only from April 1 through April 30, 1994, which is well within the limitation on emergency rule effectiveness of the Magnuson Act.

List of Subjects in 50 CFR Part 651

Fisheries and Fishing.

Dated: March 29, 1994.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 651 is amended as follows:

PART 651—NORTHEAST MULTISPECIES FISHERY

1. The authority citation for part 651 continues to read as follows:

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

2. In § 651.20, paragraphs (a)(2) and (a)(5) are revised to read as follows:

§ 651.20 Regulated mesh areas and restrictions on gear and methods of fishing.

* * * * *

(a) * * *

(2) *Mesh-size restrictions.* Except as provided in paragraphs (a)(3) through (5), (e), and (f) of this section, the minimum mesh size for any trawl net, sink gillnet, Scottish seine, or midwater trawl, on a vessel, or used by a vessel fishing in the GOM/GB regulated mesh area, shall be 5½ inches (13.97 cm) from March 1 through April 30, 1994, and beginning May 1, 1994, 6 inches (15.24 cm) diamond or square mesh throughout the entire net. This restriction does not apply to nets or pieces of nets smaller than 3 ft (0.9 m) × 3 ft (0.9 m), (9 sq. ft (0.81 m^2)), or to vessels not holding a Federal multispecies permit under this part and that are fishing exclusively in state waters.

* * * * *

(5) *Stellwagen Bank/Jeffreys Ledge (SB/JL) juvenile protection area.* During the period March 1, through April 30, 1994, the minimum mesh size for nets in the following area shall be 5 and ½ inches (13.97 cm) in all sink gillnets and 5 and ½ inches (15.24 cm) square mesh in the last 140 bars of the codend and extension piece of all mobile net gear. During the period May 1, through July 31, 1994, and March 1 through July 31 for each subsequent year, the minimum mesh size for nets in the following area shall be 6 inches (15.24 cm) in all sink gillnets and 6 inches (15.24 cm) square mesh in the last 140 bars of the codend and extension piece of all mobile net gear.

* * * * *

[FR Doc. 94–7956 Filed 3–30–94; 11:53 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 59, No. 64
Monday, April 4, 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

Agricultural Marketing Service

7 CFR Part 915

[Docket No. FV93–915–2PR]

Avocados Grown in South Florida; Revision in Maturity and Reporting Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise maturity requirements in effect on a continuous basis for avocados grown in Florida by revising the calendar dates in the various shipping schedules for some 60 avocado varieties to be applicable to any calendar year. This would ensure that only mature fruit is shipped to the fresh market, thereby improving grower returns and promoting orderly marketing conditions. This proposed rule would also suspend for the next two seasons, pack-out reports for avocado shipments sold or delivered in Florida by handlers within the regulated area. This proposed rule would reduce the burden of information collection requirements currently provided for under the marketing order.

DATES: Comments must be received by May 4, 1994.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456; or by facsimile at 202–720–5698. Three copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours. The written comments should reference the docket number, date, and page number of this issue of the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Caroline C. Thorpe, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456; telephone: 202–720–5127; or William Pimental, Southeast Marketing Field Office, USDA/AMS, P.O. Box 2276, Winter Haven, Florida 33883; telephone: 813–299–4770.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing Agreement and Marketing Order No. 915 (7 CFR part 915), as amended, regulating the handling of avocados grown in South Florida, hereinafter referred to as the order. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This proposed rule is not intended to have retroactive effect. This proposed rule would 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 the 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 the date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action 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 about 65 avocado handlers subject to regulation under the marketing order covering avocados grown in Florida, and about 95 avocado producers in South Florida. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of the Florida avocado handlers and producers may be classified as small entities.

The Avocado Administrative Committee (committee) works with the Department in administering the order, and it meets prior to and during each season to consider recommendations for modification, suspension, or termination of the regulatory requirements for Florida avocados.

The committee met December 8, 1993, and unanimously recommended that the shipping schedules for avocados be revised and that certain reporting requirements be temporarily suspended. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department reviews committee recommendations, information submitted by the committee and other information, and determines whether modification, suspension, or termination of the regulatory requirements would tend to effectuate the declared policy of the Act.

Maturity requirements for avocados grown in Florida, based on minimum weights, diameters, and skin color, are specified in § 915.322 (7 CFR 915.322), and are in effect on a continuous basis. These maturity requirements specify minimum weights and diameters for specific shipping periods for some 60 varieties of avocados, and color

specifications for those varieties which turn red or purple when mature. The maturity requirements for the various varieties of avocados are different, because each variety has different characteristics. The maturity requirements for each avocado variety are based on maturity test results.

These maturity requirements are designed to prevent shipments of immature avocados to the fresh market, especially during the early part of the harvest season for each variety. Providing fresh markets with mature fruit is an important aspect of creating consumer satisfaction and is in the interest of both producers and consumers. Fresh shipments of Florida avocados usually begin with light shipments of early varieties in May, and they continue until the following March or April, with heaviest shipments occurring from July through December.

This proposed rule would revise the shipping schedules for the avocado varieties specified in Table I of paragraph (a)(2) of § 915.322 (7 CFR 915.322) to synchronize those schedules with any calendar year. The previous schedules needed to be adjusted to each new year to ensure that dates and weekdays conformed to each new year. The schedules in Table I are similar to previous calendars, except that the maturity schedules have fixed dates, which become effective on the Monday nearest the date specified in Table I. The new schedules are expected to conform more closely to the needs of the industry. This proposed rule also would exempt from maturity requirements, the Hass, Fuerte, Zutano, and Edranol varieties of avocados, since these varieties of avocados are not commercially grown in the production area in Florida.

The maturity requirements, based on minimum weights, diameters, and skin color, specified in § 944.31 (7 CFR 944.31) for imported avocados were indefinitely suspended by a final rule issued May 15, 1991 (56 FR 23009, May 20, 1991). Therefore, this action will not impact imported avocados until the suspension is lifted. However a proposed rule will be published separately to reinstate the temporarily suspended maturity requirements for avocados imported into the United States.

A minimum grade requirement of U.S. No. 2 currently in effect on a continuous basis for avocados grown in Florida under § 915.306 (7 CFR 915.306), and for avocados imported into the United States under § 944.28 (7 CFR 944.28) remains in effect unchanged by this action.

Florida avocado handlers may ship, exempt from the minimum grade, size, and maturity requirements effective under the order, up to 55 pounds of avocados during any one day under a minimum quantity provision, and up to 20 pounds of avocados as gift packs in individually addressed containers. Also, avocados grown in Florida utilized for commercial processing are not subject to the grade, size, and maturity requirements under the order.

This proposed rule reflects the committee's and the Department's appraisal of the need to make the specified changes. The Department's view is that this action will have a beneficial impact on producers and handlers since it will help ensure that only mature avocados are shipped to fresh markets. The committee considers that maturity requirements for Florida grown avocados are necessary to improve grower returns and promote orderly marketing conditions. Although compliance with these maturity requirements will affect costs to handlers, these costs will be offset by the benefits of providing the industry and consumers with mature avocados.

Paragraph (d) of § 915.150 (7 CFR 915.150), currently requires that each handler, at the end of the day's operation, report to the committee the number of containers (¼ Bushel, ½ Bushel, and ⅘ Bushel) of avocados sold and delivered within the State of Florida. This proposed action would suspend paragraph (d) of § 915.150 for the next two seasons, through March 31, 1996. This would temporarily suspend the requirement that handlers file the "Avocado Handler Daily Size Report Form." The committee has determined that information needed for operations, marketing policies, and compliance, could sufficiently be obtained from inspection certificates collected on a daily basis by program staff, and that information collected on the "Avocado Handler Daily Size Report Form" will not be needed for the next two seasons. Further, Hurricane Andrew reduced avocado production by almost half, and this has reduced assessment collections, resulting in a need to reduce staff and administration costs.

The information collection requirements have been previously approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. chapter 35 and have been assigned OMB Number 0581–0078.

This rule would reduce the reporting burden on approximately 65 handlers of avocados who complete the form "Avocado Handler Daily Size Report Form," taking about 0.083 hour to complete each report.

Based on available information, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 7 CFR Part 915

Avocados, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 915 is proposed to be amended as follows:

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

1. The authority citation for 7 CFR Part 915 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 915.150 [Amended]

2. Section 915.150, paragraph (d) is suspended in its entirety through March 31, 1996.

3. Section 915.332 is revised to read as follows:

§ 915.332 Florida avocado maturity regulation.

(a) No handler shall handle any variety of avocados, except Hass, Fuerte, Zutano, and Edranol, grown in the production area unless: (1) Any portion of the skin of the individual avocados has changed to the color normal for that fruit when mature for those varieties which normally change color to any shade of red or purple when mature, except for the Linda variety; or

(2) Such avocados meet the minimum weight or diameter requirements for the Monday nearest each date specified, through the Sunday immediately prior to the nearest Monday of the specified date in the next column, for each variety listed in the following Table I: *Provided*, that avocados may not be handled prior to the earliest date specified in column A of such table for the respective variety; *Provided further*, There are no restrictions on size or weight on or after the date specified in column D; *Provided further*, That up to a total of 10 percent, by count to the individual fruit in each lot may weigh less than the minimum specified or be less than the specified diameter, except that no such avocados shall be over 2 ounces lighter than the minimum weight specified for the variety: *Provided further*, That up to double such tolerance shall be permitted for fruit in an individual container in a lot.

TABLE I

Variety	A Date	Min. wt.	Min. diam.	B Date	Min. wt.	Min. diam.	C Date	Min. wt.	Min. diam.	D Date
Dr. Dupuis #2	5–30	16	3 7/16	6–13	14	3 5/16	7–04	12	3 2/16	7–18
Simmons	6–20	16	3 9/16	7–04	14	3 7/16	7–18	12	3 1/16	8–01
Pollock	6–20	18	3 11/16	7–04	16	3 7/16	7–18	14	3 4/16	8–01
Hardee	6–27	16	3 2/16	7–04	14	2 14/16	7–11	12	.....	7–25
Nadir	6–27	14	3 3/16	7–04	12	3 1/16	7–11	10	2 14/16	7–18
Ruehle	7–04	18	3 11/16	7–11	16	3 9/16	8–01	12	3 5/16	8–15
				7–18	14	3 7/16	8–08	10	3 3/16	
Bernecker	7–18	18	3 6/16	8–01	16	3 5/16	8–15	14	3 4/16	8–29
Miguel (P)	7–18	22	3 13/16	8–01	20	3 12/16	8–15	18	3 10/16	8–29
Nesbitt	7–18	22	3 12/16	8–01	16	3 5/16	8–08	14	3 3/16	8–22
Tonnage	8–01	16	3 6/16	8–15	14	3 4/16	8–22	12	3 9/16	8–29
Waldin	8–01	16	3 9/16	8–15	14	3 7/16	8–29	12	3 4/16	9–12
Tower	8–01	14	3 6/16	8–15	12	3 4/16	.....	.....	.....	9–05
Beta	8–08	18	3 9/16	8–15	16	3 5/16	.....	.....	.....	9–05
Lisa (P)	8–08	12	3 2/16	8–15	11	3	.....	.....	.....	8–22
Black Prince	8–15	28	4 1/16	8–29	23	3 14/16	9–12	16	3 9/16	10–03
Loretta	8–22	30	4 3/16	9–05	26	3 15/16	.....	.....	.....	9–26
Booth 8	8–29	16	3 9/16	9–12	14	3 6/16	9–26	12	3 3/16	10–24
							10–10	10	3 3/16	
Booth 7	8–29	18	3 13/16	9–12	16	3 10/16	9–26	14	3 6/16	10–10
Booth 5	9–05	14	3 9/16	9–19	12	3 6/16	.....	.....	.....	10–03
Choquette	9–26	28	4 4/16	10–17	24	4 1/16	10–31	20	3 14/16	11–14
Hall	9–26	26	3 14/16	10–10	20	3 9/16	10–24	18	3 8/16	11–07
Lula	10–03	18	3 11/16	10–10	14	3 6/16	10–31	12	3 3/16	11–14
Monroe	11–07	26	4 3/16	11–21	24	4 1/16	12–05	20	3 14/16	1–02
							12–19	16	3 9/16	
Arue	5–16	16	.....	5–30	14	3 3/16	.....	.....	.....	7–04
Donnie	5–23	16	3 5/16	6–06	14	3 4/16	.....	.....	.....	7–04
Fuchs	6–06	14	3 3/16	6–20	12	3 0/16	.....	.....	.....	7–04
K–5	6–13	18	3 5/16	6–27	14	3 3/16	.....	.....	.....	7–11
West Indian Seedling [1]	6–20	18	.....	7–18	16	.....	8–22	14	.....	9–19
Gorham	7–04	29	4 5/16	7–18	27	4 3/16	.....	.....	.....	8–15
Biondo	7–11	13	.....	.....	.....	.....	.....	.....	.....	8–15
Petersen	7–11	14	3 8/16	7–18	12	3 5/16	7–25	10	3 2/16	8–08
232	7–18	14	.....	8–01	12	.....	.....	.....	.....	8–15
Pinelli	7–18	18	3 12/16	8–01	16	3 10/16	.....	.....	.....	8–15
Trapp	7–18	14	3 10/16	8–01	12	3 7/16	.....	.....	.....	8–15
K–9	8–01	16	.....	.....	.....	.....	.....	.....	.....	8–22
Christina	8–01	11	2 14/16	.....	.....	.....	.....	.....	.....	8–22
Catalina	8–15	24	.....	8–29	22	.....	.....	.....	.....	9–19
Blair	8–29	16	3 8/16	9–12	14	3 5/16	.....	.....	.....	10–03
Guatemalan Seedling [2]	9–05	15	.....	10–03	13	.....	.....	.....	.....	12–05
Marcus	9–05	32	4 12/16	9/19	24	4 5/16	.....	.....	.....	10–31
Brooks 1978	9–05	12	3 4/16	9–12	10	3 1/16	9–19	8	2 14/16	10–10
Rue	9–12	30	4 3/16	9–19	24	3 15/16	10–03	18	3 9/16	10–17
Collinson	9–12	16	3 10/16	.....	.....	.....	.....	.....	.....	10–10
Hickson	9–12	12	3 1/16	9–26	10	3 0/16	.....	.....	.....	10–10
Simpson	9–19	16	3 9/16	.....	.....	.....	.....	.....	.....	10–10
Chica	9–19	12	3 7/16	10–03	10	3 1/16	.....	.....	.....	10–17
Leona	9–26	18	3 10/16	.....	.....	.....	.....	.....	.....	10–10
Herman	10–03	16	3 9/16	10–17	14	3 6/16	.....	.....	.....	10–31
Pinkerton (CP)	10–03	13	3 3/16	10–17	11	3 0/16	10–31	9	.....	11–14
Taylor	10–10	14	3 5/16	10–24	12	3 2/16	.....	.....	.....	11–07
Ajax (B–7)	10–10	18	3 14/16	.....	.....	.....	.....	.....	.....	10–31
Booth 3	10–10	16	3 6/16	10–17	14	3 6/16	.....	.....	.....	10–31
Booth 1	11–14	16	3 12/16	11–28	12	3 6/16	.....	.....	.....	12–12
Zio (P)	11–14	12	3 1/16	11–28	10	2 14/16	.....	.....	.....	12–12
Gossman	11–28	11	3 1/16	.....	.....	.....	.....	.....	.....	12–26
Brookslate	12–05	18	3 13/16	12–12	16	3 10/16	1–02	12	3 5/16	1–30
				12–19	14	3 8/16	1–16	10		
Meya (P)	12–12	13	3 2/16	12–26	11	3 0/16	.....	.....	.....	1–09
Reed (CP)	12–12	12	3 4/16	12–26	10	3 3/16	1–09	9	3 0/16	1–23

[1] Avocados of the West Indian type varieties and seedlings not listed elsewhere in Table I.
[2] Avocados of the Guatemalan type varieties and seedlings, hybrid varieties and seedlings, and unidentified seedlings not listed elsewhere in Table I.

(b) The term *diameter* means the greatest dimension measured at a right angle to a straight line from the stem to the blossom end of the fruit.

Dated: March 29, 1994.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94–7889 Filed 4–1–94; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 944

[Docket No. FV–91–288–PR]

Fruits; Imported (Avocados); Reinstatement and Revision of Avocado Import Maturity Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would reinstate, with revision, temporarily suspended maturity requirements based on minimum sizes (diameters and weights) and skin color for avocados imported into the United States. These maturity requirements were temporarily suspended to provide the United States Trade Representative (USTR) adequate time to review contemplated changes in the import requirements. This proposed rule would also add an exemption for certain varieties of avocados, and remove the exemption for avocados grown in the southern hemisphere. This proposed rule would also add exemptions from maturity requirements for avocados imported for certain uses. This proposed rule is needed so that imported avocados meet the same minimum size and color maturity requirements as those established for avocados under the Federal marketing order covering Florida avocados, consistent with section 8e of the Agricultural Marketing Agreement Act of 1937.

DATES: Comments must be received by May 4, 1994.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, D.C. 20090–6456, or by facsimile at 202–720–5698. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Caroline C. Thorpe, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456; telephone: 202–720–5331; or Aleck J. Jonas, Southeast Marketing Field Office, USDA/AMS, P.O. Box 2276, Winter Haven, Florida 33883; telephone: 813–299–4770.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under section 8e (7 U.S.C. section 608e–1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act. Section 8e of the Act provides that whenever specified commodities, including avocados, are regulated under a Federal marketing order, imports of these commodities into the United States are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for domestically produced commodities. The Secretary has determined that minimum weight and diameter maturity import requirements for avocados imported into the United States should be the same as such requirements applied to avocados grown in Florida under Marketing Order No. 915 (7 CFR part 915), hereinafter referred to as the order.

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

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This proposed 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.

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 action 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. Import regulations issued under the Act are based on those established under Federal marketing orders.

There are about 20 avocado importers who would be subject to the proposed avocado import maturity requirements. Small agricultural service firms, which include importers, have been defined by the Small Business Administration (13 CFR 121.601) as those whose annual receipts are less than $3,500,000. A majority of these importers may be classified as small entities.

Minimum size (weight and diameter) and skin color maturity requirements for imported avocados in § 944.31 (7 CFR 944.31) were continuously in effect for several years prior to their suspension by a final rule issued May 15, 1991 (56 FR 23009, May 20, 1991). The avocado import maturity requirements were temporarily suspended to provide the USTR adequate time to review contemplated changes in those requirements, as required by section 8e of the Act. Suspension of the avocado import maturity requirements became necessary when the Florida avocado maturity requirements in § 915.332 (7 CFR 915.332), upon which the avocado import maturity requirements were based, were revised on May 15, 1991 (56 FR 23005, May 20, 1991). This revision was finalized on September 4, 1991 (56 FR 46224, September 11, 1991). Section 915.332 was most recently amended to make calendar date adjustments in the shipping schedule for several varieties of Florida avocados on June 29, 1993 (58 FR 34684, June 29, 1993), and that rule was finalized on October 4, 1993 (58 FR 46759, September 3, 1993).

Prior to suspension, the avocado import maturity requirements were based on minimum weights and diameters applied to avocados grown in all foreign countries, except for those grown in southern hemisphere countries. Such requirements were applied to each variety for a specific time period during the first part of the shipping period. The minimum weights or diameters were not applied to avocados grown in southern hemisphere countries, such as Chile, where practically all imported southern hemisphere avocados have originated in recent years, because the southern hemisphere's avocado growing season and various shipping periods differed from those in Florida. The import maturity requirements based on minimum weights or diameters were applied to avocados grown in northern hemisphere countries, such as those in the Bahamas and the Dominican Republic, where practically all northern hemisphere imported avocados have originated in recent years, because their growing season and various shipping periods are similar to those in Florida.

The avocado import maturity requirements based on skin color for certain varieties of avocados which turn red or purple when mature were applied to avocados imported from all foreign countries in both the southern and northern hemispheres. Such requirements applied to all avocados grown in both hemispheres, because all such avocados turn color when mature regardless of where they were grown.

This proposed rule would also reinstate the minimum size (weight and diameter) requirements for avocados and the skin color maturity requirements for avocados imported from all foreign countries by lifting the suspended provisions of § 944.31. However, this proposed rule would exempt the Hass, Fuerte, Zutano, and Edranol varieties of avocados from such import maturity requirements, because such varieties are not grown in commercial quantities in Florida and regulated under the Florida avocado maturity requirements in § 915.332.

This proposed rule would obviate the need for exempting avocados imported from the southern hemisphere, since the major varieties imported from the southern hemisphere are the Hass, Fuerte, Zutano, and Edranol varieties.

This proposed rule would also add language to § 944.31 to cite the minimum size (weight and diameter) and skin color maturity requirements, and define the term "diameter".

This proposed rule also would exempt imported avocados under § 944.31, from minimum weight, diameter, and color maturity requirements if they are to be used in certain specified outlets. Similar exemptions from grade requirements established for imported avocados under § 944.28 were implemented by an interim final rule published in the **Federal Register** (58 FR 69182, December 30, 1993), with an effective date of January 1, 1994.

The avocado import maturity regulation (7 CFR 944.31) is based on the maturity requirements in effect for avocados grown in Florida under the order throughout the year. Under the order, any person may handle avocados without regard to established grade, size, quality, or maturity requirements provided that such avocados are handled for: (1) Consumption by charitable institutions; (2) distribution by relief agencies; (3) commercial processing into products; (4) seed; or (5) individual shipments of up to 55 pounds. Prior to issuance of this rule, the only exemption allowed under the avocado import regulation was that for individual shipments of up to 55 pounds. Thus, this proposed rule would add consumption by charitable institutions, distribution by relief agencies, seed, and commercial processing into products to the list of exemptions allowed under the avocado import regulation.

To ensure that imported avocados exempt from the maturity requirements are utilized in exempt outlets, this rule proposes that such avocados be subject to the safeguard procedures for imported fruit established in § 944.350 (58 FR 69182, December 30, 1993).

Under these procedures, an importer wishing to import avocados covered herein for uses in other than regulated commercial channels, would complete in triplicate, prior to importation, an "Importer's Exempt Commodity Form." One copy would notify the Marketing Order Administration Branch (MOAB) of the Fruit and Vegetable Division, AMS, and the second copy would notify the U.S. Customs Service of the importer's intent to import a commodity under an exemption. The third copy would accompany the exempt lot to the receiver.

The form could be obtained from either the inspection or customs offices serving the port of entry. The form could also be obtained from the MOAB in Washington, DC or from its Marketing Field Offices in Fresno, California; Portland, Oregon; McAllen, Texas; or Winter Haven, Florida.

At the time the commodity enters the United States the importer would complete the form; surrender a copy of the completed form to the U.S. Customs at the time the commodity is offered for importation; and would forward a copy of the completed form to MOAB within 15 days after completeion of the form. Information called for on the "Importer's Exempt Commodity Form" would include:

(1) The commodity and the variety (if known) being imported,

(2) The date and place of inspection, if applicable,

(3) Identifying marks or numbers on the containers,

(4) Identifying numbers on the railroad car, truck or other transportation vehicle transporting product to the receiver,

(5) The name and address of the importer,

(6) The place and date of entry,

(7) The quantity imported,

(8) The name and address of the intended receiver (eg. processor, feeder, charity, or other exempt receiver),

(9) Intended use of the exempt commodity,

(10) The U.S. Customs Service entry number and harmonized tariff code number, and

(11) Such other information as may be necessary to ensure compliance with this regulation.

For purposes of this regulation, a lot would be considered to be imported when it is released by the Customs Service for entry into commercial markets or other channels. Lots that are exempt from maturity requirements of the import regulations would not be subject to the inspection and certification requirements in such regulations. An imported lot intended for normal commercial channels, or any portion of such a lot, that fails established maturity requirements, could be disposed of in exempt outlets, as specified in the pertinent avocado import requirements.

The third copy of the form would accompany the exempt lot to its intended destination. The receiver would certify that the lot has been received and it will be utilized in an exempt outlet. After the certification is signed by the receiver, the form would be returned to MOAB by the receiver, within 15 days of receipt of the lot. The information collection requirements contained in this proposed rule have been previously approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), and have been assigned OMB number 0581–0167.

In accordance with section 8e of the Act, the USTR has concurred with the issuance of this proposed rule.

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

This proposed rule reflects the Department's appraisal of the need to reinstate the suspended avocado import maturity requirements and make the specified changes in the avocado import maturity requirements, as hereinafter set forth, in accordance with section 8e of the Act.

List of Subjects in 7 CFR Part 944

Avocados, Food grades and standards, Grapefruit, Grapes, Imports, Kiwifruit, Limes, Olives, Oranges.

For the reasons set forth in the preamble, 7 CFR part 944 is proposed to be amended as follows:

PART 944—FRUITS; IMPORT REGULATIONS

1. The authority citation for 7 CFR part 944 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. The suspension of § 944.31 is lifted and the section is revised to read as follows:

§ 944.31 Avocado import maturity regulation.

(a) Pursuant to section 8e (7 U.S.C. 608e–1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C 601–674), and part 944—Fruits; Import Regulations, the importation into the United States of any avocados, except the Hass, Fuerte, Zutano, and Edranol varieties, is prohibited unless:

(1) Any portion of the skin of the individual avocados has changed to the color normal for that fruit when mature for those varieties which normally change color to any shade of red or purple when mature, except for the Linda variety; or

(2) Such avocados meet the minimum weight or diameter requirements for the Monday nearest each date specified, through the Sunday immediately prior to the nearest Monday of the specified date in the next column, for each variety listed in the following TABLE I: *Provided,* That avocados may not be handled prior to the earliest date specified in column A of such table for the respective variety: *Provided further,* There are no restrictions on size or weight on or after the date specified in column D: *Provided further,* That up to a total of 10 percent, by count to the individual fruit in each lot may weigh less than the minimum specified or be less than the specified diameter, except that no such avocados shall be over 2 ounces lighter than the minimum weight specified for the variety: *Provided further,* That up to double such tolerance shall be permitted for fruit in an individual container in a lot.

TABLE 1

Variety	A Date	Min. wt.	Min. diam.	B Date	Min. wt.	Min. diam.	C Date	Min. wt.	Min. diam.	D Date
Dr. Dupuis #2	5–30	16	3 7/16	6–13	14	3 5/16	7–04	12	3 2/16	7–18
Simmons	6–20	16	3 9/16	7–04	14	3 7/16	7–18	12	3 1/16	8–01
Pollock	6–20	18	3 11/16	7–04	16	3 7/16	7–18	14	3 4/16	8–01
Hardee	6–27	16	3 2/16	7–04	14	2 14/16	7–11	12	.....	7–25
Nadir	6–27	14	3 3/16	7–04	12	3 1/16	7–11	10	2 14/16	7–18
Ruehle	7–04	18	3 11/16	7–11	16	3 9/16	8–01	12	3 5/16	8–15
				7–18	14	3 7/16	8–08	10	3 3/16	
Bernecker	7–18	18	3 6/16	8–01	16	3 5/16	8–15	14	3 4/16	8–29
Miguel (P)	7–18	22	3 13/16	8–01	20	3 12/16	8–15	18	3 10/16	8–29
Nesbitt	7–18	22	3 12/16	8–01	16	3 5/16	8–08	14	3 3/16	8–22
Tonnage	8–01	16	3 6/16	8–15	14	3 4/16	8–22	12	3 0/16	8–29
Waldin	8–01	16	3 9/16	8–15	14	3 7/16	8–29	12	3 4/16	9–12
Tower	8–01	14	3 6/16	8–15	12	3 4/16	.....	.....	.....	9–05
Beta	8–08	18	3 8/16	8–15	16	3 5/16	.....	.....	.....	9–05
Lisa (P)	8–08	12	3 2/16	8–15	11	3	.....	.....	.....	8–22
Black Prince	8–15	28	4 1/16	8–29	23	3 14/16	9–12	16	3 9/16	10–03
Loretta	8–22	30	4 3/16	9–05	26	3 15/16	.....	.....	.....	9–26
Booth 8	8–29	16	3 9/16	9–12	14	3 6/16	9–26	12	3 3/16	10–24
							10–10	10	3 3/16	
Booth 7	8–29	18	3 13/16	9–12	16	3 10/16	9–26	14	3 8/16	10–10
Booth 5	9–05	14	3 9/16	9–19	12	3 6/16	.....	.....	.....	10–03
Choquette	9–26	28	4 4/16	10–17	24	4 1/16	10–31	20	3 14/16	11–14
Hall	9–26	26	3 14/16	10–10	20	3 9/16	10–24	18	3 8/16	11–07
Lula	10–03	18	3 11/16	10–10	14	3 6/16	10–31	12	3 3/16	11–14
Monroe	11–07	26	4 3/16	11–21	24	4 1/16	12–05	20	3 14/16	1–02
							12–19	16	3 9/16	
Arue	5–16	16	.....	5–30	14	3 3/16	.....	.....	.....	7–04
Donnie	5–23	16	3 5/16	6–06	14	3 4/16	.....	.....	.....	7–04
Fuchs	6–06	14	3 3/16	6–20	12	3 9/16	.....	.....	.....	7–04
K–5	6–13	18	3 5/16	6–27	14	3 3/16	.....	.....	.....	7–11
West Indian Seedling [1]	6–20	18	.....	7–18	16	.....	8–22	14	.....	9–19
Gorham	7–04	29	4 5/16	7–18	27	4 3/16	.....	.....	.....	8–15
Biondo	7–11	13	.....	.....	.....	.....	.....	.....	.....	8–15
Petersen	7–11	14	3 8/16	7–18	12	3 5/16	7–25	10	3 2/16	8–08
232	7–18	14	.....	8–01	12	.....	.....	.....	.....	8–15
Pinelli	7–18	18	3 12/16	8–01	16	3 10/16	.....	.....	.....	8–15
Trapp	7–18	14	3 10/16	8–01	12	3 7/16	.....	.....	.....	8–15
K–9	8–01	16	.....	.....	.....	.....	.....	.....	.....	8–22
Christina	8–01	11	2 14/16	.....	.....	.....	.....	.....	.....	8–22
Catalina	8–15	24	.....	8–29	22	.....	.....	.....	.....	9–19
Blair	8–29	16	3 8/16	9–12	14	3 5/16	.....	.....	.....	10–03
Guatemalan Seedling [2]	9–05	15	.....	10–03	13	.....	.....	.....	.....	12–05
Marcus	9–05	32	4 12/16	9/19	24	4 5/16	.....	.....	.....	10–31
Brooks 1978	9–05	12	3 4/16	9–12	10	3 1/16	9–19	8	2 14/16	10–10
Rue	9–12	30	4 3/16	9–19	24	3 15/16	10–03	18	3 9/16	10–17
Collinson	9–12	16	3 10/16	.....	.....	.....	.....	.....	.....	10–10
Hickson	9–12	12	3 1/16	9–26	10	3 9/16	.....	.....	.....	10–10
Simpson	9–19	16	3 9/16	.....	.....	.....	.....	.....	.....	10–10
Chica	9–19	12	3 7/16	10–03	10	3 1/16	.....	.....	.....	10–17
Leona	9–26	18	3 10/16	.....	.....	.....	.....	.....	.....	10–10
Herman	10–03	16	3 9/16	10–17	14	3 6/16	.....	.....	.....	10–31
Pinkerton (CP)	10–03	13	3 3/16	10–17	11	3 9/16	10–31	9	.....	11–14
Taylor	10–10	14	3 5/16	10–24	12	3 2/16	.....	.....	.....	11–07

TABLE 1—Continued

Variety	A Date	Min. wt.	Min. diam.	B Date	Min. wt.	Min. diam.	C Date	Min. wt.	Min. diam.	D Date
Ajax (B–7)	10–10	18	3 14/16	.....	.....	.....	.....	.....	.....	10–31
Booth 3	10–10	16	3 8/16	10–17	14	3 6/16	.....	.....	.....	10–31
Booth 1	11–14	16	3 12/16	11–28	12	3 6/16	.....	.....	.....	12–12
Zio (P)	11–14	12	3 1/16	11–28	10	2 14/16	.....	.....	.....	12–12
Gossman	11–28	11	3 1/16	.....	.....	.....	.....	.....	.....	12–26
Brookslate	12–05	18	3 13/16	12–12	16	3 10/16	1–02	12	3 5/16	1–30
				12–19	14	3 8/16	1–16	10	.....	
Meya (P)	12–12	13	3 2/16	12–26	11	3 0/16	.....	.....	.....	1–09
Reed (CP)	12–12	12	3 4/16	12–26	10	3 3/16	1–09	9	3 9/16	1–23

[1] Avocados of the West Indian type varieties and seedlings not listed elsewhere in Table 1.
[2] Avocados of the Guatemalan type varieties and seedlings, hybrid varieties and seedlings, and unidentified seedlings not listed elsewhere in Table I.

(b) The term *diameter* means the greatest dimension measured at a right angle to a straight line from the stem to the blossom end of the fruit.

(c) The term *importation* means release from custody of the United States Customs Service. The term *commercial processing into products* means the manufacture of avocado product which is preserved by any recognized commercial process, including canning, freezing, dehydrating, drying, the addition of chemical substances, or by fermentation.

(d) Any person may import up to 55 pounds of avocados exempt from the requirements specified in this section.

(e) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of avocados imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all such imports. The inspection and certification services will be available upon application in accordance with the Regulations Governing Inspection, Certification and Standards of Fresh Fruits, Vegetables, and Other Products (7 CFR part 51), and in accordance with the regulation designating inspection services and procedure for obtaining inspection and certification (7 CFR 944.400).

(f) Any avocados which fail to meet the import requirements prior to or after reconditioning and which are not being imported for purposes of consumption by charitable institutions, distribution by relief agencies, seed, or commercial processing into products may be reconditioned or exported, or disposed of under the supervision of the Federal or Federal-State Inspection Service with the costs of certifying the disposal of such avocados borne by the importer.

(g) The size, weight, diameter, and color maturity requirements of this section shall not be applicable to avocados imported for consumption by charitable institutions, distribution by relief agencies, seed, or commercial processing into products, but shall be subject to the safeguard provisions contained in § 944.350.

Dated: March 29, 1994.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94–7890 Filed 4–1–94; 8:45 am]

BILLING CODE 3410–02–P

FARM CREDIT ADMINISTRATION

12 CFR Chapter VI

RIN 3052–AB53

Statement of Regulatory Burden

AGENCY: Farm Credit Administration.

ACTION: Final notice of intent.

SUMMARY: The Farm Credit Administration (FCA) requested comments regarding the appropriateness of the requirements it imposes on the Farm Credit System. The action was taken to improve the regulatory environment in which the Farm Credit System operates by targeting areas for more focused study and by revising rules where comments present strong evidence that an FCA requirement is unjustified. This notice announces that the comment period has closed for the Statement on Regulatory Burden. In addition, the notice describes the FCA's plans for addressing the comments received.

FOR FURTHER INFORMATION CONTACT: Eric Howard, Policy Analyst, Office of Examination, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4498, TDD 883–4444.

SUPPLEMENTARY INFORMATION: On June 10, 1993, the FCA Board approved a notice of intent for a Statement on Regulatory Burden seeking public comment on the appropriateness of the requirements imposed on the Farm Credit System. Comments were sought on the requirements that duplicate other Governmental requirements, are not effective, or impose a burden that is greater than the benefit derived. The document appeared in the **Federal Register** (58 FR 34003) on June 23, 1993, for a 90-day comment period. The comment period was originally scheduled to end on September 21, 1993. However, several comments were received subsequent to that date and will also be considered.

The FCA received 28 comments (12 comments from 11 associations or groups of associations; 11 comments from 6 Farm Credit Banks; 3 comments from 3 work groups established by the Farm Credit System President's Planning Committee; 1 comment from a Bank of Cooperatives; and 1 comment letter from The Farm Credit Council on behalf of its membership). The FCA is pleased to note that the comments received address a wide variety of issues and contained a number of useful ideas.

A majority of the comments involve regulatory projects that the FCA Board previously identified in the Unified Agenda of Regulations published in the **Federal Register** on October 25, 1993 (58 FR 57276). These ongoing projects are Standards of Conduct, Eligibility and Scope of Financing, Collateral Evaluation, Borrower Rights, Capitalization, and Financially Related Services, and Disposition of Records; Federal Records. The FCA work groups already organized to review these issues will consider the comments received within the scope of these existing regulatory projects. An analysis and appropriate response to these comments

will be included as part of the regulatory action published in the **Federal Register**. The remaining issues resulting from the Statement on Regulatory Burden that were not included in the Unified Agenda of Regulations include the following: Organization; Loan Policies and Operations; Bank for Cooperatives Financing International Trade; Funding; Disclosure; Accounting and Reporting; Examination Issues; and Miscellaneous Issues such as releasing information. Additional work groups have been established to analyze the comments and make recommendations to the FCA Board regarding action on the suggestions. The public will be notified of the FCA Board's decisions in an appropriate manner.

Dated March 29, 1994.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 94–7957 Filed 4–1–94; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 94–AGL–9]

Proposed Modification of Class E Airspace; Rapid City, SD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to modify Class E airspace areas; specifically Class E4 (Class E airspace areas consisting of airspace extending upward from the surface designated as an extension to a Class D surface area) at Rapid City, SD to modify the legal description to include the statement "excluding that airspace within the Rapid City, SD, Class D airspace area." The intended affect of this proposal is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions.

DATES: Comments must be received on or before May 13, 1994.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL–7, Rules Docket No. 94–AGL–9, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assitant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, System Management Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Robert J. Woodford, Air Traffic Division, System Management Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (708) 294–7568.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 94–AGL–9." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify Class E airspace areas; specifically Class E4 (Class E airspace areas consisting of airspace extending upward from the surface designated as an extension to a Class D surface area) at Rapid City, SD to modify the legal description to include the statement "excluding that airspace within the Rapid City, SD, Class D Airspace area." The intended affect of this action is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions, and to establish Class E airspace to contain instrument procedures in areas outside the Class D surface area. Aeronautical maps and charts would reflect the defined area which would enable pilots to circumnavigate the area in order to comply with applicable visual flight rules requirements.

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

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

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

Paragraph 6004 Class E airspace.

* * * * *

AGL SD E4 Rapid City, SD [Revised]

Rapid City Regional Airport, SD
(lat. 44°02′42″ N., long. 103°03′27″ W.)3
Ellsworth AFB, SD
(lat. 44°08′43″ N., long. 103°06′13″ W.)
Rapid City VORTAC
(lat. 43°58′34″ N., long. 103°00′45″ W.)
Ellsworth AFB TACAN
(lat. 44°08′20″ N., long 103°06′07″ W.)

That airspace extending upward from the surface within 2.6 miles each side of the Rapid City VORTAC 155°/335° radials, extending from the 4.3-mile radius of Rapid City Regional Airport to 7 miles southeast of the VORTAC and within 2.6 miles each side of the Ellsworth AFB TACAN 129° radial, extending from the Ellsworth AFB 4.7-mile radius of the Airport to 7 miles southeast of the TACAN, excluding that airspace within the Rapid City, SD, Class D airspace area.

* * * * *

Issued in Des Plaines, Illinois, on March 24, 1994.

John P. Cuprisin,

Manager, Air Traffic Division.

[FR Doc. 94–7918 Filed 4–1–94; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 93–ANM–19]

Proposed Alteration of Class E Airspace, La Grande, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: This action withdraws the Notice of Proposed Rulemaking (NPRM) which proposed to alter Class E airspace at La Grande, OR, to accommodate a new instrument approach procedure.

DATES: The withdrawal is effective upon publication.

FOR FURTHER INFORMATION CONTACT: Bob Brown, System Management Branch, ANM–535, Federal Aviation Administration, Docket No. 93–ANM–19, 1601 Lind Avenue SW., Renton, Washington, 98055–4056; telephone (206) 227–2534.

SUPPLEMENTARY INFORMATION:

The Proposed Rule

On December 22, 1993, a Notice of Proposed Rulemaking was published in the **Federal Register** to alter Class E airspace of LaGrande, OR, to accommodate a new instrument procedure (58 FR 67726). No comments were received. However, it was found existing airspace delegated was sufficient to accommodate the new approach procedure.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Withdrawal of Proposed Rule

Accordingly, pursuant to the authority delegated to me, Airspace Docket No. 93–ANM–19, as published in the **Federal Register** on December 22, 1993 (58 FR 67726), is hereby withdrawn.

Authority: 49 U.S.C. App. 1348(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.

Issued in Seattle, Washington on March 24, 1994.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 94–7921 Filed 4–1–94; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 94–ANM–13]

Proposed Amendment to Class D Airspace; Helena, MT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would amend the Helena, Montana, Class D airspace. This action is necessary to correct an error in the airspace description inadvertently omitted during the airspace reclassification process. This action would amend the Helena, Montana, Class D airspace from full-time back to part-time. Airspace reclassification, in effect as of September 16, 1993, has 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." This amendment would bring publications up-to-date giving continuous information to the aviation public.

DATES: Comments must be received on or before May 15, 1994.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, System Management Branch, ANM–530, Federal Aviation Administration, Docket No. 94–ANM–13, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

The official docket may be examined at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: James Riley, ANM–537, Federal Aviation Administration, Docket No. 94–ANM–13, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone number: (206) 227–2537.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 94–ANM–13." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing

date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, System Management Branch, ANM–530, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend Class D airspace at Helena, Montana, to correct an error in the Class D airspace description. During the airspace reclassification process, the language designating the Class D airspace as part-time was inadvertently omitted. This action would correct that error. Airspace reclassification, in effect as of September 16, 1993, has 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." The coordinates for this airspace docket are based on North American Datum 83. Class D airspace is 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 would be published subsequently in the Order.

The FAA has determined that this proposed 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, when promulgated, 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).

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

Paragraph 5000 General.

* * * * *

ANM MT D Helena, MT [Revised]

Helena Regional Airport, MT
(lat. 46°36′25″N, long. 111°58′58″W)
Helena VORTAC
(lat. 46°36′25″N, long. 111°57′12″W)

That airspace extending upward from the surface to and including 6,400 feet MSL within a 4.4-mile radius of the Helena Regional Airport and within 2.2 miles each side of the Helena VORTAC 102 degree radial extending from the 4.4-mile radius to 4 miles east of the VORTAC, and within .9 mile each side of the 282 degree bearing from the airport, from the 4.4-mile radius to 7 miles west of the VORTAC. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Seattle, Washington, on March 24, 1994.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 94–7922 Filed 4–1–94; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 94–AGL–7]

Proposed Establishment of Class D and E Airspace; Kenosha, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Class D and E4 airspace at Kenosha, WI, Class D airspace due to commissioning of an air traffic control tower and removal and revocation of Class E5 airspace. Class D designation requires communication capability with aircraft down to the runway surface, and weather reporting is available by Automated Weather Observation Station (AWOS). The intended affect of this proposal is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions, and to establish Class E airspace to contain instrument approach procedures in areas outside the Class D surface area.

DATES: Comments must be received on or before May 4, 1994.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL–7, Rules Docket No. 94–AGL–7, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, System Management Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Robert J. Woodford, Air Traffic Division, System Management Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (708) 294–7568.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit

with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 94–AGL–7." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3485. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class D and E4 airspace at Kenosha, WI, Class D airspace due to commissioning of an air traffic control tower and removal and revocation of Class E5 airspace. Class D designation requires communication capability with aircraft down to the runway surface, and weather reporting is available by Automated Weather Observation Station (AWOS). The intended affect of this action is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions, and to establish Class E airspace to contain instrument procedures in areas outside the Class D surface area. Aeronautical maps and charts would reflect the defined area which would enable pilots to circumnavigate the area in order to comply with applicable visual flight rule requirements.

The coordinates for this airspace docket are based on North American Datum 83. Class D and E airspace designations are published in Paragraph 5000 and 6004 of FAA Order 7400.9A dated June 17, 1993, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1 (58 FR 36298; July 6, 1993). The Class D and E airspace designation listed in this document would be published subsequently in the Order. The Class E5 airspace designation listed in this document would be subsequently removed.

The FAA has determined that this proposed 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, when promulgated, 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).

The Proposed Amendment

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

PART 71—[AMENDED]

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

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9 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 Class D airspace.

* * * * *

AGL WI D Kenosha WI [New]

Kenosha Municipal Airport, WI
(lat. 42°35'43" N., long. 87°55'39" W.)

That airspace extending upward from the surface to and including 3,200 feet within a 4.1 mile radius of the Kenosha Municipal Airport.

Paragraph 6004 Class E airspace.

* * * * *

AGL WI E4 Kenosha, WI [New]

Kenosha Municipal Airport, WI
(lat. 42°35'43" N., long. 87°55'39" W.)
Kenosha VOR
(lat. 42°35'57" N., long. 87°56'54" W.)

That airspace extending upward from the surface within 2.4 miles each side of the Kenosha VOR 077° radial extending from the 4.1 mile radius of the Kenosha Municipal Airport to 7 miles northeast.

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL WI E5 Kenosha, WI [Removed]

Kenosha Municipal Airport, WI
(lat. 42°35'43"N., long. 87°55'39"W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Kenosha Municipal Airport, excluding that airspace within the Chicago, IL, and Milwaukee, WI, Class E airspace areas.

Issued in Des Plaines, Illinois on March 15, 1994.

James H. Washington,

Acting Manager, Air Traffic Division.

[FR Doc. 94–7923 Filed 4–1–94; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 94–ANM–2]

Proposed Modification of Class D Airspace; Pasco, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would modify the Class D airspace for Tri-Cities Airport, Pasco, Washington, by excluding additional airspace overlying the Vista Field Airport, Kennewick, Washington. This action would allow operations to and from the Vista Field Airport without radio communication with the Pasco Airport Traffic Control Tower.

DATES: Comments must be received on or before May 7, 1994.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, System Management Branch, ANM–530, Federal Aviation Administration, Docket No. 94–ANM–2, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Telephone: (206) 227–2530.

The official docket may be examined at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, ANM–535, Federal Aviation Administration, Docket No. 94–ANM–2, 1601 Lind Avenue SW., Renton, Washington 98055–4056, Telephone (206) 227–2535.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify the airspace docket number and be submitted to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 94–ANM–2." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the Federal Aviation Administration, 1601 Lind Avenue SW., Renton, Washington 98055–4056 both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify the Class D airspace for Tri-Cities Airport, Pasco, WA by excluding additional airspace overlying the Vista Field Airport. Recent construction at the airport has resulted in closure of the east-west runway, requiring aircraft operating to runway 02/20 to fly over the Columbia River outside the present airspace exclusion. Additional excluded airspace will not adversely impact the Tri-Cities airport. The coordinates for this airspace docket are based on North American Datum 83. Class D airspace designations 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 listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations 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, when promulgated, 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).

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

Paragraph 5000 General

* * * * *

ANM WA D Pasco, WA [Revised]

Pasco, Tri-Cities Airport, WA
(lat. 46°15'52" N, long. 119°07'08" W)
Vista Airport, Kennewick, WA
(lat. 46°13'14" N, long. 119°12'19" W)

That airspace extending upward from the surface to and including 2,900 feet MSL within a 4.3-mile radius of the Tri-Cities Airport, excluding that airspace within a 2-mile radius of the Vista Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Seattle, Washington, on March 24, 1994.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 94–7925 Filed 4–1–94; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 94–ANM–9]

Proposed Establishment of Class E Airspace; Sandpoint, ID

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would establish Class E airspace at Sandpoint, Idaho. This action is necessary to accommodate arrival/departure aircraft transitioning between the en route and terminal area in western Idaho. The area would be depicted on aeronautical charts.

DATES: Comments must be received on or before May 15, 1994.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, System Management Branch, ANM–530, Federal Aviation Administration, Docket No. 94–ANM–9, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

The official docket may be examined at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Bob Brown, ANM–535, Federal Aviation

Administration, Docket No. 94–ANM–9, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone number: (206) 227–2535.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 94–ANM–9." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contract with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, System Management Branch, ANM–530, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace at Sandpoint, Idaho, to accommodate arrival/departure aircraft transitioning between the enroute and terminal area in western Idaho. The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas are published in Paragraph 6006 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 E airspace designation listed in this document would be published subsequently in the order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations 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, when promulgated, 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).

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

Paragraph 6006 En Route Domestic Airspace Areas

* * * * *

ANM ID E6 Sandpoint, ID [New]
Fairchild AFB, WA

(lat. 47°37'12"N, long. 117°39'29")

That airspace extending upward from 6,500 feet MSL bounded on the north by lat. 48°30'00"N, on the east by the Idaho/Montana state boundary, on the south by north edge of V–120, on the west by the 45.3 mile radius of Fairchild AFB and the east edge of V–112; excluding Federal airways and that airspace below 1,200 feet AGL.

* * * * *

Issued in Seattle, Washington, on March 24, 1994.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 94–7926 Filed 4–1–94; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 94–ANM–8]

Proposed Amendment to Class E Airspace; La Grande, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would amend the La Grande, Oregon, Class E Airspace. This action is necessary to accommodate arrival/departure aircraft transitioning between the en route and terminal areas in southeastern Oregon. The area would be depicted on aeronautical charts.

DATES: Comments must be received on or before May 1, 1994.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, System Management Branch, ANM–530, Federal Aviation Administration, Docket No. 94–ANM–8, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

The official docket may be examined at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Bob Brown, ANM–535, Federal Aviation Administration, Docket No. 94–ANM–8, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone number: (206) 227–2535.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory

decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 94–ANM–8." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, System Management Branch, ANM–530, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend Class E airspace at La Grande, Oregon to accommodate arrival/departure aircraft transitioning between the en route and terminal areas in southeastern Oregon. Airspace reclassification, in effect as of September 16, 1993, has discontinued the use of the term "transition area," and airspace extending upward from 700 feet or more above the surface of the earth is now Class E airspace. The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 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 E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations 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, when promulgated, 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).

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the Earth

* * * * *

ANM OR E5 La Grande, OR [Revised]

La Grande/Union County Airport, OR
(lat. 45°17′21″ N, long. 118°00′22″ W)

That airspace extending upward from 700 feet above the surface bounded on the north by a line beginning at lat. 45°38′59″ N, long. 118°02′04″ W, extending eastwardly to lat. 45°37′00″ N, long. 117°44′34″ W, on the east by a line extending to lat. 45°15′29″ N, long. 117°49′04″ W, on the south by a line extending to lat. 45°17′29″ N, long. 118°04′04″ W, on the west by a line extending to the point of beginning, and within a 4.3-mile radius of the La Grande/Union County Airport; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 45°38′59″ N., long. 118°02′04″ W, extending northwest along V–357 to the Walla Walla VOR/DME 16.6-mile radius; thence north along the Walla Walla VOR/DME 16.6-mile radius until intercepting lat. 46°00′00″ N, thence eastward along lat. 46°00′00″ N, to long. 117°02′00″ W; thence south along long. 117°02′00″ W until intercepting V–298; thence westward along V–298 to lat. 45°23′30″ N, long. 117°47′10″ W; to lat. 45°37′00″ N., long. 117°44′34″ W; thence to the point of beginning, excluding that airspace within Federal Airways.

* * * * *

Issued in Seattle, Washington, on March 24, 1994.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 94–7928 Filed 4–1–94; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 94–ANM–5]

Proposed Establishment of Class E Airspace; Cascade Range, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would establish the Cascade Range, Washington, Class E Airspace. This action is necessary to accommodate arrival/departure aircraft transitioning between the en route and terminal area east of Seattle, WA. The area would be depicted on aeronautical charts.

DATES: Comments must be received on or before May 20, 1994.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, System Management Branch, ANM–530, Federal Aviation Administration, Docket No. 94–ANM–5, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

The official docket may be examined at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Bob Brown, ANM–535, Federal Aviation Administration, Docket No. 94–ANM–5, 1601 Lind Avenue SW., Renton,

Washington 98055–4056; telephone number: (206) 227–2535.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 94–ANM–5." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, System Management Branch, ANM–530, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace at Cascade Range, Washington, to accommodate arrival/departure aircraft transitioning between the en route and terminal area east of Seattle, Washington. The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas are published in Paragraph 6006 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 E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations 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, when promulgated, 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).

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

Paragraph 6006 En route domestic airspace areas

* * * * *

ANM WA E6 Cascade Range, WA [New]

That airspace extending upward from 1,200 feet AGL bounded on the north by the south edge of V–120, on the east by lat. 120°00'00" W., on the south by the north edge of V–204, and on the west by lat. 121°35'04" W., excluding Federal airways, Wenatchee, Ellensburg, and Yakima Class F airspace areas.

* * * * *

Issued in Seattle, Washington, on March 24, 1994.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 94–7929 Filed 4–1–94; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 284

[Docket No. RM93–4–000]

Standards for Electronic Bulletin Boards Required Under Part 284 of the Commission's Regulations

March 28, 1994.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of conference.

SUMMARY: The Federal Energy Regulatory Commission will be holding a conference to discuss the development of standards relating to Electronic Bulletin Boards.

DATES: April 12, 1994.

ADDRESSES: Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT:

Michael Goldenberg, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 208–2294.

Marvin Rosenberg, Office of Economic Policy, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 208–1283.

Brooks Carter, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 208–0666.

SUPPLEMENTARY INFORMATION: Take notice that a conference to discuss the development of standards for Electronic Bulletin Boards will be held on Tuesday, April 12, 1994, beginning at 10 a.m., in a room to be designated at the offices of the Federal Energy Regulatory

Commission, 810 First Street, NE., Washington, DC 20426.[1]

All interested persons are invited to attend.

Lois D. Cashell,

Secretary.

[FR Doc. 94–7894 Filed 4–1–94; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 77

[DoD Instruction 1332.CC]

Program To Encourage Public and Community Service Employment

AGENCY: Department of Defense.

ACTION: Proposed rule.

SUMMARY: Currently, separating Military Service members and their spouses, and Department of Defense (DoD) civilian employees, have the option to register for potential employment opportunities with employers in the private sector through the Defense Outplacement Referral System. This program was implemented by DoD Directive 1332.35, "Transition Assistance For Military Personnel," (32 CFR part 88).

The proposed rule would establish guidelines for the registration of public and community service organizations and a listing of separating DoD personnel and their spouses to be maintained by the DoD. The purpose of the public and community service organizational registry is to provide an avenue for public and community service organizations to recruit highly skilled and experienced separating DoD personnel and their spouses. The proposed rule is required to implement the encouragement of continuing public and community service for separating Military Service members, as well as to implement the temporary early retirement authority as established in the National Defense Authorization Act for Fiscal Year 1993 (hereinafter, "the Act"). This registry would be maintained indefinitely to encourage separating Service members to enter into public and community service job vacancies, such as in education, conservation, environmental protection, law enforcement, and public health care after separation from active duty. This action is intended to provide the necessary interim guidelines to determine how separating Military Service members, DoD civilian personnel leaving the Government, and their spouses register for public and community service employment, which organizations qualify for registration, and procedures qualifying organizations must take to be placed on the registry. A final rule will be issued after a thorough review of all comments is completed.

DATES: Comments must be received by June 3, 1994.

ADDRESSES: Comments concerning the proposed rule should be addressed to: Directorate of Transition Support and Services, Office of the Assistant Secretary of Defense (Personnel and Readiness), 4000 Defense Pentagon, Washington, DC 20301–4000.

FOR FURTHER INFORMATION CONTACT: Lt. Col. David F. Witkowski (703) 695–1636.

SUPPLEMENTARY INFORMATION:

Objective

This proposed rule addresses the issue of which public and community service organizations qualify for a registry required by section 4462, Public Law 102–484, 106 Stat. 2738 (10 U.S.C. 1143a(c)). The proposed rule resolves the issue by using the definition for "public and community service organization" provided by the Act together with input from congressional staff and representatives of federal and nonprofit agencies. The guidelines in 26 U.S.C. 501(c)(3) and 501(c)(4) for nonprofit organizations are incorporated by reference and are limited to private nonproft organizations.

Consultation

Section 4462, Public Law 102–484, Stat. (10 U.S.C. 1143a(e)) required that DoD consult closely with the Secretary of Labor, the Secretary of Veterans Affairs, the Secretary of Education, the Director of the Office of Personnel Management, appropriate representatives of State and local governments, and appropriate representatives of business and nonprofit organizations in the private sector. DoD has consulted with those Federal agencies. DoD obtained additional advice from representatives of the Departments of Justice, Health and Human Services, Housing and Urban Development, the Environmental Protection Agency, the Office of National Service, the Commission on National and Community Service, and the Points of Light Foundation.This invitation to the public to comment on this proposed rule is intended to satisfy the requirement of consulting with appropriate representatives of State and local governments, and appropriate representatives of business and nonprofit organizations in the private sector.

It has been certified that this proposed rule, if issued, would not be a significant rule. The rule would: (a) Not have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a section of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(b) Not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(c) Not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or,

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

(e) Not become subject to the Regulatory Flexibility Act (5 U.S.C. 601) because it is not likely to have a significant economic impact on a substantial number of small entities. The primary effect on grantees administering the proposed rule will be a reduction in administrative costs and other burdens resulting from the simplification and clarification of certain policies and the elimination of policy differences among the federal agencies promulgating this final rule.

(f) Impose a reporting requirement under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3250). The Office of Management and Budget approved the reporting requirement and assigned control number 0704–0324.

List of Subjects in 32 CFR Part 77

Employment, Military personnel, civilian personnel.

Accordingly, title 32, chapter I, subchapter C, is amended to add part 77 to read as follows:

PART 77—PROGRAM TO ENCOURAGE PUBLIC AND COMMUNITY SERVICE

Sec.

77.1 Purpose.
77.2 Applicability and scope.
77.3 Definitions.
77.4 Policy.
77.5 Responsibilities.
77.6 Procedures.
Appendix A to Part 77—DD Form 2580, Operation Transition Department of Defense Outplacement and Referral System/Public and Community Service Individual Application

[1] See Notice of Proposed Rulemaking in this docket (58 FR 41647, Aug. 5, 1993)

Sec.
Appendix B to Part 77—DD Form 2581, Operation Transition Employer Registration
Appendix C to Part 77—DD Form 2581–1, Public and Community Service Organization Validation

Authority: 10 U.S.C. 1143(c).

§ 77.1 Purpose.

This part implements section 4462, Public Law 102–484 and section 561, Public Law 103–160 by establishing policy, assigning responsibilities, and prescribing procedures to: (a) Encourage and assist separating Service members, Service members retiring with 20 or more years of service, DoD civilian personnel leaving the Government, and spouses to enter public and community service employment.

(b) Encourage and assist Service members requesting retirement with fewer than 20 years of service to register for public and community service employment.

§ 77.2 Applicability and scope.

This part applies to: (a) The Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Unified Combatant Commands, and the Defense Agencies (hereafter referred to collectively as "the DoD Components"). The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps.

(b) All active duty Service members and former members under section 4462 of Public Law 102–484 and section 561 of Public Law 103–160, and DoD civilian personnel leaving the Government, and their spouses.

§ 77.3 Definitions.

(a) *Community service employment.* Work in nonprofit organizations that provide or coordinate services listed in paragraphs (d) (1) through (12) of this section. "Nonprofit" is defined as having been recognized by the Internal Revenue Service as having a tax-exempt status under 26 U.S.C. 501(c)(3) or 501(c)(4). These organizations shall not be administered by businesses organized for profit, labor unions, partisan political organizations, or organizations engaged in religious activities, unless such activities are unrelated to religious instructions, worship services, or any form of proselytization.

(b) *Creditable early retirement public or community service employment for service members.* Employment in a DoD-registered public and community service organization that provides the services listed in paragraphs (d) (1) through (12) of this section, or that coordinates the provision of the services listed in paragraphs (d) (1) through (12) of this section. Federal employment shall count toward recomputed military retirement pay and Survivor Benefit Plan base amount for early retirees: however, working in a DoD-registered Federal public service organization may trigger the dual-compensation restrictions of 26 U.S.C. 5532. Employment must have occurred between that date of early retirement and the date in which the Service member would have attained 20 years of credible service for computing retired pay, or he or she must have retired on or after October 23, 1992 and before October 1, 1999.

(c) *Early retirement.* Retirement from active duty with at least 15 but fewer than 20 years of service, as provided by section 4403 of Public Law 102–484.

(d) *Public and community service organization.* Government or private organizations that provide or coordinate the provision of the following services:

(1) Elementary, secondary, or post secondary school teaching or administration.
(2) Support of teachers or school administrators.
(3) Law enforcement.
(4) Public health care.
(5) Social services.
(6) Public safety.
(7) Emergency relief.
(8) Public housing.
(9) Conservation.
(10) Environment.
(11) Job training.
(12) Other public and community service not listed previously, but consistent with or related to services described in paragraphs (d) (1) through (11) of this section.

(e) *Public service employment.* Work in a Federal, state or local government organization which provides or coordinates services listed in paragraphs (d) (1) through (12) of this section.

(f) *Separation.* Normal separation from active duty or civil service, military retirement with 20 or more year's service, release from active military service, and reduction in force.

(g) *Transition assistance program counselor.* A person charged with the responsibility of conducting transition programs. Examples include personnel assigned to family centers, military or civilian personnel offices, unit transition counselors, and as command career counselors.

§ 77.4 Policy.

It is DoD policy that:

(a) All separating Service members and former members shall be encouraged to enter public or community service employment.

(b) Service members determined to be eligible by the Secretary of their Military Department for, and who do request retirement with fewer than 20 years of service, are required by section 4403 of Public Law 102–484 to register for public and community service employment.

(1) This registration normally shall take place not earlier than 90 days before retirement or terminal/transition leave.

(2) In order to have their military retired pay and Survivor Benefit Plan base amount (if applicable) recomputed in accordance with DoD Instruction 1340.19 [1] early retirees must be employed with a DoD-registered public or community service organization that provides the services listed in §§ 77.3 (d)(1) through (d)(12), or that coordinates the provision of services listed in §§ 77.3 (d)(1) through (d)(12).

(c) DoD civilian personnel leaving the Government, their spouses, and spouses of Service members who are seeking employment shall be encouraged to register for public and community service employment.

§ 77.5 Responsibilities.

(a) The Assistant Secretary of Defense for Personnel and Readiness shall: (1) Monitor compliance with this rule.

(2) Establish policy and provide guidance related to public and community service employment.

(3) Provide program information to the public on the Department of Defense's public and community service employment program.

(4) Ensure that the Director, Defense Manpower Data Center (DMDC): (i) Maintains the Public and Community Service Organizational Registry.

(ii) Maintains the Public and Community Service Personnel Registry.

(5) Decide the status of requests for reconsideration from employers resubmitting their request to be included on the Public and Community Service Organizational Registry, but whose first request was disapproved.

(b) The Secretaries of the Military Departments shall: (1) Ensure compliance with this rule.

(2) Encourage public and community service employment for separating Service members, their spouses, DoD civilian personnel leaving the Government, and their spouses.

(3) Coordinate with the Assistant Secretary of Defense for Personnel and Readiness before promulgating public and community service employment policies and regulations.

[1] Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

§ 77.6 Procedures.

(a) Military personnel offices shall advise Service members desiring to apply for early retirement that they shall register, normally within 90 days of their retirement date, for public and community service (PACS) employment, and refer them to a Transition Assistance Program Counselor for registration.

(b) Personnel offices shall advise separating Service members, DoD civilian personnel leaving the Government, and their spouses to contact a Transition Assistance Program Counselor about PACS employment and registration.

(c) Transition Assistance Program Counselors shall counsel separating Service members (during preseparation counseling established by DoD Instruction 1332.36 [2]), DoD civilian personnel leaving the Government, and their spouses on PACS employment. Counselors shall update into the Defense Outplacement Referral System (DORS) database Service members requesting early retirement and other DoD personnel or spouses who request registration. Transition Assistance Program Counselors shall use DD Form 2580 (appendix A of this part) to register personnel for PACS employment. In addition, Counselors shall ensure that Service members who are requesting early retirement are advised that:

(1) Registering for PACS employment is a requirement for consummation of their early retirement under section 4403 of Public Law 102–484 or section 561 of Public Law 103–160.

(2) Early retirees must provide a copy of their confirmation DORS mini-resume to their servicing military personnel office for filing in their Service record before their final retirement processing.

(3) Subsequent PACS employment is encouraged but not required.

(4) Working in a DoD-approved Federal public service organization may subject him or her to dual compensation restrictions of 5 U.S.C. 5532.

(5) DoD-approved PACS employment qualifies the Service member who is retired under section 4403 of Public Law 102–484 or section 561 of Public Law 103–160 for increased retired pay effective on the first day of the first month beginning after the date on which the member or former member attains 62 years of age. The former Service member must have worked in DoD-approved PACS employment between the date of early retirement and the date in which he or she would have attained 20 years of creditable service for computing retired pay, and have retired on or after October 23, 1992 and before October 1, 1999.

(6) It is the early retiree's responsibility to ensure that the DMDC is advised when the early retiree's PACS employment starts, and of any subsequent changes.

(d) Military personnel offices shall ensure a copy of the confirmation DORS mini-resume is filed in the permanent document section of the Service record of Service members who retire early.

(e) DMDC shall maintain the PACS Personnel Registry, which includes information on the particular job skills, qualifications, and experience of registered personnel.

(f) DMDC shall maintain the PACS Organizational Registry, which includes information regarding each organization, including its location, size, types of public or community service positions in the organization, points of contact, procedures for applying for such positions, and a description of each position that is likely to be available.

(g) PACS Organizations shall use DD Form 2581 (appendix B of this part) and DD Form 2581–1 (appendix C of this part) to request registration on the PACS Organizational Registry. Instructions on how to complete the forms and where to send them are on the forms.

(h) DMDC shall register those organizations meeting the definition of a PACS organization and include them on the PACS Organizational Registry. For organizations that do not appear to meet the criteria, DMDC shall refer the request to the Transition Support and Services Directorate, Office of the Assistant Secretary of Defense for Personnel and Readiness. The Transition Support and Services Directorate may consult individually on an ad hoc basis with appropriate agencies to determine whether or not the organization meets the validation criteria. For organizations which are denied approval as a creditable early retirement organization and which request reconsideration, the Transition Support and Services Directorate will forward that request to the next higher level for a final determination. DMDC shall advise organizations of their status.

BILLING CODE 5000–04–M

[2] See footnote 1 to § 77.4(b)(2).

Appendix A to Part 77—DD Form 2580, Operation Transition Department of Defense Outplacement and Referral System/Public and Community Service Individual Application

OPERATION TRANSITION
DEPARTMENT OF DEFENSE OUTPLACEMENT AND REFERRAL SYSTEM/ PUBLIC AND COMMUNITY SERVICE INDIVIDUAL APPLICATION

Form Approved
OMB No. 0704-0324
Expires Dec 31, 1996

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the 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 this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0324), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO EITHER OF THESE ADDRESSES.
RETURN COMPLETED FORM TO YOUR LOCAL MILITARY TRANSITION OFFICE.

PRIVACY ACT STATEMENT

AUTHORITY: 10 U.S.C. 1143, 1144; EO 9397.

PRINCIPAL PURPOSE(S): To assist separating DoD personnel and their spouses in securing employment. Individuals participating in the Defense Outplacement Referral System (DORS) and Public and Community Service Registry will have their employment skills included in a data base designed to link prospective employers with DORS and Public and Community Service applicants.

ROUTINE USE(S): To public and private employers (including Federal, State, and local employment agencies and outplacement agencies, public and community service agencies).

DISCLOSURE: Voluntary; however, failure to provide all requested information will result in applicant data not being included in the system.

If you are an active duty Servicemember, the following information will be added to your job referral form from your official military personnel records, if available: Rank, Years of Service, Most Recent Primary Occupation, and Branch of Service and Security Clearance. Information on race, ethnic background, sex, age, marital status, and religious preference will not be released to employers. Operation Transition is an equal opportunity program *(Completion of questions pertaining to the DORS program is voluntary.)*.

SECTION I - TO BE FILLED OUT BY ALL APPLICANTS *(Print or Type)*

1. REGISTRATION REQUEST *(Check all that apply)*

	DORS ONLY		PUBLIC AND COMMUNITY SERVICE ONLY		BOTH

2a. NAME (Last, First, Middle Initial)	2b. SOCIAL SECURITY NUMBER	3. DATE AVAILABLE FOR WORK (YYMMDD)

4. FILING STATUS *(X all that apply)*

a. MILITARY *(Branch of Service)*
- (1) Army
- (2) Navy
- (3) Marine Corps
- (4) Air Force

b. SPOUSE OF ACTIVE DUTY MILITARY OR CIVIL SERVICE EMPLOYEE

c. CIVIL SERVICE EMPLOYEE

5. U.S. CITIZEN *(X one)*
- YES
- NO

6. ADDRESS *(For next 6 months) (Street, City, State, Country, and Zip Code)* **AND TELEPHONE NUMBER** *(Include Area Code)*

a. ADDRESS LINE 1	f. COUNTRY CODE
b. ADDRESS LINE 2	g. FOREIGN ZIP CODE
c. CITY	h. U.S. TELEPHONE NUMBER
d. STATE / e. U.S. ZIP CODE	i. FOREIGN TELEPHONE NUMBER

7a. JOB TYPE PREFERENCES *(See Instructions for job codes) (Enter one digit per block)*	b. INCLUDE MAJOR DUTIES ON RESUME? *(X one)*	8. REGIONAL WORK PREFERENCE *(See Instructions) (Enter one digit per block)*	9. SPECIFIC WORK PREFERENCES *(Nearest large town or city within commuting distance - does not have to be in region)*	
			a. STATE	b. CITY
	Yes		(1)	
	No		(2)	

10. HIGHEST EDUCATION LEVEL ACHIEVED *(X one)*

- a. Non-High School Graduate
- b. High School Graduate or GED
- c. Less than 2 years of college
- d. Associate Degree or equivalent
- e. Less than 4 years of college
- f. Bachelor's Degree
- g. Post Bachelor's Degree
- h. Master's Degree
- i. Post Master's Degree
- j. Doctorate Degree

11. YEAR ACHIEVED	12. SUBJECT OF DEGREE *(If applicable)*	13. COLLEGE / UNIVERSITY FROM WHICH DEGREE ACHIEVED *(If applicable)*

14. PERSONAL INFORMATION *(See Instructions). (Please provide no more than 10 lines (76 spaces per line; maximum of 760 spaces). Database limitations do not permit entering additional personal information.)*

SECTION II - SPOUSE

(Military Member - Go to Section III)

15. SPONSOR DATA

a. NAME *(Last, First, Middle Initial)*

b. SOCIAL SECURITY NUMBER

16. YOUR JOB HISTORY *(See Instructions for job codes) (Enter one digit per block)*

	a. JOB CODE	b. LENGTH OF TIME JOB HELD			
(1) CURRENT JOB		YEARS		MONTHS	
(2) PRIOR JOB		YEARS		MONTHS	
(3) PRIOR JOB		YEARS		MONTHS	

17. HAVE YOU EVER HELD A SUPERVISORY POSITION? *(X one)*

☐ YES ☐ NO

18. HAVE YOU EVER HELD A SECURITY CLEARANCE? *(X one)*

☐ YES ☐ NO

SECTION III - ALL APPLICANTS MUST READ AND SIGN

19. AUTHORIZATION

I hereby authorize release of the data on this form to civilian agencies and / or private organizations for employment purposes. If I am a civil service employee or an active duty service member, I also authorize the release of data from extracts of my computerized personnel records.

a. SIGNATURE

b. DATE SIGNED *(YYMMDD)*

DD Form 2580, FEB 94

OPERATION TRANSITION DEPARTMENT OF DEFENSE OUTPLACEMENT AND REFERRAL SYSTEM/PUBLIC AND COMMUNITY SERVICE INDIVIDUAL APPLICATION

DETAILED INSTRUCTIONS

SECTION I - TO BE FILLED OUT BY ALL APPLICANTS

If you are a service member, complete Items 1 through 14 and item 19 in their entirety. You do not need to fill out Items 15 through 18. They will be extracted from your personnel records. It is important that you verify the accuracy of these records prior to entering this program to ensure that the information that is put on your resume is accurate. If you are a spouse, you must complete all items on the form.

Item 1. Place an X next to the program(s) you wish to register for. If you selected the early retirement option, you must X Public and Community Service or both.

Item 2a. Name. Print / type your name, last name first.

Item 2b. SSN. Enter your Social Security Number.

Item 3. Date Available for Work. Enter the date you will be available for work as year, month, day (YYMMDD). Availability should not be beyond 6 months from the current date.

Item 4. Filing Status. Place an X in the box that applies.

Item 5. Citizenship. If you are a U.S. citizen, X the YES box. If not, X the NO box.

Item 6. Address and Telephone Number. Print/type the address and telephone number where you can be contacted during the next three months.

Item 7. a. Job Type Preferences. Enter up to three codes from the Guideline of Standard Occupation Classification (SOC) Codes, FIPS Pub 92, that most closely match(es) the type of job(s) you are seeking/qualified to perform.

b. If you select yes, your primary occupational description will be included in your resume. Select no if you do not want your primary occupational description included.

Item 8. Regional Work Preference. Refer to the regional preference list below, and enter the two-digit code for the geographical area in which you are seeking employment.

REGION 0
Only the specific cities selected

REGION 1
Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

REGION 2
Delaware
New Jersey
New York
Pennsylvania

REGION 3
District of Columbia
Maryland
North Carolina
South Carolina
Virginia
West Virginia

REGION 4
Alabama
Florida
Georgia
Mississippi
Puerto Rico
Tennessee
Virgin Islands

REGION 5
Indiana
Kentucky
Michigan
Ohio

REGION 6
Iowa
Minnesota
Montana
North Dakota
South Dakota
Wisconsin

REGION 7
Illinois
Kansas
Missouri
Nebraska

REGION 8
Arkansas
Louisiana
Oklahoma
Texas

REGION 9
Arizona
Colorado
Idaho
Nevada
New Mexico
Utah
Wyoming

REGION 10
California
Oregon
Washington

REGION 11
Alaska

REGION 12
American Samoa
Hawaii
Guam

REGION 13
Anywhere in the U.S.A.

REGION 14
Outside the U.S.A.

REGION 15
Anywhere

Item 9. Specific Work Preferences. Enter your first and second work location preferences. Refer to the list below and enter the two-letter abbreviation for the state and print / type the name of the largest city within commuting distance of where you want to work for your first and second work preferences. These cities do not have to be in the region chosen in Item 8.

STATE	CODE	STATE	CODE	STATE	CODE
Alabama	AL	Kentucky	KY	North Dakota	ND
Alaska	AK	Louisiana	LA	Ohio	OH
Arizona	AZ	Maine	ME	Oklahoma	OK
Arkansas	AR	Maryland	MD	Oregon	OR
California	CA	Massachusetts	MA	Pennsylvania	PA
Colorado	CO	Michigan	MI	Rhode Island	RI
Connecticut	CT	Minnesota	MN	South Carolina	SC
Delaware	DE	Mississippi	MS	South Dakota	SD
District of Columbia	DC	Missouri	MO	Tennessee	TN
Florida	FL	Montana	MT	Texas	TX
Georgia	GA	Nebraska	NE	Utah	UT
Hawaii	HI	Nevada	NV	Vermont	VT
Idaho	ID	New Hampshire	NH	Virginia	VA
Illinois	IL	New Jersey	NJ	Washington	WA
Indiana	IN	New Mexico	NM	West Virginia	WV
Iowa	IA	New York	NY	Wisconsin	WI
Kansas	KS	North Carolina	NC	Wyoming	WY

Item 10. Highest Education Level Achieved. X the box which most closely matches your highest education level achieved.

Item 11. Year Achieved. Enter the year you achieved Item 10.

Item 12. Subject of Degree. Print/type the degree achieved (if applicable) in Item 10 (e.g. BS, Mechanical Engineering; BA, Western Civilization; MS, Physics; etc.).

Item 13. College/University. Print/type the name of the college/university where Item 10 was obtained if applicable.

Item 14. Personal Information. Print/type in this space any information about yourself you feel would help you obtain a job in the field you are searching. All information in this space will be printed verbatim on your DORS resume. If you are seeking a job in a field other than your primary military duty this information is the most important since it will comprise a majority of your resume. Carefully choose your words and grammar.

Examples:
- Fluent in Chinese, Russian and Spanish
- Virginia State licensed electrician
- 14 years experience in personnel management
- Owned personal computer training business, Jones Computer Training
- American Society of Mechanical Engineers member

SECTION II - SPOUSE

This section is to be completed only by spouses of military and DoD civilians whose personnel files are not kept by the government.

Item 15. Sponsor Data.

a. Name. Print/type your sponsor's name, last name first.

b. SSN. Enter your sponsor's Social Security Number.

Item 16. Your Job History.

a. Job Codes. Consult the Guideline for Standard Occupational Classification (SOC) Codes, FIPS Pub 92, and enter the job codes that most closely match the previous three jobs you held.

b. Length of Time Job Held. Enter the number of years and months the job was held (03 years, 09 months).

Item 17. Supervisory Experience. If you have supervisory experience, X the YES box. If not, X the NO box.

Item 18. Security Clearance. If you had a security clearance, X the YES box. If not, X the NO box.

SECTION III

All applicants must sign and date. Turn in the completed form to the transition assistance office.

Appendix B to Part 77—DD Form 2581, Operation Transition Employer Registration

OPERATION TRANSITION EMPLOYER REGISTRATION

Form Approved
OMB No. 0704-0324
Expires Dec 31, 1996

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the 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 this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0324), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO EITHER OF THESE ADDRESSES ABOVE.
RETURN COMPLETED FORM TO: DMDC, ATTENTION: OPERATION TRANSITION, BOX 100, FORT ORD, CA 93941-0100

1. ORGANIZATION NAME AND ADDRESS *(Include 9-digit ZIP Code)*	2. EMPLOYMENT CONTACT ADDRESS *(If different from Item 1) (Include 9-digit ZIP Code)*
3. ORGANIZATION CONTACT	4. EMPLOYMENT CONTACT *(If different from Item 3)*
5. ORGANIZATION TELEPHONE NUMBER	6. EMPLOYMENT CONTACT TELEPHONE NUMBER *(If different from Item 5)*
7. FAX TELEPHONE NUMBER	8. FAX ROUTING ADDRESS
9. HOW DID YOU HEAR ABOUT OPERATION TRANSITION?	10. IS YOUR ORGANIZATION A *(Check one)* ☐ a. Private Sector Employer ☐ b. Public or Community Service Employer

11. TYPES AND LOCATIONS OF POSITIONS IN ORGANIZATION LIKELY TO BE AVAILABLE *(Briefly describe)*

12. PROCEDURES FOR APPLYING FOR AVAILABLE POSITIONS *(Please indicate if you do not wish to receive unsolicited resumes)*

13a. SIZE OF ORGANIZATION	13b. MAJOR FUNCTION/BUSINESS ACTIVITY OF ORGANIZATION

14a. IS YOUR ORGANIZATION INVOLVED IN *(Check applicable block(s))*		14b. ARE YOUR POSITION(S)	14c. IS AN INVESTMENT OR FEE NECESSARY	
☐ (1) Placement Services	☐ (4) Franchise Operations	☐ (1) Commission only	☐ (1) YES	☐ (2) NO
☐ (2) Direct Marketing	☐ (5) None of the above	☐ (2) Salary only	(3) IF YES, SPECIFY AMOUNT	
☐ (3) Multi-level Marketing		☐ (3) Combination of commission and salary	$	

15. AGREEMENT

I understand this agreement covers the use of Operation Transition automated systems including the Defense Outplacement Referral System (DORS), the Public and Community Service (PACS) Personnel Registry, and the Transition Bulletin Board (TBB). I hereby agree to use the DORS and PACS Personnel Registry only for employment purposes at no charge to the individual. I also agree not to use the DORS and PACS Personnel Registry to develop mailing lists or to promote business opportunities such as franchise or direct or multi-level marketing operations.

I certify that the information provided is true, accurate, and complete. I acknowledge that any false statement may be punishable pursuant to Title 18 U.S.C. Section 1001.

16. SIGNATURE	17. DATE (YYMMDD)

GOVERNMENT USE ONLY

18. REGISTRATION NUMBER	19. CLERK	20. DATE (YYMMDD)

DD Form 2581, FEB 94 *Previous edition is obsolete*

INSTRUCTIONS FOR COMPLETING DD FORM 2581

1. ORGANIZATION NAME AND ADDRESS. Enter your organization name and address exactly as you would like it to appear on information mailed to you. P.O. Boxes not preferred.

2. EMPLOYMENT CONTACT ADDRESS. Enter the address of your Human Resources Department *(if different from item 1)*.

3. ORGANIZATION CONTACT. Enter the name of the individual who will serve as organizational contact to Operation Transition.

4. EMPLOYMENT CONTACT. Enter the name of an individual in your Human Resources Department who can answer specific questions on employment and positions available *(if different from item 3)*.

5. ORGANIZATION TELEPHONE NUMBER. Enter the area code and telephone number for your organization. Please enter a direct line or voice mail, if available.

6. EMPLOYMENT CONTACT TELEPHONE NUMBER. Enter the area code and telephone number for your employment contact *(if different from item 5)*. Please enter a direct line or voice mail, if available .

7. FAX TELEPHONE NUMBER. Enter the area code and telephone number of your FAX machine.

8. FAX ROUTING ADDRESS. Enter any additional information that may be needed on the FAX cover sheet.

9. HOW DID YOU HEAR ABOUT OPERATION TRANSITION. List the source(s) where you first heard about Operation Transition.

10. IS YOUR ORGANIZATION A... Check the appropriate box: a. Private Sector employers are those who operate on a "for profit" basis. b. Public Service Employers are local, state, or federal governmental entities. Community Service Employers are certified non-profit organizations or associations.

11. TYPES AND LOCATIONS OF POSITIONS IN ORGANIZATION LIKELY TO BE AVAILABLE. Briefly describe the positions *(job types or titles)* and the location of the positions which may be available for employment referrals.

12. PROCEDURES FOR APPLYING FOR AVAILABLE POSITIONS. Briefly describe how the applicants should apply for available positions.

13a. SIZE OF ORGANIZATION. Briefly describe size *(number of personnel, branch offices, etc.)* of your organization.

13b. MAJOR FUNCTION/BUSINESS ACTIVITY OF ORGANIZATION. Briefly describe the major business activities *(financial consulting, food processing, etc.)* of your organization.

14a. IS YOUR ORGANIZATION INVOLVED IN... Please indicate if your organization is involved in these activities. Specific services are available. If none of the above applies check box "5."

14b. ARE YOUR POSITION(S)... Indicate if the compensation for these positions is commission only, salary only, or commission and salary combined.

14c. IS AN INVESTMENT OR FEE NECESSARY. Indicate if acceptance of the position requires a monetary outlay by the applicant. This includes: membership fees, agency fees, start-up kits, inventory investments, or tuition. If yes, specify the amount the applicant would be expected to pay.

15. AGREEMENT. Your signature in item 16 indicates acceptance of the agreement in this item.

Please make certain that all items above have been completed in their entirety. Sign and date the form in items 16 and 17.

MAIL OR FAX THE COMPLETED FORM TO:

DMDC
ATTENTION: Operation Transition
Box 100
Fort Ord, CA 93941-0100
FAX: (408) 656-2132

DD Form 2581, FEB 94 (BACK)

Appendix C to Part 77—DD Form 2581–1, Public and Community Service Organization Validation

PUBLIC AND COMMUNITY SERVICE ORGANIZATION VALIDATION

Form Approved
OMB No. 0704-0324
Expires Dec 31, 1996

Public reporting burden for this collection of information is estimated to average 3 minutes per response, including the 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 this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0324), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO EITHER OF THESE ADDRESSES ABOVE.
RETURN COMPLETED FORM TO: DMDC, ATTN: OPERATION TRANSITION, BOX 100, FORT ORD, CA 93941-0100

1. NAME OF ORGANIZATION	2. ADDRESS OF ORGANIZATION *(Include Room/Suite Number and 9-digit ZIP Code)*
3. POINT OF CONTACT FOR ORGANIZATION	
4. POINT OF CONTACT TELEPHONE NUMBER *(Include Area Code)*	

5. PRIMARY SERVICE CATEGORY (IES) *(If your primary service category is not used, go to Item 6)*

	a. ELEMENTARY, SECONDARY, OR POSTSECONDARY SCHOOL TEACHING OR SCHOOL ADMINISTRATION				
	b. SUPPORT OF ELEMENTARY, SECONDARY, OR POSTSECONDARY SCHOOL TEACHING OR SCHOOL ADMINISTRATION				
	c. SOCIAL SERVICES		d. PUBLIC HEALTH CARE		e. LAW ENFORCEMENT
	f. PUBLIC HOUSING		g. PUBLIC SAFETY		h. CONSERVATION
	i. EMERGENCY MANAGEMENT		j. ENVIRONMENT		k. JOB TRAINING

6. IF YOUR ORGANIZATION PROVIDES PRIMARY FUNCTIONS OTHER THAN THOSE LISTED IN ITEM 5, BRIEFLY DESCRIBE THESE MAJOR FUNCTIONS.

7. TYPE OF SERVICE

	a. PUBLIC *(Federal, State, or Local Government - go to Item 8)*
	b. COMMUNITY *(Non-profit Organization or Association - go to Item 9)*

8. PUBLIC SERVICE HEADQUARTERS AGENCY

a. ORGANIZATION NAME AND ADDRESS *(Include 9-digit ZIP Code)*	b. HEADQUARTERS POINT OF CONTACT AND POSITION
	c. TELEPHONE NUMBER FOR POINT OF CONTACT *(Include Area Code)*

9. COMMUNITY SERVICE / NON-PROFIT ORGANIZATION

IMPORTANT: Please attach a copy of the IRS Letter of Determination indicating your organization has received IRS 501 (C) (3) tax-exempt status. Also include a copy of your organization's annual report, mission statement, or other documentation of its function. Indicate below if your organization is affiliated with the United Way, Combined Federal Campaign or some other non-profit association.

a. AFFILIATE NAME AND ADDRESS *(Include 9-digit ZIP Code)*	b. AFFILIATE POINT OF CONTACT AND POSITION
	c. TELEPHONE NUMBER FOR POINT OF CONTACT *(Include Area Code)*

10. AGREEMENT

I understand this form provides information to help the Department of Defense establish a Public and Community Service organizational registry which will be accessible to departing Service members. I also understand certain individuals may receive additional entitlements based on the information specified in Public Law 102-484. I certify the information provided is true, accurate, and complete. I acknowledge that any false statement may be punishable pursuant to Title 18 U.S.C. Section 1001.

a. NAME AND TITLE *(Please print or type)*	b. SIGNATURE	c. DATE *(YYMMDD)*

DD Form 2581-1, FEB 94

INSTRUCTIONS FOR COMPLETING DD FORM 2581-1

This form collects information to be used to certify an organization on the Public and Community Service Organization Registry under the provisions of Section 4462 of Public Law 102-484.

Public service organizations are defined as federal, state, or local governmental entities.

Community service organizations are non-profit organizations or associations which provide or coordinate the delivery of services in the public interest. Organizations affiliated with the United Way or Combined Federal Campaign presumptively qualify as community service organizations.

Organizations involved in the following activities will not be considered public or community service organizations:

(1) Businesses organized for profit;

(2) Labor unions;

(3) Partisan political organizations; and

(4) Organizations engaged in religious activities, unless such activities are unrelated to religious instruction, worship services, or any form of proselytization.

Public Law 102-484 also provides that certain members of the military services retiring early from active duty receive additional military retirement credits by working in public or community service organizations. To receive this credit, the retiree's employing organization must be on the Public and Community Service Organization Registry and have as its primary function(s) one or more of the following categories of public or community service:

a. Elementary, secondary, or postsecondary school teaching or school administration.

b. Support of elementary, secondary, postsecondary school teaching or school administration.

c. Social services

d. Public health care

e. Law enforcement

f. Public housing

g. Public safety

h. Conservation

i. Emergency management

j. Environment

k. Job training

ALL ITEMS MUST BE COMPLETED

1. NAME OF ORGANIZATION. Print or type the name of your organization. Please be specific. For example, if the police department of the city of Oakdale is registering, use "Oakdale Police Department" as the organization instead of the "City of Oakdale."

2. ADDRESS OF ORGANIZATION. Enter the address of your organization exactly as you would like it to appear on information mailed to you. Please avoid P.O. Boxes when possible.

3. POINT OF CONTACT FOR ORGANIZATION. Provide the name and job title of a person who can answer specific questions about the organization.

4. POINT OF CONTACT TELEPHONE NUMBER. Enter the area code and telephone number for the point of contact. Please enter a direct line or voice mail extension if available.

5. PRIMARY SERVICE CATEGORY (IES). Select the category that represents the core mission of your organization or department. If you provide primary services in two or more of the categories, select all applicable categories. As discussed above, the organization's primary functions must be in one or more of the listed categories (5a - 5k) for a military retiree to be eligible for additional retirement credit. If your primary service category is not listed, go to Item 6.

6. ORGANIZATION FUNCTIONS. If your organization provides primary services in categories other than 5a-5k, briefly describe those function (s).

7. TYPE OF SERVICE. Indicate whether your organization provides public or community service by checking the appropriate block. Public service refers to federal, state, local government organizations or agencies. Community service refers to certified nonprofit organizations or associations.

8. PUBLIC SERVICE HEADQUARTERS AGENCY. If public service, provide the name and address of the organization, if any, to which your organization reports. Include the name, job title, and telephone number of a person who can answer specific questions about the headquarters organization.

9. COMMUNITY SERVICE / NON-PROFIT ORGANIZATION. If a community service organization, attach a copy of the IRS Letter of Determination indicating that your organization has received IRS 501 (C) (3) tax-exempt status. A community service organization will NOT be validated without the Letter of Determination. Also include a copy of your organization's annual report or mission statement or attach other documentation about your organization's functions.

Provide the name and address of the organization, if any, to which your organization reports or with which it is affiliated. Provide the name, job title, and telephone number of a person who can answer specific questions about the headquarters affiliate.

10. AGREEMENT. Completion of this section and a signature by an organization's representative attests to the information's accuracy and completeness. Mail or fax the completed form to:

DMDC
ATTN: OPERATION TRANSITION
Box 100
Ft. Ord, CA 93941-0100

FAX: (408) 656-2132

Please call the Defense Manpower Data Center (DMDC) Help Desk at 1-800-727-3677 between the hours of 6 AM and 6 PM Pacific time if you have questions or need assistance with this form.

Community service organizations - - Remember to attach a copy of your IRS Letter of Determination and an annual report or mission statement.

DD Form 2581-1, FEB 94 (BACK)

BILLING CODE 5000-04-C

Dated: March 24, 1994.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 94–7355 Filed 4–1–94; 8:45 am]

BILLING CODE 5000–04–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX–23–1–5739; FRL–4857–1]

Approval and Promulgation of Air Quality Implementation Plans; Texas; Revision to the State Implementation Plan (SIP) Addressing Carbon Monoxide (CO) for El Paso

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to approve a revision to the Texas SIP addressing CO for El Paso. Certain elements of the complete El Paso CO SIP were submitted by the Governor of Texas to the EPA in order to meet the November 15, 1992, deadline for the purpose of bringing about the attainment of the National Ambient Air Quality Standards (NAAQS) for CO. These elements satisfy certain Federal requirements for an approvable nonattainment area CO SIP for El Paso. Therefore, this **Federal Register** (FR) action only proposes approval of some of the elements of the complete El Paso CO SIP, specifically the 1990 base year CO emissions inventory and the oxygenated fuels program.

The remaining elements of the complete El Paso CO SIP, to be submitted to the EPA by November 15, 1993, have been or will be acted upon in separate FR actions.

DATES: Comments on this proposed action must be received in writing by May 4, 1994.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Planning Section, at the EPA Regional Office listed below. Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

U.S. Environmental Protection Agency, Region 6, Air Programs Branch (6T-A), 1445 Ross Avenue, suite 700, Dallas, Texas 75202–2733.

Texas Natural Resource Conservation Commission (TNRCC), Air Quality Planning Annex, 12118 North IH–35, Park 35 Technology Center, Building A, Austin, Texas 78753.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia Cupp, Planning Section (6T-AP), Air Programs Branch, U.S. EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 655–8015.

SUPPLEMENTARY INFORMATION: A segment of El Paso, Texas, was designated nonattainment for CO and classified as moderate with a design value below 12.7 parts per million (ppm.) (specifically 12.6), under sections 107(d)(4)(A) and 186(a) of the Clean Air Act (CAA), upon enactment of the Clean Air Act Amendments (CAAA) of 1990.[1] Please reference 56 FR 56694 (November 6, 1991) and 57 FR 13498 and 13529 (April 16, 1992).

The air quality planning requirements for moderate CO nonattainment areas with a design value less than or equal to 12.7 ppm. are set out in subparts one and three of part D, Title I of the CAA. Subpart one contains provisions generally applicable to CO nonattainment areas, and subpart three contains provisions specifically applicable to CO nonattainment areas. Section 104 of the CAAA of 1990 amended part D of Title I of the CAA by adding two additional sections to subpart three (sections 186 and 187), which pertain to the classification of CO nonattainment areas and to the submission requirements of the SIPs for these areas, respectively. At times, subparts one and three overlap or conflict. The EPA has attempted to clarify the relationship among these various provisions in the General Preamble and, as appropriate, in this FR action.

The EPA has issued a "General Preamble" describing the EPA's preliminary views on how the EPA intends to review SIPs and SIP revisions submitted under Title I of the CAA, including those State submittals containing moderate CO nonattainment area SIP requirements. See generally 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992). Because the EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of Title I advanced in this action and the supporting rationale. In this proposed rulemaking action on certain elements of the El Paso, Texas, complete moderate CO SIP, the EPA is applying its interpretations, taking into consideration the specific factual issues presented.

On October 23, 1992, the Governor of Texas submitted to the EPA a SIP revision for CO concerning El Paso, which included the general SIP revision and the oxygenated fuels regulations. The State also submitted to the EPA a completed emissions inventory on November 17, 1992, and a commitment to upgrade the existing I/M Program on November 15, 1992. These elements were intended to satisfy the CAA CO SIP requirements due on November 15, 1992. The required items for the El Paso CO SIP, due November 15, 1992, unless otherwise noted, specifically include: (1) A comprehensive, accurate, and current inventory of actual emissions from all sources of CO in the nonattainment area (sections 172(c)(3) and 187(a)(1) of the CAA); (2) no later than September 30, 1995, and no later than the end of each three year period thereafter, until the area is redesignated to attainment, a revised inventory meeting the requirements of sections 187(a)(1) and 187(a)(5) of the CAA; (3) a permit program to be submitted by November 15, 1993, which meets the requirements of section 173 for the construction and operation of new and modified major stationary sources of CO (section 172(c)(5)); (4) contingency measures due November 15, 1993, that are to be implemented if the EPA determines that the area has failed to attain the primary standards by the applicable date (section 172(c)(9)); (5) a commitment to upgrade the current I/M program and submit a SIP revision for the I/M program by November 15, 1993, (section 187(a)(4)); and (6) an oxygenated fuels program (section 211(m)). As outlined below, the State of Texas' CO SIP revision concerning El Paso, a moderate CO nonattainment area, was reviewed against the applicable requirements. The reader is referred to the El Paso CO SIP submittal and the EPA's supporting technical information, Technical Support Document (TSD), for pertinent details regarding each requirement. The TSD is available for public review at the addresses indicated above for the EPA Regional Office in Dallas, the EPA Washington, D.C. office, and the TNRCC Austin office.

Section 110(k) of the CAA sets out provisions governing the EPA's review of SIP submittals (see 57 FR 13565–66). In this FR action, the EPA is approving

[1] The 1990 Amendments to the CAA made significant changes to the air quality planning requirements for areas that do not meet (or that significantly contribute to ambient air quality in a nearby area that does not meet) the CO NAAQS (see Pub. L. Number 101–549, 104 Stat. 2399). References herein are to the CAA, as amended, 42 U.S.C. sections 7401 *et seq.*

only some of the elements of the complete El Paso CO SIP, specifically the 1990 base year CO emissions inventory, and the oxygenated fuels program. The inspection and maintenance (I/M) committal was addressed by the EPA in an FR notice published on September 27, 1993. The remaining elements of the complete El Paso CO SIP, to be submitted to the EPA by November 15, 1993, will be acted upon in separate FR actions.

This proposed approval action does not include any approval for the El Paso Post-1982 SIP submittal. That SIP proposal was the result of a SIP call on February 24, 1984, and one to which the Texas Air Control Board (TACB) responded. However, the EPA did not take action regarding the SIP submittal, and the CAAA of 1990 have negated the need for the EPA to take further action on that SIP action revision submittal.

Analysis of State Submission

1. Procedural Background

The CAA requires States to observe certain procedural requirements in developing implementation plans and plan revisions for submission to the EPA. Section 110(a)(2) of the CAA provides that each implementation plan submitted by a State must be adopted after reasonable notice and public hearing.[2] See also section 110(l) of the CAA. Also, the EPA must determine whether a submittal is complete and, therefore, warrants further EPA review and action. See section 110(k)(1) and 57 FR 13565. The EPA's completeness criteria for SIP submittals are set out at 40 Code of Federal Regulations part 51, appendix V (1993), as amended by 56 FR 42216 (August 26, 1991). The 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 the EPA six months after receipt of the submission.

After providing adequate notice, the TACB public hearings were held on July 2, 1992, and September 9, 1992, to entertain public comment on certain elements of the complete CO implementation plan. Following the public hearing, these elements were adopted by the State on September 18, 1992, and submitted to the EPA as a proposed revision to the SIP.

The SIP revision was reviewed by the EPA to determine completeness shortly after its submittal, in accordance with the completeness criteria referenced above. A letter dated January 15, 1993, was forwarded to the Governor indicating the completeness of the submittal and the next steps to be taken in the review process.

2. CO Emission Inventory

Section 172(c)(3) of the CAA requires that nonattainment plan provisions include a comprehensive, accurate, and current inventory of actual emissions from all sources of relevant pollutants in the nonattainment area. The TACB, the TNRCC effective September 1, 1993, included the requisite El Paso inventory in the CO SIP. The base year for the inventory was 1990, using a three month CO season of November 1990 through January 1991. Stationary point sources, stationary area sources, on-road mobile sources, and nonroad mobile sources of CO were included in the inventory. Stationary sources with emissions greater than 100 tons per year within a 25-mile buffer of the nonattainment area were also included in the inventory. The following list presents a summary of the CO peak season daily emissions estimates in tons per day (t/d) by source category: Point Sources, nine t/d; Area Sources, three t/d; Mobile On-Road Sources, 291 t/d; Mobile Nonroad Sources, 67 t/d; Total Sources, 370 t/d. Available guidance for preparing emission inventories is provided in the General Preamble (57 FR 13498, April 16, 1992). Section 110(k) of the CAA sets out provisions governing the EPA's review of base year emission inventory submittals in order to determine approval or disapproval under section 182(a)(1). See 57 FR 13565–66, April 16, 1992. The EPA is proposing to grant approval of the El Paso CO base year emission inventory submitted to the EPA based on Level I, II, and III review findings. The following paragraphs outline the review procedures performed on the inventory.

The Level I and II review process is used to determine that all components of the base year inventory are present. The review also evaluates the level of supporting documentation provided by the State, and assesses whether the emissions were developed according to current EPA guidance.

The Level III review process is outlined here and consists of nine points that the inventory must include. For a base year emission inventory to be acceptable, it must pass all of the following criteria: (1) An approved Inventory Preparation Plan (IPP) must be provided and the Quality Assurance contained in the IPP must be performed and its implementation documented; (2) Adequate documentation must be provided that enables the reviewer to determine the emission estimation procedures and the data sources used to develop the inventory. Summary emissions by categories of source type must be provided; (3) The point source inventory must be complete; (4) Point source emissions must have been prepared or calculated according to the current EPA guidance; (5) The area source inventory must be complete; (6) The area source emissions must have been prepared or calculated according to the current EPA guidance; (7) The methods used to develop vehicle miles traveled (VMT) estimates (e.g., a network transportation planning model) must follow EPA guidance. The VMT methods must be adequately described and documented in the inventory report; (8) The MOBILE model must be correctly used to produce emission factors for each of the vehicle classes; and (9) Nonroad mobile emissions must be prepared according to current EPA guidance for all of the source categories.

The base year emission inventory will be approved if it passes Levels I, II, and III of the review process. Detailed Level I and II review procedures can be found in the following document—"Quality Review Guidelines for 1990 Base Year Emission Inventories," U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards (OAQPS), Research Triangle Park, North Carolina, July 27, 1992. Level III review procedures are specified in a memorandum from John S. Seitz to the Regional Air Division Directors, entitled "Emission Inventory Issues," June 24, 1993.[3]

The TACB submitted the El Paso CO inventory on November 17, 1992. EPA Region 6, EPA's OAQPS Emissions Inventory Branch, and contractor's reviewed the inventory. Comments were sent to the TACB, and the TACB responded with a resubmittal. The resubmittal underwent a second review. The review directive comments were given to Texas and discussed during an on-site visit to Austin, Texas, on September 2, 1993. The EPA Office of Mobile Sources (OMS) comments on El Paso ozone were also considered, where applicable.

Texas addressed the final directive comments and the OMS comments and submitted revised submittal documentation to Region 6 on October 4, 1993, along with documents responding to the directive comments

[2] Section 172(c)(7) of the Act requires that plan provisions for nonattainment areas meet the applicable provisions of section 110(a)(2).

[3] Memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, to the Regional Air Division Directors, entitled "Emission Inventory Issues," U.S. EPA, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina, June 24, 1993.

and the OMS comments. Region 6 compared the Texas responses with the deficiencies noted in the final directive review and OMS comments and concluded that Texas had adequately addressed the remaining deficiencies so that Region 6 could verify that Texas had satisfied the Level III criteria for El Paso CO.

Documentation of the Region 6 evaluation, including details of the review procedure, is contained in a memorandum (Attachment A) in the TSD.

Also, please reference Appendix AK of the El Paso CO SIP for specific details on the State inventory. Finally, it should be noted that no later than September 30, 1995, and no later than the end of each three year period thereafter (until the area is redesignated to attainment), the TACB (now TNRCC) will be required to submit to the EPA a revised inventory meeting the requirements of sections 187(a)(1) and 187(a)(5) of the CAA.

3. Nonattainment New Source Review (NSR) Permit Program

The State of Texas submitted NSR regulatory revisions to the EPA on May 13, 1992, and November 3, 1992, respectively. NSR regulatory revisions were also included in a submittal by the State on August 31, 1993. The revisions were due independently of the November 15, 1992, moderate CO nonattainment area SIP requirements addressed in this FR action. The EPA action on the El Paso CO nonattainment NSR permit program will be addressed in detail in future separate FR notices.

4. Contingency Measures

As per section 172(c)(9) of the CAA, all nonattainment SIPs must contain contingency measures (due November 15, 1993) that are to be implemented if the area fails to make reasonable further progress (RFP) or to attain the NAAQS by the applicable date. These contingency measures are to be implemented immediately after the EPA determines failure of RFP or attainment of standards. The contingency measures for the El Paso SIP, due independently of the November 15, 1992, moderate CO nonattainment area SIP requirements addressed in this FR action, were received by the EPA Region 6 on November 15, 1993, and will be addressed in a separate FR action.

5. I/M SIP Revision

Section 187(a)(4) of the CAA provides a savings clause for vehicle I/M programs. All moderate CO nonattainment SIPs must include a vehicle I/M program as described in section 182(a)(2)(B). The State of Texas adopted State rules and currently is operating a State I/M program in El Paso, Texas. The State of Texas has also submitted a committal SIP for the El Paso CO nonattainment area to the EPA, in accordance with provisions of the General Preamble (57 FR 13530), stating that a comprehensive SIP revision will be submitted to the EPA by November 15, 1993, which will upgrade the existing El Paso, Texas, I/M program to meet the new requirements mandated by the CAAA of 1990. The EPA proposed approval of the committal SIP in a separate FR action published on September 27, 1993.

6. Oxygenated Fuels Program

Motor vehicles are significant contributors of CO emissions. An important measure toward reducing these emissions is the use of cleaner-burning oxygenated gasoline. Extra oxygen, contained within the oxygenate in the fuel, enhances fuel combustion and helps to offset fuel-rich operating conditions, particularly during vehicle starting, which are more prevalent in the winter.

Section 211(m) of the CAAA requires that various States submit revisions to their SIPs, and implement oxygenated gasoline programs by no later than November 1, 1992. This requirement applies to all States with CO nonattainment areas with design values of 9.5 ppm. or more, which is based generally on 1988 and 1989 data. Each State's oxygenated gasoline program must require gasoline sold or dispensed in the specified control area to contain not less than 2.7 percent oxygen by weight during that portion of the year in which the area is prone to high ambient concentrations of CO (the control period).

The EPA announced guidance on the establishment of control periods, by area, in the FR on October 20, 1992.[4] The EPA also announced the availability of oxygenated gasoline credit program guidelines in the October 20, 1992, FR.[5] Under a credit program, marketable oxygen credits may be generated from the sale of gasoline with a higher oxygen content than is required (i.e., an oxygen content greater than 2.7 percent by weight). These oxygen credits may be used to offset the sale of gasoline with a lower oxygen content than is required. As an alternate to the credit program, the State may elect a program in which a minimum of 2.7 percent by weight oxygen must be present in every gallon of gasoline sold.

The EPA also issued labeling regulations under section 211(m)(4) of the CAA. These labeling regulations were published in the FR on October 20, 1992.[6]

The State of Texas adopted amendments to its TACB Regulation IV, Control of Air Pollution from Motor Vehicles, Chapter 114, to add a Section 114.13, which establishes an Oxygenated Fuel Program for El Paso. The TACB (now TNRCC) Board approved the Regulation IV revisions on September 18, 1992. The program covers the County of El Paso, Texas (the control area), which is also the El Paso Metropolitan Statistical Area. In this action, the EPA is proposing approval of the El Paso oxygenated fuel program, based on the TACB's revised Chapter 114, Control of Air Pollution from Vehicles, section 114.13, Oxygenated Fuels. The State has entered into an agreement with the El Paso City/County Health Department (known as the El Paso Local Air Pollution Control Program) for that agency to assist the State with the administration of the oxygenated fuels program. The agreement, in the form of grant objectives, details the activities that El Paso will undertake for the State in the administration of the oxygenated fuels program. Examples of the activities the El Paso City/County Health Department performs for the State in the oversight of the oxygenated fuels program include sampling 20 percent of the affected facilities and reporting on the number of violations during the control period. The TNRCC is, however, ultimately responsible for the administration, oversight, and enforcement of the El Paso oxygenated fuels program.

The control period for the program is from October 1 of one year to March 31 of the following year, and the program is one in which all oxygenated gasoline must contain a minimum oxygen content of 2.7 percent by weight of oxygen. The State has adopted labeling regulations, enforcement procedures, and oxygenate test methods in conformity with Federal regulations. For further details of the oxygenated fuels program, the reader is referred to the TSD.

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[4] See "Guidelines for Oxygenated Gasoline Credit Programs and Guidelines on Establishment of Control Periods under section 211(m) of the CAA as Amended—Notice of Availability," 57 FR 47849 (October 20, 1992).

[5] See note 4, above. The EPA issued guidelines for credit programs under section 211(m)(5) of the CAA.

[6] See "Notice of Final Oxygenated Fuels Labeling Regulations under section 211(m) of the Clean Air Act as Amended—Notice of Final Rulemaking," 57 FR 47769. The labeling regulations may be found at 40 CFR part 80, section 80.35.

7. Enforceability Issues

All measures and other elements in the SIP must be enforceable by the State and the EPA. See sections 172(c)(6), 110(a)(2)(A) and 57 FR 13556. The EPA criteria addressing the enforceability of SIPs 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. The criteria include, for example: ensuring that the rules contained in the SIP are explicit in their applicability to the regulated sources; ensuring that compliance dates are clearly specified; ensuring that compliance periods and test methods are clearly noted; ensuring that adequate recordkeeping is required; and ensuring that any exemptions or variances are clear in their applicability and in how they are triggered. In addition to enforceable requirements, nonattainment area plan provisions must 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 Texas has an enforcement program that will ensure that certain control measures contained in the El Paso CO SIP (i.e., the oxygenated fuels) are adequately enforced. As stated in the oxygenated fuels section of this FR notice, the State has an agreement with the El Paso City/County Health Department for that agency to assist the TACB (now TNRCC) in its oversight activities regarding the oxygenated fuels program. The State, however, is responsible for the administration, oversight, and enforcement of the El Paso oxygenated fuels program.

8. Attainment Demonstration

There is no attainment demonstration required for CO nonattainment areas with design values equal to or below 12.7 ppm. and El Paso's design values are less than 12.7 ppm.

However, the International Border provision (section 179B of the CAA commonly referred to as section 818 of the CAAA), provides a State on an international border, such as Texas, an option to satisfy the EPA Administrator regarding attainment of the NAAQS by the statutory deadline. Specifically, section 179B provides that a nonattainment area on an international border that fails to meet NAAQS will not be reclassified if it can demonstrate attainment "but for emissions emanating from outside the United States." Criteria for a section 818 demonstration are further discussed in the TSD. The TACB (now TNRCC) included in this SIP revision its intention to perform a section 818 CO technical analysis for El Paso. The EPA will take action on a section 818 El Paso CO demonstration, if one is submitted, in a future FR notice.

Proposed Action

The EPA in this action is proposing to approve the following elements of the complete El Paso CO SIP: The 1990 base year CO emissions inventory and the oxygenated fuels program. The remaining elements of the complete El Paso CO SIP to be submitted to the EPA by November 15, 1993, will be acted upon in separate FR actions.

The EPA has reviewed these revisions to the El Paso CO SIP and is proposing to approve them as submitted.

Request for Public Comments

The EPA is requesting comments on all aspects of today's proposal. As indicated at the outset of this notice, the EPA will consider any comments received by May 4, 1994.

Miscellaneous

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., the 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, the 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 the 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. section 7410(a)(2).

Executive Order 12866

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 notice will inform the general public of these tables. On January 6, 1989, the Office of Management and Budget (OMB) waived table 2 and table 3 SIP revisions (54 FR 2221) from the requirements of Section 3 of Executive Order 12291 for 2 years. The EPA has submitted a request for a permanent waver for table 2 and table 3 SIP revisions. The OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: March 18, 1994.

Joe D. Winkle,

Acting Regional Administrator.

[FR Doc. 94–7980 Filed 4–1–94; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[CA–12–4–6005; FRL–4857–4]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, El Dorado County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking (NPR).

SUMMARY: EPA is proposing a limited approval and limited disapproval of a revision to the California State Implementation Plan (SIP) which concerns the control of volatile organic compound (VOC) emissions from the loading, unloading, and storage of VOCs. The intended effect of proposing limited approval and limited disapproval of these rules is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA's final action on this notice of proposed rulemaking (NPR) will incorporate these rules into the federally approved SIP. EPA has evaluated these rules and is proposing a simultaneous limited approval and limited disapproval under provisions of the CAA regarding EPA action on SIP

submittals and general rulemaking authority because these revisions, while strengthening the SIP, also do not fully meet the CAA provisions regarding plan submissions and requirements for nonattainment areas.

DATES: Comments must be received on or before May 4, 1994.

ADDRESSES: Comments may be mailed to: Daniel A. Meer, Rulemaking Section (A–5–3), Air and Toxics Division, Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

Copies of the rule revisions and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814.

El Dorado County Air Pollution Control District, 7553 Green Valley Road, Placerville, CA 95667–4197.

FOR FURTHER INFORMATION CONTACT: William Davis, Rulemaking Section (A–5–3), Air & Toxics Division, Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1183.

SUPPLEMENTARY INFORMATION:

Applicability

EPA is proposing a limited approval and limited disapproval of a revision to the California SIP submitted by the El Dorado County Air Pollution Control District (EDCAPCD) entitled Regulation IX, Air Toxic Control Measures, Section A, Benzene, Rules 900 through 914. This regulation was submitted by the California Air Resources Board (CARB) to EPA on April 5, 1991.

Background

On September 12, 1979, EPA promulgated a list of ozone nonattainment areas under the provisions of the 1977 Clean Air Act (1977 CAA or pre-amended Act), which included a portion of the EDCAPCD.[1] 44 FR 53083; 40 CFR 81.305. Because that portion of the EDCAPCD was unable to reach attainment by the statutory attainment date of December 31, 1982, California requested under pre-amended section 172(a)(2), and EPA approved, an extension of the attainment date to December 31, 1987. 40 CFR 52.238. The EDCAPCD was not able to attain the ozone standard by the approved attainment date. On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the pre-amended Act, that EDCAPCD's portion of the SIP was inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, amendments to the 1977 CAA were enacted. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies. In addition, in section 182(b)(3), Congress amended the Act by requiring Stage II gasoline vapor controls for moderate and above ozone nonattainment areas.

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amendment guidance.[2] EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. The Tahoe Air Basin portion of the EDCAPCD is designated attainment for ozone while the Mountain Counties portion, which lies in the Sacramento Metropolitan Area, is classified as a serious nonattainment area.[3] Therefore, the Mountain Counties portion of the EDCAPCD is subject to the RACT fix-up requirement and the May 15, 1991 deadline. Rules 900–914 apply to the entire EDCAPCD.

Section 182(b)(3) applies to areas classified as moderate and above. It requires owners or operators of gasoline dispensing stations to install a vapor recovery system for emissions from vehicle fueling operations (commonly known as Stage II vapor control). Facilities selling 10,000 gallons or less per month and small businesses may be exempted. Compliance dates range from May 15, 1991 to November 15, 1993, depending on the stage of construction on November 15, 1990, and on the size of the facility.

The CARB submitted many revised RACT rules to EPA for incorporation into its SIP on April 5, 1991, including the rules being acted on in this document. This document addresses EPA's proposed action for Regulation IX, Air Toxic Control Measures, Section A, Benzene, (rules 900 through 914). These 900 series rules were adopted by the EDCAPCD on September 18, 1990. The rules were found to be complete on May 21, 1991 pursuant to EPA's completeness criteria set forth in 40 CFR part 51, appendix V[4] and are being proposed for limited approval and limited disapproval.

Rules 900–914 control the emission of VOCs from the loading and storage of organic liquids, primarily gasoline. VOCs contribute to the production of ground level ozone and smog. The rules in Regulation IX were originally adopted as part of EDCAPCD's effort to achieve or maintain the National Ambient Air Quality Standard (NAAQS) for ozone and have been revised in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. Rules 900–914 replace rules 213 and 214 of the current SIP and were adopted to control hazardous benzene emissions in addition to other VOCs. The following is EPA's evaluation and proposed action for EDCAPCD's rules 900–914.

EPA Evaluation and Proposed Action

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents listed in footnote 2. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This

[1] The Tahoe Air Basin portion of EDCAPCD is designated attainment for ozone, but the Mountain Counties portion of the EDCAPCD is designated nonattainment for ozone.

[2] Among other things, the pre-amendment guidance consists of those portions of the proposed post–1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice" (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988); and the existing control technique guidelines (CTGs).

[3] The Mountain Counties portion of the Sacramento Metropolitan Area retained its designation and was classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 56 FR 56694 (November 6, 1991).

[4] EPA adopted completeness criteria on February 16, 1990 pursuant to (55 FR 5830) section 110(k)(1)(A) of the CAA and revised the criteria on August 26, 1991 (56 FR 42216).

requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "fix-up" their RACT rules. See section 182(a)(2)(A). The CTGs applicable to rules 900–914 are: (1) EPA–450/2–77–026, Control of Hydrocarbons from Tank Truck Gasoline Terminals; (2) EPA–450/1–77–035, Control of Volatile Organic Emissions from Bulk Gasoline Plants; (3) EPA–450/2–77–036, Control of Volatile Organic Emissions from Storage of Petroleum Liquids in Fixed-Roof Tanks; (4) EPA 450/2–78–047, Control of Volatile Organic Emissions from Petroleum Storage in External Floating Roof Tanks; and (5) EPA 450/2–78–051, Control of Volatile Organic Emission Leaks from Gasoline Tank Trucks and Vapor Collection Systems. There was no guidance available for Stage II gasoline vapor recovery from vehicle tanks when this regulation was being developed.[5] Further interpretations of EPA policy are found in the Blue Book. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

The EDCAPCD's rules 900–914 provide significant revisions to the existing SIP rules. These revisions include:

1. The addition and expansion of definitions of terms used in the rules.
2. The addition of phase II (stage II) gasoline vapor recovery provisions.
3. Expansion of operation and maintenance, delivery vessel, and transfer requirements.
4. Addition of standards for storage tanks.
5. Addition of test methods for determining compliance.
6. Addition of administrative provisions covering permits, penalties, enforcement, and recordkeeping.

EPA has evaluated EDCAPCD's rules 900–914 for consistency with the CAA, EPA regulations, and EPA policy and has found that the revisions address and correct many deficiencies previously identified by EPA. These corrected deficiencies have resulted in clearer, more enforceable rules. Furthermore, the addition of more stringent limits and Stage II vapor controls in the revised rules should lead to more emission reductions.

Although the EDCAPCD's rules 900–914 will strengthen the SIP, the rules still contain deficiencies that must be corrected pursuant to the requirements of sections 182(a)(2)(A) and part D of the CAA. In summary, the deficiencies relate to the lack of a specific definition of the facilities to which the rules apply, improper definition of test methods, Control Officer discretion to require unspecified control equipment, and a higher throughput exemption than allowed by section 182(b)(3) of the CAA.

A detailed description of specific deficiencies can befound in the Technical Support Document for the regulation dated 4/29/93, which is available from the EPA, Region 9 office. Because of these deficiencies, the regulation is not approvable pursuant to either section 182(a)(2)(A) of the CAA because it is not consistent with the interpretation of section 172 of the 1977 CAA as found in the Blue Book or CAA section 182(b)(3). These deficiencies may lead to rule enforceability problems.

Because of the above deficiencies, EPA cannot grant full approval of these rules under section 110(k)(3) and part D. Also, because the submitted regulation is not composed of separable parts which meet all the applicable requirements of the CAA, EPA cannot grant partial approval of the regulation under section 110(k)(3). However, EPA may grant a limited approval of the submitted regulation under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited because EPA's action also contains a simultaneous limited disapproval[6]. In order to strengthen the SIP, EPA is proposing a limited approval of EDCAPCD's submitted rules 900–914 under sections 110(k)(3) and 301(a) of the CAA.

At the same time, EPA is also proposing a limited disapproval of these rules because they contain deficiencies that have not been corrected as required by section 182(a)(2)(A) of the CAA, and, as such, the rules do not fully meet the requirements of part D of the Act. In addition, the rules do not meet the requirements of section 182(b)(3) of the CAA.

Under section 179(a)(2), if the Administrator disapproves a submission under section 110(k) for an area designated nonattainment, based on the submission's failure to meet one or more of the elements required by the Act, the Administrator must apply one of the sanctions set forth in section 179(b) unless the deficiency has been corrected within 18 months of such disapproval. Section 179(b) provides two sanctions available to the Administrator: highway funding and offsets. The 18-month period referred to in section 179(a) will begin at the time EPA publishes final notice of this disapproval. Moreover, the final disapproval will trigger the Federal implementation plan (FIP) requirement under section 110(c). It should be noted that the rules covered by this NPR have been adopted by the EDCAPCD and are currently in effect in the District. EPA's limited disapproval action in this NPR does not prevent the District or EPA from fully enforcing these rules.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises and government entities with jurisdiction over populations of less than 50,000.

Limited approvals under sections 110 and 301 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, 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

[5] Guidance is currently available in a document entitled "Technical Guidance–Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities", Volumes I and II, EPA–450/3–91–022a and –022b. Future revisions of Stage II regulations should follow this guidance.

[6] Since the Tahoe Basin is in ozone attainment, regulations pertaining to that area are not required to meet RACT. Therefore, the limited disapproval does not apply to regulations for the Tahoe Air Basin.

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).

EPA's limited disapproval of the State request under sections 110 and 301 and subchapter I, part D of the CAA does not affect any existing requirements applicable to small entities. Federal disapproval of the state submittal does not affect its state enforceability. Moreover, EPA's limited disapproval of the submittal does not impose any new Federal requirements. Therefore, EPA certifies that this limited disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements nor does it impose any new Federal 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 222) 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.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and record keeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: March 23, 1994.

Felicia Marcus,

Regional Administrator.

[FR Doc. 94–7988 Filed 4–1–94; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 52

[Region II Docket No. 125, NJ–14–1–6160; FRL–4857–7]

Approval and Promulgation of Implementation Plan; New Jersey Emission Statement Program

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the State Implementation Plan (SIP) revision submitted by the State of New Jersey on February 19, 1993 for the purpose of implementing an Emission Statement Program for stationary sources in New Jersey. The SIP was submitted by New Jersey to satisfy the Clean Air Act requirements for stationary sources to report annually to the State on their emissions of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) and for the State to make this data available to EPA and the public.

DATES: Comments on this proposed action must be received on or before May 4, 1994.

ADDRESSES: Comments should be addressed to:

William J. Muszynski, P.E., Acting Regional Administrator, Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10278.

Copies of the State's submittal are available for inspection during normal business hours at the following locations:

Environmental Protection Agency, Region II Library, 26 Federal Plaza, room 402, New York, New York 10278.

New Jersey Department of Environmental Protection and Energy, Office of Air Quality Management, Bureau of Air Quality Planning, 401 East State Street, CN418, Trenton, New Jersey 08625.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, 26 Federal Plaza, room 1034A, New York, New York 10278, (212) 264–2517.

SUPPLEMENTARY INFORMATION:

Background

The air quality planning and SIP requirements for ozone nonattainment and transport areas are established in subparts I and II of part D of title I of the Clean Air Act, as amended in 1990 (the Act). EPA has published a "General Preamble" and "Appendices to the General Preamble" (see 57 FR 13498 (April 16, 1992), and 57 FR 18070 (April 28, 1992)) describing how EPA intends to review SIPs submitted under title I of the Act.

EPA has also issued a draft guidance document entitled, "Guidance on the Implementation of an Emission Statement Program" (July 1992), describing the requirements for the Emission Statement Program discussed in this rulemaking. The EPA is also conducting a rulemaking process to modify 40 CFR part 52 to reflect the requirements of the Emission Statement Program.

Section 182(a) establishes requirements for stationary sources to prepare and submit to the state each year emission statements showing actual emissions of VOCs and NO_x. Further, states with ozone nonattainment areas are required to submit a revision to their SIPs by November 15, 1992 establishing this Emission Statement Program.

Facilities are required to submit their first emission statement to a state within three years of promulgation of the Act and annually thereafter.

If either VOC or NO_x is emitted at or above the minimum reporting level that is established in a state Emission Statement Program, the other pollutant (NO_x or VOC) from the same facility should be included in the emission statement, even if the pollutant is emitted at levels below the minimum reporting level.

Section 182(a)(3)(B)(ii) of the Act allows states to waive, with EPA approval, the requirement for an emission statement for classes or categories of sources with less than 25 tons per year of actual plant-wide NO_x and 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.

New Jersey's Submittal

On November 15, 1992, New Jersey submitted a SIP revision for ozone which included a proposed Emission Statement Regulation. On February 19, 1993, New Jersey submitted a SIP revision containing the adopted regulation, Subchapter 21, "Emission Statements" of Chapter 27, Title 7 of the New Jersey Administrative Code, effective April 20, 1993. Subsequent to the February 19 submittal, a problem was identified with New Jersey's enabling legislation. The enabling legislation, which did not support the proposed regulation regarding

confidentiality provisions, was modified to conform to EPA's policy which does not allow confidentiality of emissions data submitted as part of the Emission Statement Program. This modified legislation was signed on August 13, 1993 by the Governor of New Jersey. EPA has determined that New Jersey now has the necessary authority to promulgate an Emission Statement Regulation.

On May 24, 1993, New Jersey submitted a letter justifying the exemption of gasoline dispensing facilities from the Emission Statement Program, since none of the sources in this category exceeded the applicable threshold. New Jersey has included emissions from these exempted sources in the base year inventory and will continue to report them in subsequent inventories. Further, on February 3, 1994, New Jersey submitted a letter requesting a waiver from the Emission Statement Program of all sources emitting below the applicable threshold.

EPA's Findings

EPA has determined that an acceptable Emission Statement Program must have several components. Specifically, a state must submit it as a revision to its SIP, and the Emission Statement Program must meet the minimum requirements for reporting as outlined in EPA's, "Guidance on the Implementation of an Emission Statement Program" (July 1992). The program must include, at a minimum, provisions for source applicability, definitions, compliance, and specific source reporting requirements.

EPA has concluded that the New Jersey program meets these requirements. EPA's detailed review of New Jersey's Emission Statement Program is contained in a technical support document available from the source for further information identified at the beginning of this document.

Applicability

In ozone nonattainment areas, facilities which emit VOC or NO_x in amounts of 25 tons per year or more must submit an emission statement. The entire State of New Jersey is designated nonattainment of the National Ambient Air Quality Standard for ozone. New Jersey's regulation appropriately requires facilities anywhere in the State actually emitting or having the potential to emit ten tons per year or more of VOC or 25 tons per year or more of NO_x to submit an annual emission statement.

In accordance with the provision to waive reporting requirements, New Jersey has requested a waiver from the Emission Statement Program for sources emitting less than ten tons per year of plant-wide VOC and less than 25 tons per year of plant-wide NO_x. New Jersey has included these sources of emissions (calculated using emission factors established or approved by EPA) in the base year inventory and will continue to do so in the periodic inventories. EPA has determined that New Jersey has complied with the emission statement waiver provisions outlined in EPA guidance. New Jersey has addressed the emission statement applicability provisions in a manner that is acceptable to EPA.

Definitions

The key definitions that New Jersey included in its Emission Statement Regulation are consistent with the EPA guidance.

Compliance

All measures and other elements in the SIP must be enforceable by the State and EPA. The EPA criteria addressing the enforceability of SIPs and SIP revisions were stated in a September 23, 1987 memorandum (with attachments) from J. Craig Potter, Assistant Administrator for Air and Radiation (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 New Jersey has a program in its SIP that will ensure that the requirements of section 182(a)(3)(B) are adequately enforced. New Jersey will continue to provide EPA with status reports which outline the degree of compliance of sources and which indicate the sources that have and have not met the provisions of the Emission Statement Program. In addition, New Jersey has established penalty amounts to be assessed for each reporting violation.

In letters dated June 24 and October 8, 1993, New Jersey provided EPA with quarterly Emission Statement Status Reports. These reports showed the total number of facilities from which emission data was requested, the number of facilities that met, and that failed to meet the provisions. Also in these reports, New Jersey provided a listing of the facilities that did not comply with the emission statement reporting requirements. New Jersey has included, as part of its February 19, 1993 submittal, compliance schedules with appropriate penalties for sources failing to comply. EPA has determined that New Jersey has an adequate enforcement program in place to satisfy the compliance requirements of an Emission Statement Program.

Reporting Requirements

In accordance with EPA requirements, New Jersey has required the necessary source-supplied data elements from facilities. The survey forms that New Jersey has provided to facilities for use in reporting emission statement data are not EPA forms but require the necessary data.

New Jersey submitted a letter on May 24, 1993 committing to meet EPA's requirements on reporting by verifying facility-supplied data and by submitting required data to EPA. New Jersey will submit facility and state-supplied data to the Aerometric Information Retrieval System (AIRS) on an annual basis.

Summary

EPA is proposing to approve this portion of the SIP submittal as meeting the specific requirements for an Emission Statement Program.

Nothing in this proposed rule should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP 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 economic 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 Act 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 small entities. Moreover, due to the nature of the Federal-state relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.T1 v. U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410 (a)(2).

This proposed rule 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 waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. The EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. The OMB has agreed to continue the wavier until such time as it rules on EPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Authority: 42 U.S.C 7401–7671q.

Dated: March 18, 1994.

William J. Muszynski, P.E.,

Acting Regional Administrator.

[FR Doc. 94–7989 Filed 4–1–94; 8:45 am]

BILLING CODE 6560–50–F

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40 CFR Part 52

[CA 13–3–6234; FRL–4857–5]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Yolo-Solano Air Pollution Control District, Ventura Country Air Pollution Control District, and Placer County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) adopted by the following air pollution control districts: The Yolo-Solano Air Pollution Control District (Yolo-Solano APCD) on November 14, 1990; the Placer County Air Pollution Control District (Placer County APCD) on September 25, 1990; and the Ventura County Air Pollution Control District (Ventura County APCD) on December 10, 1991. The California Air Resources Board (CARB) submitted these revisions to EPA on the following dates: May 13, 1991, April 5, 1991 and June 19, 1992, respectively. The revisions concern Yolo-Solano APCD's Rule 2.24–Solvent Cleaning Operations, Ventura County APCD's Rule 74.6–Surface Cleaning and Degreasing, and Placer County APCD's Rule 216–Degreasing Operations. These rules control emissions of volatile organic compounds (VOCs) from surface cleaning and degreasing operations. The intended effect of proposing approval of these rules is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA's final action on this notice of proposed rulemaking (NPR) will incorporate these rules into the federally approved SIP. EPA has evaluated each of these rules and is proposing to approve them under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: Comments must be received on or before May 4, 1994.

ADDRESSES: Comments may be mailed to: Daniel A. Meer, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

Copies of the rule revisions and EPA's evaluation report of each are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105.

Yolo-Solano County APCD, 1947 Galileo Ct., suite 103, Davis, CA 95616.

Ventura County APCD, 702 County Square Drive, Ventura, CA 93003.

Placer County APCD, 11464 B. Avenue, Auburn, CA 95603.

FOR FURTHER INFORMATION CONTACT: William Davis, Rulemaking Section (A–5–4), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105 Telephone: (415) 744–1183.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978 EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 CAA or pre-amended Act), that included the Yolo-Solano County Area and the Ventura County Area. 43 FR 8964, 40 CFR 81.305. On September 12, 1979 EPA promulgated a similar list that included the Placer County Area. 44 FR 53801; 40 CFR 81.305. Because these areas were unable to meet the statutory attainment date of December 31, 1982, California requested under section 172(a)(2), and EPA approved, an extension of the attainment date to December 31, 1987. 40 CFR 52.238. On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the pre-amended Act, that the above districts' portions of the California SIP were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call) [1]. On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies.

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amendment guidance. [2] EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. The Yolo County Area is classified serious; the portion of Solano County in the Sacramento Metropolitan Area is classified as serious; the portion of Solano County in the San Francisco-Bay Area is classified as moderate; the Ventura County Area is classified as severe; and the portion of Placer County in the Sacramento Metropolitan Area is classified as serious; [3] therefore these

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[1] The Lake Tahoe portion of Placer County is in attainment for ozone and was not subject to the SIP call.

[2] Among other things, the pre-amendment guidance consists of those portions of the proposed post–1987 ozone and carbon monoxide policy that concerns RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice" (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988); and the existing control technique guidelines (CTGs).

[3] Yolo County, the portion of Solano County in the Sacramento Metropolitan Area, the portion of Solano County in the San Francisco-Bay Area, Ventura County, and the portion of Placer County in the Sacramento Metropolitan Area retained their designations and were classified by operation of law pursuant to sections 107(d) and 181(a) upon the

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areas were subject to the RACT fix-up requirement and the May 15, 1991 deadline.

The State of California submitted many revised RACT rules for incorporation into its SIP on April 5 and May 13, 1991 and June 19, 1992, including the rules being acted on in this document. This document addresses EPA's proposed action for Yolo-Solano APCD's Rule 2.24–Solvent Cleaning Operations, Ventura County APCD's Rule 74.6–Surface Cleaning and Degreasing and Placer County APCD's Rule 216–Degreasing Operations. These submitted rules were found to be complete on the following dates: Rule 2.24, July 10, 1991; Rule 74.6, August 27, 1992; and Rule 216, May 21, 1991. These rules were found to be complete pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V [4] and are being proposed for approval into the SIP.

These submitted rules control VOC emissions from solvent degreasing operations. VOCs contribute to the production of ground level ozone and smog. The rules were adopted as part of each district's efforts to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. The following is EPA's evaluation and proposed action for these rules.

EPA Evaluation and Proposed Action

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and Part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA's interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents listed in footnote 2. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "fix-up" their RACT rules. See section 182(a)(2)(A). The CTG applicable to all of the rules in this document is EPA–450/2–77–022, "Control of Volatile Organic emissions from Solvent Metal Cleaning." Further interpretations of EPA policy are found in the Blue Book, referred to in footnote 2. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

Yolo-Solano County APCD's Rule 2.24, Solvent Cleaning Operations, includes the following significant changes from the current SIP:

1. Revised and expanded the "definitions" section.
2. Revised the "exemptions" section.
3. Deleted Air Pollution Control Officer discretion for selection of test methods.
4. Added recordkeeping requirements and test methods.
5. With regard to cold solvent cleaning, changed all reference points from vapor pressure to initial boiling point of the solvent which is more easily measured (as determined by ASTM D–1078–78).

Ventura County APCD's Rule 74.6, Surface Cleaning and Degreasing, includes the following significant changes from the current SIP:

1. Added an applicability section.
2. Expanded the "Definitions" section.
3. Added recordkeeping requirements, i.e. records for solvent makeup, solvent disposal, and total solvent used by type.
4. Added specific test methods approved by the EPA.
5. Expanded operating requirements for the different degreasing operations through the incorporation of Ventura County APCD Rules 74.6.1, 74.6.2, and 74.6.3.
6. Incorporated the initial boiling point of solvents (as measured by ASTM 1078–78) for determining applicability in place of vapor pressure.
7. Included more stringent vapor control and emission collection provisions for open top vapor degreasers.

Placer County APCD's Rule 216, Degreasing Operations includes the following significant changes from the current SIP:

1. Expanded and refined the definitions section.
2. Added recordkeeping and compliance schedule requirements.
3. Added a requirement for immediate repair of leaks or system shutdown.
4. Removed the exemption for small vapor and conveyorized degreasers.
5. Added an exemption for small cold cleaners.
6. Deleted APCO discretion in determining equivalency of equipment or procedures.
7. Replaced vapor pressure with initial boiling point of solvent (as defined by ASTM 1078–78) for determining applicability.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, Yolo-Solano APCD's Rule 2.24–Solvent Cleaning Operations, Ventura County APCD's Rule 74.6–Surface Cleaning and Degreasing, and Placer County APCD's Rule 216–Degreasing Operations, are being proposed for approval under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under sections 110 and 301 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427

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date of enactment of the CAA. See 56 FR 56694 (November 6, 1991).

[4] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225) as revised by an October 4, 1993, memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. A future 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 222) 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. OMB has agreed to continue the waiver until such time as it rules on EPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: March 24, 1994.

David A. Howekamp,

Acting Regional Administrator.

[FR Doc. 94–7990 Filed 4–1–94; 8:45 am]

BILLING CODE 6560–50–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 124

RIN 0905–AE06

Medical Facility Construction and Modernization; Requirements for Provision of Services to Persons Unable To Pay

AGENCY: Public Health Service, DHHS.

ACTION: Proposed rule.

SUMMARY: This notice proposes revisions to the rules currently governing how certain health care facilities, assisted under titles VI and XVI of the Public Health Service Act, fulfill the assurance given in their applications for assistance that they would provide a reasonable volume of services to persons unable to pay. Public comment on the current rules and operational experience with them have indicated the need to revise the current requirements with respect to nursing homes, many of which are unable under current requirements to meet their obligation to provide such services. The intended effect of this action is to permit qualified facilities to satisfy their uncompensated services assurance.

DATES: Comments must be received on or before June 3, 1994.

ADDRESSES: Written comments may be sent to Mrs. Charlotte G. Pascoe, Director, Division of Facilities Compliance, BHRD, HRSA, 5600 Fishers Lane, room 11–19, Rockville, Maryland 20857.

Comments will be available for public inspection during normal business hours at this address: PHS will take appropriate steps, where necessary, to afford individuals with disabilities an equal opportunity to comment.

FOR FURTHER INFORMATION CONTACT: Mrs. Eulas Dortch, 301–443–5656.

SUPPLEMENTARY INFORMATION: The Secretary of Health and Human Services proposes an amendment to the rules governing what is popularly known as the Hill-Burton uncompensated services program. Health care facilities covered by the program received construction assistance under two titles of the Public Health Service Act, title VI (the "Hill-Burton Act," 42 U.S.C. 291, *et seq.*) and title XVI (42 U.S.C. 300q, *et seq.*). Under both titles, facilities receiving such construction assistance have been required, as a condition of receiving the construction assistance, to provide an assurance that "there will be available in the facility or portion thereof to be constructed or modernized a reasonable volume of services to persons unable to pay therefor * * *." 42 U.S.C. 291c(e). See also 42 U.S.C. 300s–1(b)(1)(K)(ii). This assurance is known as the "uncompensated services assurance."

Regulations governing compliance with the uncompensated services assurance were first issued in 1947, and have been revised several times. On May 18, 1979, comprehensive regulations governing compliance with the assurance were issued at 44 FR 29372. Among other things, the 1979 regulations: Established a minimum level of uncompensated services which facilities were required to provide; set an annual compliance level of uncompensated services to be provided and required facilities to make up any deficit in meeting the annual compliance level through provision of more uncompensated services in later years; required facilities to allocate their uncompensated services either under a plan meeting certain requirements or on a first-requested, first-served basis; required facilities to notify the public of the existence of their uncompensated services programs through public notice and provision of personal notice to individuals served by the facilities; and required facilities to keep records documenting compliance and to periodically report concerning compliance. The 1979 regulations also for the first time established national eligibility criteria, based on income: Individuals whose annual income was at or below the poverty level (known as "Category A individuals") were automatically eligible for uncompensated services; individuals whose annual income was at or below two times the poverty level (known as "Category B individuals") were also eligible for uncompensated services, unless the facility decided to limit its services to Category A individuals only. The 1979 regulations also provided that amounts to which an individual was entitled under a third-party insurance or governmental program could not be credited towards a facility's uncompensated services quota.

On December 3, 1987, the Secretary revised the 1979 regulations at 52 FR 46022. As pertinent here, the 1987 regulations effected a technical revision of the 1979 regulations, making explicit what had formerly been implicit in those regulations; *i.e.*, that coverage of an indigent under a third-party insurance or governmental program precludes eligibility for uncompensated services. 42 CFR 124.505(a)(1) (1988). This policy simply reflects the long-standing Department view of the uncompensated services program as a program of last resort, designed to serve persons who have no source of payment, such as Medicaid or private insurance, for medical care.

This policy has created major compliance problems for many Hill-Burton-obligated nursing homes. HHS has determined that, of the 287 nursing homes with outstanding uncompensated services obligations under the general compliance standards of the regulations, 243 have deficits; the majority of these have received no uncompensated services credit. These deficits persist despite many attempts by HHS to provide technical assistance to nursing homes to bring them into compliance. The fundamental problem is that, in most of these nursing homes, the only individuals who meet the income-eligibility requirements for receipt of uncompensated services are also covered by their State's Medicaid program; hence, they are by definition ineligible for uncompensated services under § 124.505(a)(1). Thus, in States in which the Medicaid eligibility limits

exceed the Hill-Burton eligibility limits and which cover most or all medical services, nursing homes are in the unenviable position of being chronically unable to fulfill their uncompensated services obligations.

HHS has been aware of this structural problem for some time, and established a task force to analyze nursing home compliance issues and develop strategies for dealing with compliance problems. The task force found that facilities in States which have comprehensive Medicaid coverage for nursing home services have the most difficulty finding eligible individuals to whom they can provide uncompensated services. Thus, the task force recommended increasing the eligibility limit for uncompensated services to three times the poverty level to increase the pool of individuals potentially eligible for uncompensated services.

HHS then surveyed the regional offices of the Health Care Financing Administration, which administers the Medicaid program, to determine whether such a change in income eligibility would permit more nursing homes to meet their uncompensated services obligations by setting Hill-Burton income eligibility limits above Medicaid income eligibility limits. This survey indicated that 31 States and the District of Columbia have medically needy programs under which Medicaid covers all individuals who have annual incomes that are less than the cost of the nursing home services received and less than the Medicaid resource eligibility limits (usually, $2,000). Based on an average annual nursing home cost of $31,000 in 1992, an increase in the Hill-Burton income eligibility limit to three times the poverty level (to about $20,000) will not significantly increase the opportunity for facilities in these States to meet their uncompensated services obligations, since patient income is irrelevant unless it exceeds nursing home costs. However, even in these States, to the extent nursing home patients receive services not covered by Medicaid or are ineligible for Medicaid because they have resources exceeding the Medicaid limits, raising the Hill-Burton income eligibility limit would increase the pool of individuals eligible for uncompensated services. Moreover, in 16 of the remaining 19 States, a raise in the Hill-Burton individual income eligibility limit from the current $13,940 (double the poverty level) to the proposed $20,910 would result in a Hill-Burton income eligibility limit substantially above the Medicaid income eligibility limit of $15,192 that applies in these States. An increase in the income eligibility limit to three times the poverty level for nursing home services would thus greatly increase the pool of Hill-Burton eligibles in those States, and it seems likely that such a change would accordingly increase the opportunity to fulfill the Hill-Burton obligation for all 69 nursing homes in those States. While the remaining three States have Medicaid income eligibility limits that are below the current upper Hill-Burton individual income eligibility limit of $13,940, such a change would obviously increase the pool of Hill-Burton eligible individuals in those States as well. Thus, to the extent the compliance problems of nursing homes in those States are a function of a lack of eligible patients, an increase in the income eligibility limit to three times the poverty level for nursing home services would similarly assist them.

The rules proposed below accordingly would establish a third income eligibility level (Category C) for nursing home services only. See, proposed § 124.505(a)(2)(iii). Category C individuals would be those individuals whose annual incomes are greater than two times, but do not exceed three times, the poverty level. The regulations already define which facilities are "nursing homes" within the scope of the regulation. See, § 124.502(h).

HHS has considered, but rejected, even higher income eligibility limits. The higher that income eligibility limits are raised, the farther the program gets from targeting services to persons unable to pay. On the other hand, given the usual cost of nursing home care, it is apparent that individuals in need of such care are still unable to pay for the cost of that care, even if they have annual incomes of three times the poverty level. Thus, HHS believes that the proposed regulation represents a reasonable approach to reducing compliance problems for nursing homes and retaining the program's traditional focus on persons unable to pay.

While HHS recognizes that this proposal on its face does not resolve all nursing home compliance problems, it also does not expect the proposed change to operate in a vacuum. Rather, HHS currently has under consideration another compliance alternative, published in the **Federal Register** on November 4, 1993, as a Notice of Proposed Rulemaking, designed in part to help alleviate the compliance problems of certain private, nonprofit nursing homes. The proposed compliance alternative would exempt qualifying facilities from the procedural requirements of the general regulations. Qualifying facilities are those private, nonprofit facilities that either receive substantial philanthropic support and provide free or reduced cost services, or do not collect monies directly from persons unable to pay. The combination of these two proposed rules should allow all of the 287 Hill-Burton obligated nursing homes to satisfy their uncompensated services obligations and reduce their uncompensated services deficits more easily. In light of this, it appears prudent to minimize the change in the underlying program until it is seen what effect the two program alterations currently under consideration have in resolving the compliance problems of nursing homes.

The rules proposed below also set out technical and conforming amendments to other sections. The only one of note is proposed § 124.506(a)(1)(v). That section would provide that if a nursing home provides services on a reduced charge basis to both Category B and Category C individuals, it may not employ a discount method that gives Category C individuals greater discounts than those given to Category B individuals. This policy is simply a logical extension of a similar policy that already exists with respect to Category A and Category B individuals.

The Secretary solicits comments on the viability and advisability of the above proposal. If there are suggestions for alternative approaches to addressing the problems of nursing home compliance, the Secretary is interested in receiving those as well.

Economic Impact

Executive Order 12866 requires that all regulations reflect consideration of alternatives, of costs, of benefits, of incentives, of equity, and of available information. Regulations must meet certain standards, such as avoiding unnecessary burden. Regulations which are "significant" because of cost, adverse effects on the economy, inconsistency with other agency actions, effects on the budget, or novel legal or policy issues, require special analysis. The Regulatory Flexibility Act requires that we analyze regulatory proposals to determine whether they create a significant impact on a substantial number of small entities (for purposes of the Act, all nursing home are categorized by HHS as small entities).

The Department believes that the proposed rule change in this regulation is beneficial. This regulation does not have an impact that exceeds $100 million for nursing homes. While it will allow nursing homes to qualify more individuals for uncompensated services and thus reduce facility deficits, it will not alter existing procedural and reporting requirements for obligated

facilities. For these reasons, we do not believe this rule necessitates an economic analysis. Therefore, in accordance with the Regulatory Flexibility Act of 1980, the Secretary certifies that this regulation will not have a significant impact on a substantial number of small entities.

Pursuant to Executive Order 12866, the Office of Management and Budget (OMB) has reviewed this rule. The Department requests comments on whether there are any aspects of this proposed rule which can be improved to make nursing home compliance more effective, more equitable, or less costly.

Paperwork Reduction Act of 1980

This proposed rule contains no information collection or reporting requirements which are subject to review by OMB under the Paperwork Reduction Act of 1980. Although this rule discusses the requirement for developing and submitting affirmative action plans, the requirement is not new and has been previously approved under OMB control number 0915–0077.

List of Subjects in 42 CFR Part 124

Grant programs—health; Health facilities; Loan programs—health; Low income persons.

Dated: November 12, 1993.

Philip R. Lee,

Assistant Secretary for Health.

Approved: February 22, 1994.

Donna E. Shalala,

Secretary.

For reasons set out in the preamble, subpart F of 42 CFR part 124 is proposed to be amended as follows:

Subpart F—Reasonable Volume of Uncompensated Services to Persons Unable To Pay

1. The authority citation for 42 CFR part 124, subpart F, continues to read as follows:

Authority: 42 U.S.C. 216; 42 U.S.C. 300s(3).

2. The first two sentences of § 124.503(b)(4) are revised to read as follows:

§ 124.503 Compliance level.

* * * * *

(b) * * *

(4) *Affirmative action plan for precluding future deficits.* Except where a facility reports to the Secretary in accordance with § 124.509(a)(2)(iii) that it was financially unable to provide uncompensated services at the annual compliance level, a facility that fails to meet its annual compliance level in any fiscal year shall, in the following year, develop and implement a plan of action that can reasonably be expected to enable the facility to meet its annual compliance level. Such actions may include special notice to the community through newspaper, radio, and television, or expansion of service to Category B, or, with respect to nursing homes, Category C, persons. * * *

* * * * *

3. Section 124.505 is amended by revising paragraph (a)(2)(ii) and by adding paragraph (a)(2)(iii) to read as follows:

§ 124.505 Eligibility criteria.

(a) * * *

(2) * * *

(ii) *Category B*—A person whose annual individual or family income, as applicable, is greater than, but not more than twice, the poverty line issued by the Secretary pursuant to 42 U.S.C. 9902 that applies to the individual or family. If persons in Category B are included in the allocation plan, the facility shall provide uncompensated services to these persons without charge, or in accordance with a schedule of charges as specified in the allocation plan.

(iii) *Category C*—With respect only to persons seeking or receiving nursing home services, a person whose annual or family income, as applicable, is more than twice but not greater than three times the poverty line issued by the Secretary pursuant to 42 U.S.C. 9902 that applies to the individual or family. If persons in Category C are included in the allocation plan, the facility shall provide uncompensated services to these persons without charge, or in accordance with a schedule of charges as specified in the allocation plan; and

* * * * *

4. Section 124.506 is amended by revising paragraph (a)(1)(iii) through (a)(1)(v) and the first sentence of paragraph (b)(2) and by adding paragraph (a)(1)(vi) to read as follows:

§ 124.506 Allocation of services; plan requirement.

(a)(1) * * *

(iii) State whether Category B or, in the case of nursing homes only, Category C persons will be provided uncompensated services, and if so, whether the services will be available without charge or at a reduced charge;

(iv) If services will be made available to Category B persons at a reduced charge, specify the method for reducing charges, and provide that the method will be applicable to all persons in Category B;

(v) With respect to nursing homes only, if services will be made available to Category C persons at a reduced charge, specify the method for reducing charges, provided that such method may not result in greater reductions than those afforded to Category B persons, and provide that this method will be applicable to all persons in Category C; and

(vi) Provide that the facility will provide uncompensated services to all persons eligible under the plan who request uncompensated services.

(b)(1) * * *

(2) If no plan was previously published in accordance with paragraph (a)(2) of this section, the facility must provide uncompensated services without charge to all applicants in Category A and Category B, and, with respect to nursing homes, Category C, who request uncompensated services in the facility.

* * * * *

[FR Doc. 94–7727 Filed 4–1–94; 8:45 am]

BILLING CODE 4160–15–M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Part 9903

Cost Accounting Standards Board; Cost Accounting Standards Board Disclosure Statement Form (CASB DS–1)

AGENCY: Cost Accounting Standards Board, Office of Federal Procurement Policy, OMB.

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: The Office of Federal Procurement Policy, Cost Accounting Standards Board (CASB), proposes to revise its Disclosure Statement Form (CASB DS–1). Section 26(g)(1) of the Office of Federal Procurement Policy Act requires that the Board, prior to the promulgation of any new or revised Cost Accounting Standard, publish a report and an ANPRM. This ANPRM addresses the Board's efforts to update and revise the CASB Disclosure Statement.

DATES: Requests for a copy of the Disclosure Statement form must be in writing and must be received by June 3, 1994. Comments must be in writing and must be received by June 20, 1994.

ADDRESSES: Requests for a copy of the Disclosure Statement or comments upon its contents should be addressed to Dr. Rein Abel, Director of Research, Cost Accounting Standards Board, Office of Federal Procurement Policy, 725 17th Street, NW., room 9001, Washington,

DC 20503. Attn: CASB Docket No. 93–02.

FOR FURTHER INFORMATION CONTACT: Dr. Rein Abel, Director of Research, Cost Accounting Standards Board (telephone: 202–395–3254).

SUPPLEMENTARY INFORMATION:

A. Regulatory Process

The Cost Accounting Standards Board's rules and regulations are codified at 48 CFR chapter 99. Section 26(g)(1) of the Office of Federal Procurement Policy Act, 41 U.S.C. 422(g)(1), requires that the Board, prior to the establishment of any new or revised Cost Accounting Standard, complete a prescribed rulemaking process. This process consists of the following four steps:

1. Consult with interested persons concerning the advantages, disadvantages and improvements anticipated in the pricing and administration of government contracts as a result of a proposed Standard.
2. Promulgate an Advance Notice of Proposed Rulemaking.
3. Promulgate a Notice of Proposed Rulemaking.
4. Promulgate a Final Rule.

This proposal is step two in the four step process.

B. Summary of Proposed Rule

The Board initiated a case to consider issues related to the revision of the Disclosure Statement (CASB DS–1), which was originally developed and promulgated in the early 1970s. Only minor revisions to the Statement have been made prior to the initiation of the current project. On April 2, 1993, the CASB distributed a Staff Discussion Paper incorporating a revised Disclosure Statement to certain interested parties who generally possessed actual field experience in submitting and auditing these documents. The Board is continuing the revision process to improve the quality of information presented in the Disclosure Statement form.

The purpose of this ANPRM is to seek broad public comment concerning the format and data to be collected on the proposed form. In particular, the Board is interested in soliciting comments concerning the relevance and adequacy of the required disclosures to the quality of the government contract cost measurement process.

Steven Kelman,

Administrator for Federal Procurement Policy and Chairman, Cost Accounting Standards Board.

[FR Doc. 94–7960 Filed 4–1–94; 8:45 am]

BILLING CODE 3110–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AB56

Endangered and Threatened Wildlife and Plants; Withdrawal of Proposed Rule To Designate Critical Habitat for the Little Mariana Fruit Bat, Mariana Fruit Bat, Guam Broadbill, Mariana Crow, Guam Micronesian Kingfisher, and Guam Bridled White-Eye

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final decision; withdrawal of proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) withdraws the proposal to designate critical habitat for six endangered forest species on Guam: The little Mariana fruit bat (*Pteropus tokudae*), Mariana fruit bat (*Pteropus mariannus mariannus*), Guam broadbill (*Myiagra freycineti*), Mariana crow (*Corvus kubaryi*), Guam Micronesian kingfisher (*Halcyon cinnamomina cinnamomina*), and Guam bridled white-eye (*Zosterops conspicillatus conspicillatus*). Most of the lands proposed for critical habitat have now been protected by the inclusion of these lands in the Guam National Wildlife Refuge. The Service finds that designation of critical habitat is not prudent under the Endangered Species Act (Act).

ADDRESSES: The complete file for this rule is available for public inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, room 6307, P.O. Box 50167, Honolulu, Hawaii 96850.

FOR FURTHER INFORMATION CONTACT: Robert P. Smith, at the above address (808/541–2749).

SUPPLEMENTARY INFORMATION:

Background

In the final rule listing a number of Guam species, published August 27, 1984, in the Federal Register (49 FR 33881), the Service determined endangered status for seven birds and two mammals: Guam broadbill (Myiagra freycineti), Mariana crow (Corvus kubaryi), Mariana gallinule (moorhen) (Gallinula chloropus guami), Micronesian kingfisher (Halcyon cinnamomina cinnamomina), Guam rail (Rallus owstoni), Vanikoro swiftlet (Aerodramus vanikorensis bartschi), Guam bridled white-eye (Zosterops conspicillatus conspicillatus), little Mariana fruit bat (Pteropus tokudae), and the Guam population of Mariana fruit bat (Pteropus mariannus mariannus). These species are found in the Mariana Islands in the western Pacific in the Territory of Guam and the Commonwealth of the Northern Mariana Islands, both under the jurisdiction of the United States.

The six species, along with three other species, were listed as endangered on August 27, 1984. In a proposed rule published in the Federal Register on June 14, 1991 (56 FR 115), critical habitat was proposed for six of these endangered forest species on Guam: the little Mariana fruit bat, Mariana fruit bat, Guam broadbill, Mariana crow, Guam Micronesian kingfisher, and Guam bridled white-eye. Comments related to the proposed critical habitat designation were solicited during four public comment periods held: June 14, 1991, through August 13, 1991; October 15, 1991, through October 31, 1991; June 12, 1992, through July 15, 1992; and March 1, 1993, through March 31, 1993. A public hearing on the critical habitat proposal was held in Guam on July 31, 1991.

The six species were once distributed in the forests throughout Guam, but by the time they were listed in 1984, their ranges had been severely reduced. The species continue to decline in the wild. The main cause of the decline at the time of listing was not known with certainty, but probable causes included predation by introduced animals (most notably the brown tree snake), habitat loss, and, for the two species of fruit bats, hunting. It has become increasingly clear that predation by the introduced brown tree snake (Boiga irregularis) is the primary cause of decline for the endangered birds (Savidge 1987). For fruit bats, poaching is a serious threat along with predation by the brown tree snake (DAWR 1993).

The Mariana crow is currently extant in the wild on Guam and the neighboring island of Rota, 44 miles to the north of Guam. The population on Rota has been relatively stable and, based on a 1982 survey, was believed to number about 1,300 individuals (Engbring et al. 1986). Additional surveys will be conducted on Rota, starting in 1994, to acquire more current information. On Guam, the population has declined and is now believed to number approximately 50 individuals (DAWR 1993), with little or no successful reproduction since 1986. Compared to other forest birds native to Guam, the Mariana crow requires relatively large tracts of forest that do not have high levels of human activity.

The Mariana fruit bat is found on all the major islands in the Marianas. Only the Guam population is listed as endangered, although populations on Saipan, Tinian, and Aguijan are considered category 1 candidate species, and the populations on Rota and the islands north of Saipan are considered category 2 candidate species (56 FR 225). Category 1 includes taxa for which information in the Service's possession is sufficient to support a proposal to list. Category 2 includes species for which information in the Service's possession indicates that listing is possibly appropriate, but is insufficient to support a proposal to list as endangered or threatened at this time. On Guam, the Mariana fruit bat was historically found throughout native forests. By the 1980's, population numbers on Guam had dropped, and the species was restricted to forests on the northern tip of the island (USFWS 1990b), although there are occasional reports of bats from southern Guam around Fena Reservoir. Various species of Pacific fruit bats generally use a variety of forest types, including agricultural forest in close proximity to residential areas. Adequate protection from poaching has not been possible on Guam and bats have been extirpated from residential areas on the island. This activity continues despite the fact that it has been illegal to hunt fruit bat species on Guam since 1966.

The Micronesian kingfisher, a subspecies endemic to Guam, was at one time found throughout most of Guam's forests (Jenkins 1983). Up to 3,000 might have survived in the wild when the species was listed in 1984, but the kingfisher declined rapidly and is extirpated from the wild today. A captive population has been established and is maintained at several mainland zoos including the Bronx, Philadelphia, and National Zoos. Once the brown tree snake is brought under control, it is hoped that the Guam Micronesian kingfisher can be reintroduced in the wild using the progeny produced by these captive flocks.

Three of the six forest species, all endemic to Guam, have not been observed in the wild for several years and are believed to be extinct: the little Mariana fruit bat, Guam broadbill, and the Guam bridled white-eye. No records of the little Mariana fruit bat exist after 1968. In 1983, the Guam broadbill was restricted to a small area at the north end of the island and the population was estimated to be under 100 individuals. Two sightings of individuals were made in 1984: One in March in Northwest Field, and one in August adjacent to the Navy golf course in Barrigada (USFWS 1990a). A single broadbill was possibly heard in the Naval Communications area in 1988 (U.S. Navy 1989). Since then, the broadbill has virtually disappeared from the island. Fewer than 50 bridled white-eyes were thought to survive in 1983. The last individual was observed in June of that year (Beck 1984).

The areas for which the Service proposed critical habitat designation are those identified as "high priority essential habitat" and "essential habitat" in the two recovery plans for these species (USFWS 1990a and USFWS 1990b). The total acreage of the proposed areas is approximately 16,893 acres (6,837 hectares (ha)) in northern Guam and 7,669 acres (3,104 ha) in southern Guam, for a total of 24,562 acres (9,944 ha) island wide. About 83 percent of the land within the proposed critical habitat of the six forest species on Guam is in Federal ownership and is predominantly under the jurisdiction of either the U.S. Navy or the U.S. Air Force. Approximately 14.5 percent is owned by the Government of Guam, while the remaining 3.5 percent is in private ownership.

Certain forest areas on Guam must be given special management if the remaining forest species are to survive. They consist of relatively contiguous tracts of forest types, including mature limestone forests, mixed woodlands, second growth stands, coastal strand forests, coconut forests, and ravine forests. All are habitat types favored by Guam forest species. When isolated from excessive human disturbance, such forest types fulfill the habitat requirements of the Mariana crow and Mariana fruit bat in providing relatively large, contiguous tracts of forest with a minimum of human disturbance. The Service believes that the Guam Micronesian kingfisher could be reintroduced to these protected areas as well.

Protection of these areas would allow for the continued survival of the species that are either currently restricted to a small fraction of their former historical range or extirpated from the wild in Guam. A key management consideration common to all of Guam's native terrestrial species is control of the introduced brown tree snake, which was a major factor in the population declines of these species. Conservation of these species will be substantially enhanced through protection and management of key portions of their historic range.

The endangered species problems on Guam are complex, and the Service believes that a cooperative, proactive approach to species and habitat management will yield the best chances for survival and recovery of these species in the wild. The Government of Guam and the Federal government share common goals for the recovery of endangered and threatened species, protection of native flora and fauna, conservation of unique ecosystems, and maintenance of native biological diversity. The Government of Guam and the Federal government must continue cooperative efforts to develop and implement programs for the recovery of endangered and threatened species, and to protect key habitats in perpetuity with the common goal of reversing the wildlife extinction crisis facing Guam.

To meet these shared goals and to more effectively manage the essential habitat needed for the recovery of all of Guam's endangered species, the Service established the Guam National Wildlife Refuge on certain lands and waters of Guam to be managed in a coordinated manner by the Service, Government of Guam, U.S. Navy, and U.S. Air Force. The purposes for establishing this refuge are: (1) To protect and restore essential habitats and provide for recovery actions for Guam's endangered and threatened species; (2) to conserve migratory species and their habitats; (3) to protect and manage other native wildlife and their habitats; (4) to control predation of native species, particularly by the brown tree snake; (5) to complement ongoing Government of Guam and Department of Defense (DOD) programs in natural resource management, conservation, law enforcement, research, and education; (6) to provide opportunities for public education, enjoyment of wildlife, cultural use of resources, and scientific research; and (7) to maintain the scenic values of the protected areas. The Guam National Wildlife Refuge is established as an overlay refuge on 22,477 acres, through a memorandum of understanding and managed through cooperative agreements among the U.S. Navy, U.S. Air Force, and Service. The Service owns an additional 371 acres in fee title. Of these lands, 21,204 acres were proposed as critical habitat in the 1991 proposal.

Summary of Comments and Recommendations

In the June 14, 1991, proposed rule and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule to designate critical habitat on Guam. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment.

A public hearing on the proposed rule was announced in the **Federal Register** on July 12, 1991, and was held on July 31, 1991 (56 FR 27485). The initial comment period for the proposed rule ended August 13, 1991. A request was received on August 8, 1991, by the Guam Urunao Resort Corporation, to reopen the comment period. The Service reopened the comment period from October 15, 1991, until October 31, 1991, to obtain additional information on the economic impacts of the proposed designation of critical habitat. This comment period was announced in the **Federal Register** (56 FR 51668) and in the Pacific Daily News.

The comment period was reopened again from June 12, 1992, until July 15, 1992, due to the availability of an Environmental Assessment pertaining to the establishment of an overlay refuge on Guam and a request to reopen the comment period by the National Wildlife Federation. This comment period was announced in the **Federal Register** (57 FR 25007) and advertised in the Pacific Daily News.

The Service reopened the comment period from March 1, 1993, until March 31, 1993, based on the availability of a revised Environmental Assessment pertaining to the establishment of an overlay refuge. This comment period was announced in the **Federal Register** (58 FR 11821) and also advertised in the Pacific Daily News.

Summary of Comments

The public comment period for the designation of critical habitat for endangered species on Guam was open a total of 140 days. During this time, a total of 85 comments were received from 75 commenters. Of the 85 comments, 59 (70 percent) supported the designation of critical habitat as proposed, 18 (21 percent) opposed the designation of critical habitat, and 8 (9 percent) had various opinions that neither expressly supported nor opposed the designation of critical habitat. Also, of the 85 comments, 13 (15 percent) supported the establishment of an overlay refuge, while 3 (4 percent) stated that an overlay refuge alone would not be sufficient to protect endangered species on Guam.

Issue 1: Several respondents maintained that opposition to critical habitat revolves around a few local families and their economic interests in their property, that Guam's forests are worth more than additional development, and that most of Guam's people support protection of Guam's forests over commercial development.

Service Response: The endangered species problems on Guam are complex, and the Service believes that a cooperative, proactive approach to both species and habitat management will yield the best chances for the long-term survival and recovery of these species in the wild. To meet these shared goals and to more effectively manage the essential habitat needed for the recovery of all of Guam's endangered species, the Service established a National Wildlife Refuge (Refuge) on most of the Federal lands proposed as critical habitat and certain waters of Guam to be managed by the Service, the Government of Guam, U.S. Navy, and U.S. Air Force. The Service believes that the establishment of the Refuge adequately protects Guam's forests and the species that depend on them.

Issue 2: Some respondents expressed the need for both the designation of critical habitat and an overlay refuge to adequately protect endangered species and their habitats on Guam. The overlay refuge alone, they maintained, will not provide the controls necessary to protect endangered species, and, at a minimum, critical habitat needs to be designated.

Service Response: The designation of critical habitat would have provided some extra assurances that actions funded, authorized, or carried out by the Federal government would not destroy or adversely modify habitat needed by Guam forest species. Unless there is such Federal involvement, the designation of critical habitat does not affect actions of private landowners or local government activities. The establishment of a National Wildlife Refuge, on the other hand, allows for the protection and active management of Refuge lands. Therefore, the Service has determined that the designation of critical habitat would yield no net benefits above those provided by the Refuge and the designation of critical habitat in conjunction with the establishment of the Refuge is not required for the protection of Guam's endangered species.

Issue 3: Support was expressed for critical habitat as a deterrent to development. Comments maintained that development has improved Guam's economy and destroyed much of its ecology, that there is a huge need to curtail development and military expansion on Guam and that critical habitat designation will help indigenous people to protect their natural heritage and honor the memory of their ancestors.

Service Response: The Service expects that the establishment of the Refuge will be adequate to protect Guam's endangered forest species and the habitats on which they depend. However, the establishment of the Refuge will not affect the extent of development or the possibility of military expansion outside of the areas designated for protection.

Issue 5: Opposition was expressed to the exclusion of private lands from critical habitat designation.

Service Response: No lands on Guam are currently being considered for critical habitat designation. Private lands were not included in the Refuge because of prohibitive costs associated with land acquisition. The Service believes that the Guam National Wildlife Refuge provides for increased protection, management, and program funding for the bulk of essential forest habitat on Guam, and that the protection of endangered forest species' habitat on private lands would best be accomplished through existing environmental compliance processes.

Issue 6: Opposition to critical habitat designation was expressed on the grounds that it would place serious economic and operational constraints on potential military and private development activities. The economic analysis pertaining to the proposed rule was criticized as not adequately addressing real economic impacts.

Service Response: The purpose of the economic analysis on the designation of critical habitat is to gather the best available data on economic or other impacts of the proposed critical habitat designation to assist in determining whether adjustments should be made before the critical habitat designation is made final. The economic analysis addressed the possible impacts of the critical habitat designation on Federal, Territory of Guam, and local landowners and the regional and national economies. The analysis was conducted by examining the possible ways the designation of critical habitat might restrict the use of Federal funds or permits for activities affecting or affected by the designation. Use of private, Territory of Guam, or local funds for activities that do not require a Federal permit is not restricted by a critical habitat designation and was beyond the scope of the economic analysis. The economic analysis was conducted using the best information available, and it addressed the economic impacts to the greatest extent possible.

The effects of establishing the Refuge on the economic environment were also evaluated in the Environmental Assessment for the Guam National Wildlife Refuge. Because the Service is only including Federal lands within the Refuge, and given the restrictions of the Act upon Federal lands, the potential

development of important native forest lands in Federal ownership, even without the establishment of a Refuge, is not likely.

Issue 7: The opinion was expressed that critical habitat designation alone does not adequately address endangered species concerns on Guam. Development pressure and additional military uses were predicted to take over, and concern was indicated that, unless adequate, high quality, habitat is protected now, it will not be available for reintroductions.

Service Response: The Service strongly agrees with these concerns and, therefore, has established the Guam National Wildlife Refuge. The purposes for establishing the Refuge are: (1) To protect and restore essential habitats and provide for recovery actions for Guam's endangered and threatened species (which include reintroductions); (2) to conserve migratory species and their habitats; (3) to protect and manage migratory species and other native wildlife and their habitats; (4) to control predation upon native species, particularly by the brown tree snake; (5) to complement ongoing Government of Guam and Department of Defense (DOD) programs in natural resource management, conservation, law enforcement, research, and education; (6) to provide opportunities for public education, enjoyment of wildlife, cultural use of resources, and scientific research; and, (7) to maintain the scenic values of the protected areas. The Refuge has been established through a memorandum of understanding and managed through cooperative agreements among the U.S. Navy, U.S. Air Force, and Service. The Service has determined that the establishment of the Refuge adequately addresses the threats to the endangered forest species on Guam and provides for the protection of their habitat.

Issue 8: Critical habitat designation was opposed for including too much land.

Service Response: No habitat is currently being considered for designation as critical habitat on Guam and only Federal lands are included in the Refuge. To determine which lands the Service should include within the boundaries of the Refuge, habitat was evaluated on the basis of its biological importance to endangered and threatened species, migratory birds, other native wildlife, and the conservation of biological diversity. Federal lands that were identified as "essential habitat" in published recovery plans for endangered forest birds, waterbirds, and fruit bats were considered priority areas for protection. Other areas with outstanding conservation values that were considered for inclusion in the Refuge included wetlands, migratory bird foraging and loafing areas, and sea turtle nesting beaches.

Issue 9: An overlay refuge was supported as the best method for the protection and recovery of endangered species on Guam.

Service Response: The Service agrees with this statement and has established the Guam National Wildlife Refuge.

Issue 10: Critical habitat designation was opposed as a Federal condemnation of land and plot to steal lands from Guam's people.

Service Response: Designation of critical habitat is a regulatory exercise; it is not a Federal condemnation of land. Designation of critical habitat does not result in additional legal restrictions on private lands unless such lands are subject to actions that are authorized, funded, or carried out by Federal agencies. Non-Federal, as well as Federal lands, with or without designated critical habitat, are still subject to prohibitions against take of listed species on their land, pursuant to section 9 of the Act. Designation of critical habitat is a requirement of the Endangered Species Act for threatened and endangered species whenever such designation is prudent and determinable.

Finding and Withdrawal

The Service finds that designation of critical habitat is not prudent. The constituent elements of the habitat will be protected on an area sufficient to provide for the conservation of listed species through refuge designation. A designation of critical habitat would have provided some extra assurances that actions funded, authorized, or carried out by the Federal government would not destroy or adversely modify habitat needed by Guam forest species. Unless such Federal involvement exists, the designation of critical habitat does not affect actions of private landowners or local government activities. The establishment of the Guam National Wildlife Refuge allows for the protection and active management of refuge lands. Additionally, many more of Guam's native species will directly benefit from management provided by the Guam National Wildlife Refuge. By establishing a refuge on Guam, most of the lands identified in the proposed rule for critical habitat will benefit from active protection and wildlife management programs as well as increased cooperation among the Service, Government of Guam, U.S. Navy, and U.S. Air Force. A total of 21,204 acres originally proposed as critical habitat are now in the refuge, including all of the acreage actually occupied by the extant forest species. The Service will maintain a resident staff on Guam to coordinate and conduct wildlife management, research, and educational and public use programs in cooperation and coordination with the Government of Guam and the Service's military refuge partners. Biological monitoring, wildlife and habitat enhancement and recovery programs, and brown tree snake control programs have and will continue to be developed, coordinated, and implemented by the cooperating agencies within the framework of the refuge cooperative agreements. Refuge establishment enables the Service to implement research and endangered species recovery programs that could not be implemented by designating critical habitat. Law enforcement will continue and will be conducted in conjunction with DOD and the Government of Guam.

Although the proposed critical habitat included slightly different military tracts than is designated in the Guam National Wildlife Refuge, the benefits to endangered species will not decrease as a result of this withdrawal. Some of the DOD lands that were proposed for critical habitat included excess military lands. Also included were operational areas, such as runways, industrial facilities, and urbanized areas, which did not contain the constituent elements of the habitat needed by listed species. Therefore, the proposed critical habitat included more DOD land than was necessary to support recovered populations of endangered species on Guam. The Service has determined that elimination of these operational areas from the Guam National Wildlife Refuge is appropriate and does not diminish the capability to provide special management to endangered species habitat.

Private lands are not included in the Guam National Wildlife Refuge. Even though these lands contain habitat for forest species, the acquisition of private lands was not considered for the refuge because of prohibitive costs associated with land acquisition. Because the Guam National Wildlife Refuge provides for increased protection, management, and program funding for 21,204 acres of essential forest habitat, the protection of endangered forest species' habitat on private lands would best be accomplished through existing environmental compliance processes. In addition, lands owned by the Government of Guam were excluded from the Guam National Wildlife

Refuge. Approximately 4,000 acres of land owned by the Government of Guam contain habitat for listed species. Most of this land is currently contained in conservation areas protected through local regulation. Should the Service conclude that designation of critical habitat would be prudent at some future time, a new proposal would be required with the appropriate public comment and response. Among the circumstances which could prompt such reconsideration would be a decision by the U.S. Navy or Air Force to "excess" military lands which are now part of the overlay refuge.

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) provides guidelines and directives for the conservation of "species threatened with extinction" on all refuge lands. In light of this and other legal mandates, the Guam National Wildlife Refuge will provide special management and protection for Guam's endangered species. Section 3(5)(A)(i) of the Endangered Species Act defines "critical habitat", in part, as specific areas "which may require special management considerations or protection." Because the designation of critical habitat would not yield any additional benefits above those provided by the refuge, the designation of critical habitat on Guam is found to be not prudent. In compliance with 4(b)(6)(B)(ii) of the Act of 1973, as amended, the Service withdraws its proposed rule of June 14, 1991, to designate critical habitat for six endangered forest species on Guam.

References Cited

A complete list of all references cited herein is available upon request from the Service's Honolulu Field Office (see **ADDRESSES** above).

Author

The primary author of this withdrawal notice is Elizabeth Sharpe, Ecological Services, Pacific Islands Office, U.S. Fish and Wildlife Service (see **ADDRESSES** section).

Authority

The authority for this action is section 4(b)(6)(B)(ii) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: March 29, 1994.

Robert P. Davison,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 94–7942 Filed 3–30–94; 12:17 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 301

[Docket No. 940381–4081; I.D. 031194B]

RIN 0648–AG09

Pacific Halibut Fisheries

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

ACTION: Proposed rule and request for comments.

SUMMARY: NMFS issues a proposed rule to implement certain allocative regulations governing fishing for halibut in Regulatory Area 4B as recommended by the North Pacific Fishery Management Council (Council). This action is necessary to enhance the fishing opportunities of small, locally based vessels in Area 4B. It is intended to further the goals and objectives of the Council with respect to the Pacific halibut fishery.

DATES: Comments on the proposed rule and supporting documents, especially the environmental assessment/regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA), are invited until April 29, 1994.

ADDRESSES: Comments should be addressed to Ronald J. Berg, Chief, Fisheries Management Division, NMFS, 709 W. 9th Street, room 457–1, P.O. Box 21668, Juneau, AK 99802–1668. Copies of the EA/RIR/IRFA may be obtained by contacting the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510, 907–271–2809.

FOR FURTHER INFORMATION CONTACT: Jay J. C. Ginter, Fishery Management Biologist, NMFS, Alaska Region, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Background

The fishery for Pacific halibut (*Hippoglossus stenolepis*) off the coasts of Alaska, British Columbia, Washington, Oregon, and California is governed by the Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and the Bering Sea (Convention) signed by the United States and Canada in 1953. The Convention is carried out by the International Pacific Halibut Commission (IPHC), which develops regulations to manage the fishery. The United States and Canada amended the Convention in 1979. The Northern Pacific Halibut Act of 1982 (Halibut Act, Pub. L. 97–176) was subsequently enacted to give effect to the 1979 Protocol.

Section 5(c) of the Halibut Act provides for the appropriate Regional Fishery Management Council under the Magnuson Act to develop regulations, including limited access regulations, governing the U.S. portion of Convention waters and applicable to nationals or vessels of the United States, which are in addition to, and not in conflict with, regulations adopted by the IPHC. Since 1987 NMFS has interpreted this provision to mean that regulations having domestic allocation of the Pacific halibut resource as a primary purpose would be developed by the Council with respect to Alaska and by the Pacific Fishery Management Council with respect to Washington, Oregon, and California. Regulations having biological conservation as a primary purpose are developed by the IPHC. This policy does not necessarily prevent either Regional Council from developing biological conservation regulations that are in addition to and not in conflict with IPHC regulations. Neither does the policy necessarily prevent the IPHC from developing regulations that have secondary domestic allocation effects.

Area 4B Allocation

To determine the need for domestic allocation of Pacific halibut, the Council solicited regulatory proposals from the public in July 1993. The Council received two such proposals that were reviewed and evaluated by the Council's Halibut Regulatory Amendment Advisory Group (RAAG). At its meeting of September 21–26, 1993, the Council reviewed recommendations of the RAAG and decided to take action on one proposal concerning the Area 4B fishery. The other proposal, which is undergoing further study, concerned allocations to the halibut charter boat fishery.

The Area 4B allocation proposal is designed to ameliorate the effects caused by the differing harvest abilities of vessel operators who catch and land all their halibut harvest in Area 4B, principally at the Aleutian Islands community of Atka (single-area vessels), and who catch and land halibut in other areas as well as Area 4B (multiple-area vessels). Most single-area vessels are small relative to most multiple-area vessels. This size differential means that multiple-area vessel operators have an advantage in fishing power (i.e., a larger vessel has more space for fish, fuel, and crew) and in fishing time (i.e., a larger vessel can fish in weather conditions that would prevent smaller vessels from fishing).

The Atka Fishermen's Association (AFA), which submitted the Area 4B proposal and represents the interests of the single-area vessel operators, believes that the single-area vessel operators are competitively disadvantaged relative to multiple-area vessel operators. To eliminate this competitive disadvantage, AFA proposed reserving 20 percent of the Area 4B catch limit for a series of 12-hour fishing periods to be fished prior to the general open fishing period for Area 4B in August. AFA also proposed a 5,000 pound trip limit during the early season 12-hour openings. Any amount of the 20 percent reserve that is not harvested during the early season openings would be made available in the later season openings. In making its proposal, AFA assumed continuation of the existing clearance requirement for multiple-area vessel operators fishing in Area 4. Generally, this requirement at § 301.14 provides for vessel clearance prior to fishing during any fishing period in any part of Area 4 and before unloading any halibut caught in this area. Single-area vessel operators fishing in Area 4B are not required to obtain clearance. The proposed combination of the 5,000-pound trip limit, the 12-hour fishing period, and the vessel clearance requirement was intended to provide a competitive advantage to single-area vessel operators by discouraging multiple-area vessel operators from participating during the early season fishing periods.

The IPHC has some experience in using short fishing periods to control halibut harvests. Since 1989, the IPHC has managed the Area 4B fishery with early season 12-hour fishing periods and later season periods of 2 to 4 days duration. However, AFA did not believe that these measures provided the harvest allocation priority it needed to compete adequately with multiple-area vessels operated in Area 4B. For example, during the 3-year period 1991, 1992, and 1993, an average of 11 single-area vessels were operated during the early season fishing periods (i.e., prior to the August and later fishing periods) along with an average of 26 multiple-area vessels. Fishermen operating single-area vessels harvested about 44,300 pounds per year on average during the early seasons of 1991–1993, while the comparable average harvest of fishermen operating multiple-area vessels was about 394,300 pounds per year. This resulted in fishermen operating single-area vessels taking about 15.2 percent of the total early season harvest on average and fishermen operating multiple-area vessels taking about 84.8 percent on average. However, the early season harvest taken by fishermen operating single-area vessels amounted to only 2.3 percent per year on average of the total catch for the entire season in Area 4B.

After reviewing these and other data presented in the draft EA/RIR/IRFA and public testimony, the Council, at its meeting of January 11–15, 1994, decided to recommend to the Secretary of Commerce that 15 percent of the Area 4B catch limit be reserved for the early season fishery during which there would be a 10,000-pound trip limit. Reserving 15 percent was a compromise, an amount midway between the amount recommended by AFA, 20 percent, and the 10 percent reserved in Area 4B since 1989. The IPHC, at its meeting of January 25–28, 1994, established the 1994 halibut catch limit for Area 4B as 2,100,000 pounds; 15 percent of this amount is 315,000 pounds. In the Area 4B early season proposal by IPHC, single-area vessels could fish one 24-hour period on June 6–7, 1994, and during 31 12-hour periods occurring every other day between June 15 and August 14, 1994. If at any time a total of 315,000 pounds was harvested, the area would be closed to fishing until August 15, 1994. If a total of 315,000 pounds was not taken by August 15, the difference between 315,000 pounds and the amount taken would be added to the 1,785,000 allocated for the season beginning August 15, 1994.

NMFS, upon reviewing the Council's recommendation, the EA/RIR/IRFA, and public testimony, has preliminarily determined that a rule implementing the Council's recommendation is necessary for conservation and management of the Pacific halibut fishery. Therefore, NMFS proposes this rule for public comment.

Classification

The EA/RIR/IRFA prepared for this proposed rule supports the determination that this rule would have a significant economic impact on a substantial number of small entities. All 25 vessels that participated in the early season halibut fishery in Area 4B in 1993 are small entities. Of these 25 vessels, seven vessels (28 percent) had halibut landings over 10,000 pounds. One vessel landed 30,000 pounds, the other six vessels landed less than 30,000 pounds. It is estimated that, due to this rule's 10,000-pound trip limit, the vessels affected may experience a reduction in annual gross revenue of at least 5 percent. As such, the percentage of small entities so affected, over 20 percent of the total small entities affected by this rule, as well as the economic effect expected is sufficient to require an IRFA. Further analysis supporting this determination can be found in the EA/RIR/IRFA prepared for this proposed rule (see ADDRESSES).

This proposed rule is not subject to review under Executive Order 12866.

List of Subjects in 50 CFR Part 301

Fisheries, Treaties.

Dated: March 29, 1994.

Charles Karnella,

Acting Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 301 is proposed to be amended as follows:

PART 301—PACIFIC HALIBUT FISHERIES

1. The authority citation for 50 CFR part 301 continues to read as follows:

Authority: 5 UST 5; TIAS 2900; 16 U.S.C. 773–773k.

2. Section 301.7 is amended by revising paragraph (f) to read as follows:

§ 301.7 Fishing periods.

* * * * *

(f) Notwithstanding paragraph (a) of this section, Area 4B will be closed to halibut fishing when 315,000 pounds (143 metric tons) of the catch limit specified in § 301.10(a) of this part has been taken, and will reopen as scheduled on August 15 for the remaining catch limit.

* * * * *

3. Section 301.11 is amended by revising paragraph (g) to read as follows:

§ 301.11 Fishing period limits.

* * * * *

(g) Notwithstanding paragraph (e) of this section, all vessels fishing in Area 4B shall be limited to a maximum catch of 10,000 pounds (4.5 mt) of halibut per fishing period from June 6 through August 14 inclusive.

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[FR Doc. 94–7934 Filed 3–30–94; 1:04 pm]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 59, No. 64
Monday, April 4, 1994

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Rocky Mountain Region Crested Butte Ski Area Expansion, Grand Mesa, Uncompahgre and Gunnison National Forest, Gunnison County, CO

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement (EIS) on a proposal to upgrade and expand the Crested Butte Ski Area. The proposal includes constructing new North Face and Third Bowl lifts and runs, constructing a restaurant at the top of the Silver Queen lift, and the development of Crested Butte North on Snodgrass Mountain. All proposed developments on National Forest System lands have been allocated to ski area use in the Forest Plan. That decision will not be reconsidered in the EIS, unless an effect on some significant resource which cannot be mitigated is discovered through this analysis. The ski area operates under a special-use permit granted to the Crested Butte Ski Area, Inc. The proposal would increase the Crested Butte Mountain capacity by approximately 20%. The Crested Butte North ski area expansion may lead to the development of North Village on private land at the Base of Snodgrass Mountain.

The expansion proposal will help maintain Crested Butte's standing as a world class resort by enhancing skier capacity and the quality of the Crested Butte skiing experience.

DATES: Comments concerning the scope of the analysis should be received in writing by June 1, 1994. The draft EIS is scheduled for publication in September 1995 and the final EIS and Record of Decision (ROD) in March 1996. A general information meeting will be held at Emerald Ballroom at Crested Mountain Village in the Town of Crested Butte at 7 p.m. on March 29, 1993.

ADDRESSES: Send written comments to Crested Butte Ski Area Analysis, USDA Forest Service, 2250 Highway 50, Delta, Colorado 81416.

FOR FURTHER INFORMATION CONTACT: Jeff Burch, Forest Planner, (303) 874–7691 or Craig Magwire, (303) 641–0471.

SUPPLEMENTARY INFORMATION: The proposal for expansion at Crested Butte will cover improvements planned to take place over the next decade.

The EIS will provide information and analysis to support three different Forest Service decisions on the Crested Butte expansion proposal.

1. Part of the proposal includes improvements on the main mountain previously analyzed in an environmental assessment and approved in 1982. The 1982 decisions are more than five years old and need to be reviewed to ensure all important environmental factors have been considered and analyzed to the latest standards before major construction begins.

2. Other proposals are new developments located on the main mountain within the area currently served by lifts and will be reviewed to minimize or avoid environmental effects.

3. The most significant part of Crested Butte Ski Corporation's proposal is the development of Crested Butte North, which is off the main mountain outside the area currently served by lifts, but within the existing permitted ski area boundary. The Crested Butte North proposals have been previously examined and approved in a 1982 environmental assessment, but never built. The decision to be made regarding Crested Butte North is whether, based on updated environmental analysis, any significant resource concerns not considered in previous studies would alter previous authorizations, and under what specific conditions proposed development might be authorized.

All of the ski area development proposals are within the existing ski area boundary. Both the Forest Plan and the Regional Guide allocate this area to ski area use and development. Decisions to manage the area within the ski area boundary for ski area use and development will be revisited, unless the analysis discovers a very significant resource effect that cannot be mitigated. At this point we do not anticipate any effects such as this.

Other agencies will use the EIS to aid in making their decisions. A U.S. Army Corps of Engineers "404 Permit" to dredge and fill waters and/or wetlands may be required, depending upon which alternative is selected for Implementation. The U.S. Fish & Wildlife Service will use information developed through this analysis process to formulate their findings on potential effects to Threatened or Endangered plant and animal species. Local county and city officials will use information developed to aid in their planning and decision making on adjoining private lands.

The Forest Service will ask the U.S. Army Corps and U.S. Fish & Wildlife Service to cooperate in the environmental analysis, and may request cooperation from other Local, State, or Federal agencies.

The Forest Service invites comments and suggestions on the scope of the analysis to be included in the draft environmental impact statement (DESI). Preliminary internal scoping helped determine the need for an EIS. Issues, or areas of concern, identified so far include:

(1) Water quality,
(2) Water quantity for snow-making and consumption,
(3) Vegetation,
(4) Wetlands,
(5) Air quality,
(6) Wildlife,
(7) Cultural resources,
(8) Geologic hazard,
(9) Avalanche hazard,
(10) Recreational opportunities (downhill skiing and dispersed winter recreation),
(11) Transportation (highways, air),
(12) Growth impacts on local infrastructure, and
(13) Other social and economic impacts.

Alternatives to be considered will address different possible locations for facilities including lifts, runs, restaurants, roads and trails. The no action alternative, as required by NEPA, will be considered for each element of the proposal.

The comment period on the draft environmental impact statement will be

45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register.**

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Also environmental objections that could have been raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Circuit, 1986), and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day draft environmental impact statement comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points. Please note that comments on the draft environmental impact statement will be regarded as public information.

The Deciding Official will be Robert L. Storch, Forest Supervisor, Grand Mesa, Uncompahgre and Gunnison National Forest, 2250 Highway 50, Delta, Colorado 81416.

Dated: March 17, 1994.

Robert L. Storch,

Forest Supervisor.

[FR Doc. 94–7941 Filed 4–1–94; 8:45 am]

BILLING CODE 3410–11–M

Rural Electrification Administration

Cullman Electric Cooperative; Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA) has made a Finding of No Significant Impact (FONSI) with respect to a proposed new headquarters facility to be constructed by Cullman Electric Cooperative of Cullman, Alabama. The FONSI is the conclusion of an Environmental Assessment prepared by REA for its action related to the project.

FOR FURTHER INFORMATION CONTACT: Lawrence R. Wolfe, Chief, Environmental Compliance Branch, Electric Staff Division, REA, South Agriculture Building, Washington, DC 20250, telephone (202) 720–1784.

SUPPLEMENTARY INFORMATION: The new headquarters facility is to be located on Eva Road approximately ¼ mile south of Highway 157 in Cullman County, Alabama. The project as proposed will be made up of the following structures:

A 15,337 square foot administration building;
A 27,041 square foot warehouse building of which 11,522 square foot will house the engineering, construction right-of-way, and dispatch offices;
A 11,776 square foot maintenance building which will house the transformer shop and truck maintenance shop;
An exterior area for transformer storage;
A pole yard;
A pole yard,
A covered shed, and
A fuel depot for gasoline and diesel fuel with above ground storage tanks.

The basic structure for all of the buildings will be a pre-engineered metal frame. The exterior of the administration building will be concrete block and brick veneer with a metal stud backup. The exterior of the warehouse and maintenance buildings will be concrete block with a concrete block backup. All three buildings will have single slope metal roofs which drain to gutters and down spouts.

A 161/25 kV substation to be called the Eva Road Substation will be constructed on the same tract of land as the new headquarters facility.

Alternatives to constructing the new headquarters as proposed include no action, an alternative 15-acre site on the north side of Alabama Highway 157 between Interstate 65 and U.S. Highway 31, and an alternative 20-acre site near the intersection of Alabama Highway 69 and Trimble Road.

Copies of the Environmental Assessment and FONSI can be obtained by contacting REA at the address provided herein or Mr. Jerry Weathersby, Cullman Electric Cooperative, P.O. Box 1168, Cullman Alabama 35056–1168 telephone (205) 737–3241.

Dated: March 28, 1994.

Wally Beyer,

Administrator.

[FR Doc. 94–7907 Filed 4–1–94; 8:45 am]

BILLING CODE 3410–15–P

Soil Conservation Service

Colorado River Salinity Control Program (CRSCP), Moapa Valley Unit, Nevada

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of reversal of a record of decision.

SUMMARY: William D. Goddard, Responsible Federal Official for projects administered under the provisions of Title II of the Colorado River Basin Salinity Control Act (Pub. L. 93–320 as amended by Pub. L. 98–569) in the state of Nevada, is hereby providing notification that the record of decision filed in 58 FR 11584, Friday, February 26, 1993, to proceed with installation of the Moapa Valley Unit of the Colorado River Salinity Control Program is rescinded. The Muddy Valley Irrigation Company, the principal in the project area, has withdrawn its support. No implementation has taken place to date. Therefore the Soil Conservation Service is terminating activities and will cease any further expenditure for technical assistance under the CRSCP in Moapa Valley.

FOR FURTHER INFORMATION CONTACT: William D. Goddard, State Conservationist, Soil Conservation Service, 5301 Longley Lane, Bldg, F, suite 201, Reno, NV 89511, Telephone (702) 784–5863.

(Catalog of Federal Domestic Assistance Program No. 10.902, Conservation Operations Program. Executive Order 12372 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: March 28, 1994.

William D. Goddard,

State Conservationist.

[FR Doc. 94–7995 Filed 4–1–94; 8:45 am]

BILLING CODE 3410–16–M

Little Paint Creek Watershed, Allamakee County, IA

AGENCY: Soil Conservation Service.

ACTION: Notice of finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR part 1500); and the Soil Conservation Service Regulations (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice than an environmental impact statement is not being prepared for the Little Paint Creek Watershed, Allamakee County, Iowa.

FOR FURTHER INFORMATION CONTACT:

Jeffrey R. Vonk, State Conservationist, Soil Conservation Service, Federal Building, 210 Walnut St., ste. 693, Des Moines, IA 50309.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Jeffrey R. Vonk, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project purposes are to reduce floodwater damages and water quality impairments. The planned works of improvement include 12 single purpose floodwater detention structures, spring protection at one site, two livestock waste management systems, and land treatment practices on 880 acres.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Jeffrey R. Vonk.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

Leroy Brown,

Acting State Conservationist.

Introduction

The Little Paint Creek Watershed is a federally assisted action authorized for planning under Public Law 83–566, the Watershed Protection and Flood Prevention Act. An environmental assessment was undertaken by the Soil Conservation Service (SCS) in conjunction with the development of the watershed plan. This assessment was conducted in consultation with local, State and other Federal agencies as well as with interested organizations and individuals. Data developed during the assessment are available for public review at the following location: Soil Conservation Service, Federal Building, 210 Walnut St., ste. 693, Des Moines, Iowa 50309–2180.

Recommended Action

Proposed is the installation of 880 acres of land treatment measure to be applied on farms for reduction of sheet, rill, and steambank erosion; storage and management of animal waste at 2 locations, 12 single purpose floodwater detention structures and one spring protection.

Effects of Recommended Action

The proposed plan will stabilize 800 acres of excessively eroding cropland, grassland and forestland, reduce flooding on a 160 acre floodplain, and protect one coldwater trout stream. Animal waste management facilities and application practices will prevent livestock wastes from two locations from entering the stream.

The recommended actions will protect the watershed hydrologically by improving the soil cover condition and reducing overland flow velocities. Streamflow will be stabilized to the extent that peak flood flow rates will be greatly reduced.

The proposed actions will have no effect on wetlands.

An initial management summary of cultural resources as they relate to the planned components has been developed. The survey concludes that no significant adverse impacts will occur to cultural resources in the watershed should the plan be implemented. The SCS has consulted with the State Historic Preservation Office on the effects that planned measures will have on significant cultural resources. However, construction of manure storage units, floodwater detention structures and land treatment measures do have the potential for seriously disrupting individual sites. Therefore, caution shall be exercised in planning and installing such measures to avoid serious disruption of areas having potential as individual cultural sites.

Significant cultural resources identified during implementation will be avoided or otherwise preserved in place to the fullest practical extent. If significant cultural resources cannot be avoided or preserved, pertinent information will be recovered before construction. If there is a significant cultural resources discovery during construction appropriate notice will be made by SCS to the State Historic Preservation Officer and the National Park Service. Consultation and coordination have been, and will continue to be, used to ensure the provisions of section 106 of Public Law 89–665 have been met and to include provisions of Public Law 89–523, as amended by Public Law 93–291. The SCS will take action as prescribed in SCS General Manual, section 420, part 401, to protect or recover any significant cultural resources discovered during construction.

No threatened or endangered species in the watershed will be affected by the project.

One of the primary objectives of the project is to improve water quality. Sediment input to Little Paint Creek will be decreased by 16,070 tons or 72 percent. Land treatment practices will reduce loss of soil attached nutrients to the stream system, thereby reducing stream enrichment and conserving nutrients for plant production.

Fish and wildlife habitats may be temporarily disturbed in some part of the 880 acres of cropland, grassland, and forestland during installation of land treatment practices, but they will be restored to at least their previous value within one growing season. The Little Paint Creek stream system will be more suitable for species sensitive to sediment concentrations. More suitable cover will be provided for upland wildlife by land treatment measures, such as pasture planting, tree planting, terraces, conservation tillage and timber stand improvement. The value of woodland habitat will increase with installation of project measures.

No wilderness areas are in the watershed.

Scenic values will be complemented with the diversity added to the dairy farm landscape by conservation land treatment measures. During installation of the proposed measures, scenic values will be temporarily decreased at specific locations in the watershed.

No significant adverse environmental impacts will result from installations except for minor inconveniences to local residents during construction.

Alternatives

The planned action is the most practical means of improving water quality for the stream, protecting the watershed, stabilizing the eroding lands, and controlling animal waste. Because no significant adverse environmental impacts will result from installation of the measures, no other alternatives, other than the no project one, were considered.

Consultation—Public Participation

Formal agency consultation began with the initiation of the notification of the State Single Point of Contact for Federal Assistance in February 1989. The Governor and Iowa Division of Soil Conservation were also notified of the application for Federal assistance. Agencies were again notified when planning was authorized in August, 1990.

Scoping meetings were held in January 1989, March 1992, and March 1993, and interdisciplinary consultations were used in all cases. Three Federal agencies (SCS, Forest Service, and Fish & Wildlife Service) two State agencies (Department of Natural Resources and Division of soil Conservation), two county agencies, and several local groups were involved in part or all of the scoping and plannning processes.

Specific consultation was conducted with the State Historic Preservation Officer concerning cultural resources in the watershed. Comments from the State Historic Preservation Officer were used in the development of this plan.

The environmental assessment was transmitted to all participating and interested agencies, groups, and individuals for review and comment in December 1993. Public meetings were held throughout the planning process to keep all interested parties informed of the study progress and to obtain public input to the plan and environmental evaluation.

Agency consultation and public participation to date have shown no unresolved conflicts with the implementation of the selected plan.

Conclusion

The Environmental Assessment summarized above indicates that this Federal action will not cause significant local, regional, or national impacts on the environment. Therefore, based on the above findings, I have determined that an environmental impact statement for the Little Paint Creek Watershed Plan is not required.

Dated: March 22, 1994.

Leroy Brown,

Acting State Conservationist.

[FR Doc. 94–7978 Filed 4–1–94; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

[A–549–808]

Postponement of Preliminary Antidumping Duty Determination: Certain Cased Pencils From Thailand

AGENCY: Import Administration, International Trade Administration, Commerce.

EFFECTIVE DATE: April 4, 1994.

FOR FURTHER INFORMATION CONTACT: Vincent Kane or Susan Strumbel, Office of Countervailing Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, at (202) 482–2815 or 482–1442, respectively.

POSTPONEMENT: On November 30, 1993, the Department of Commerce (the Department) initiated an antidumping duty investigation of certain cased pencils from Thailand. The notice stated that we would issue our preliminary determination on or before April 19, 1994 (58 FR 64548 December 8, 1993). On March 9, 1994, petitioners requested that the Department postpone its preliminary determination by 50 days in accordance with 19 CFR 353.15(c). As there is no compelling reason to deny the request, the Department is granting the request and postponing the preliminary determination until June 8, 1994.

The U.S. International Trade Commission is being advised of this postponement in accordance with section 733(f) of the Tariff Act of 1930, as amended (the Act).

This notice is published pursuant to section 733(c)(2) of the Act and 19 CFR 353.15(d).

Dated: March 29, 1994.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 94–8022 Filed 4–1–94; 8:45 am]

BILLING CODE 3510–DS–P

[A–580–823]

Postponement of Preliminary Antidumping Duty Determination: Saccharin From the Republic of Korea

AGENCY: Import Administration, International Trade Administration, Commerce.

EFFECTIVE DATE: April 4, 1994.

FOR FURTHER INFORMATION CONTACT: Susan Strumbel or Tom McGinty, Office of Countervailing Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, at (202) 482–1442 or 482–5055, respectively.

POSTPONEMENT: On December 8, 1993, the Department of Commerce (the Department) initiated an antidumping duty investigation of Saccharin from the Republic of Korea. The notice stated that we would issue our preliminary determination on or before April 27, 1994 (58 FR 65335, December 14, 1993). On March 21, 1994, petitioner requested that the Department postpone its preliminary determination by 50 days in accordance with 19 CFR 353.15(c). As there is no compelling reason to deny the request, the Department is granting the request and postponing the preliminary determination until June 16, 1994.

The U.S. International Trade Commission is being advised of this postponement in accordance with section 733(f) of the Tariff Act of 1930, as amended (the Act).

This notice is published pursuant to section 733(c)(2) of the Act and 19 CFR 353.15(d).

Dated: March 29, 1994.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 94–8021 Filed 4–1–94; 8:45 am]

BILLING CODE 3510–DS–P

Bureau of the Census

Census Advisory Committee of the Professional Associations; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463 as amended by Pub. L. 94–409), we are giving notice of a meeting of the Census Advisory Committee of Professional Associations. The meeting will convene on April 14–15, 1994 at the Bureau of the Census, Conference Center, Federal Building 3, Suitland, Maryland.

The committee is composed of 36 members appointed by the presidents of

the American Economic Association, American Statistical Association, and the Population Association of America and the chairman of the board of the American Marketing Association. It advises the Director, Bureau of the Census, on the full range of Census Bureau programs and activities in relation to the areas of expertise.

The agenda for the meeting on April 14 that will begin at 9 a.m. and end at 5:15 p.m. is:

- Introductory remarks by the Acting Director, Bureau of the Census.
- Overview—2000 census design and planning.
- New initiatives relating to reinventing Government—statistics 2000 and Data Information Access for Modified On-Line Network Delivery (DIAMOND).
- Economic and agriculture censuses update.
- Computer-Assisted Survey Information Collection (CASIC).
- Census Bureau responses to recommendations and activities of special interest to the American Economic Association, American Marketing Association, American Statistical Association, and the Population Association of America.
- Center for Economic Studies annual report.
- Update on investment surveys.
- DIAMOND marketing strategies.
- Marketing the 1992 economic census.
- Status of continuous measurement.
- 1995 census test and master address file update.

The agenda for the April 15 meeting that will begin at 9 a.m. and adjourn at 1 p.m. is:

- Economic Classification Policy Committee issues.
- Redesigned Current Population Survey.
- Survey of Income and Program Participation redesign update.
- Communications: future implications.
- Development and discussion of recommendations.
- Closing session.

The meeting is open to the public, and a brief period is set aside on April 15 for public comment and questions. Those persons with extensive questions or statements must submit them in writing to the Census Bureau Committee Liaison Officer at least three days before the meeting.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should also be directed to the Census Bureau official named below.

Persons wishing additional information regarding this meeting or who wish to submit written statements may contact the Committee Liaison Officer, Mrs. Phyllis Van Tassel, room 2419, Federal Building 3, Suitland, Maryland (mailing address: Washington, DC 20233), telephone: (301) 763–5410—TDD (301) 763–4056.

Dated: March 29, 1994.

Harry A. Scarr,

Acting Director, Bureau of the Census.

[FR Doc. 94–7976 Filed 4–1–94; 8:45 am]

BILLING CODE 3510–07–P

International Trade Administration

[C–357–803]

Leather From Argentina; Termination of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of termination of countervailing duty administrative review.

SUMMARY: The Department of Commerce (the Department) has terminated the countervailing duty administrative review of leather from Argentina, initiated on November 27, 1992.

EFFECTIVE DATE: April 4, 1994.

FOR FURTHER INFORMATION CONTACT: Anne S. D'Alauro or Richard Herring, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482–2786.

SUPPLEMENTARY INFORMATION: On October 30, 1992, Camara de la Industria Curtidora Argentina (CICA), and its individually named companies, Curtiembres Fonseca, Federico Meiners and CIDEC, requested that the Department conduct an administrative review of the countervailing duty order on leather from Argentina (55 FR 40212; October 2, 1990) for the period January 1, 1991 through December 31, 1991. The requesting member companies of CICA exported leather to the United States during the period of review and are, therefore, interested parties pursuant to § 355.2(i) of the Department's regulations. No other interested party requested the review.

On November 27, 1992, the Department initiated the administrative review for that period (55 FR 56318). On February 11, 1993, CICA and its requesting member companies withdrew their request for an administrative review. Since the request for withdrawal was timely in accordance with 19 CFR 355.22(a)(3), and because we have no reason to deny the request, the Department is terminating this review.

This notice is published in accordance with 19 CFR 355.22(a)(3).

Dated: March 25, 1994.

Joseph A. Spetrini

Deputy Assistant Secretary for Compliance.

[FR Doc. 94–8020 Filed 4–1–94; 8:45 am]

BILLING CODE 3510–DS–P

[C–122–816]

Correction to Court Decision and Suspension of Liquidation on Certain Softwood Lumber Products From Canada

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Correction to notice of court decision and suspension of liquidation

CORRECTION: On March 17, 1994, the Department of Commerce published a notice of "Court Decision and Suspension of Liquidation on Certain Softwood Lumber Products from Canada" (59 FR 12584) in the Federal Register. The third paragraph of that notice should read as follows:

In accordance with the U.S. Court of Appeals for the Federal Circuit (Federal Circuit) decision in *Timken* v. *the United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*), the Department will continue to order the suspension of liquidation of the subject merchandise until the ECC issues a conclusive decision in this proceeding.

Dated: March 29, 1994.

Paul L. Joffe,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 94–8018 Filed 4–1–94; 8:45 am]

BILLING CODE 3510–DS–P

National Oceanic and Atmospheric Administration

[Docket No. 940390–4090 I.D. 030794B]

Shrimp Fishery Off the Southern Atlantic States

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

ACTION: Notice of control date for entry into the rock shrimp component of the shrimp fishery off the southern Atlantic states.

SUMMARY: NMFS announces a control date of April 4, 1994, for the commercial fishery for rock shrimp in the exclusive economic zone (EEZ) off Florida from Duval through St. Lucie counties. Anyone entering the fishery after April

4, 1994, may not be assured of future participation in the fishery if a management regime is developed and implemented that limits the number of participants in the fishery. This notice is intended to discourage new entries into the fishery based on economic speculation while the South Atlantic Fishery Management Council (Council) considers whether and how participation or effort in the rock shrimp fishery off the Florida counties should be controlled.

FOR FURTHER INFORMATION CONTACT: Peter Eldridge, 813–893–3161.

SUPPLEMENTARY INFORMATION: The Council prepared a Fishery Management Plan for the Shrimp Fishery off the South Atlantic Region (FMP), which is implemented through regulations at 50 CFR part 659 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMP contains management measures applying to brown, pink, and white shrimp which are caught in the shrimp fishery off the southern Atlantic states. The shrimp fishery also includes royal red and rock shrimp. There currently are no regulations for rock shrimp and the Council is considering management measures for this component of the shrimp fishery. If the Council determines that management is necessary, an amendment to the FMP will be developed pursuant to the requirements of the Magnuson Act and other applicable law.

The rock shrimp fishery is prosecuted mainly in the EEZ off Florida from Duval through St. Lucie counties. Florida produces over 85 percent of U.S. landings of rock shrimp. Rock shrimp landings have varied from 1.8 to 5.4 million pounds (816.5 to 2,449.4 metric tons) in the past decade. The introduction of peeling machines resulted in the capture of much smaller shrimp and greatly increased landings in 1989 and 1990. However, in 1991, landings decreased about two-thirds from the level experienced in 1989 and 1990 even though fishing effort remained at a high level. The rapid decrease in landings raised concern by industry that overfishing may be occurring. There is also concern about the small size of shrimp that have been taken.

In February 1994, the Council held a scoping meeting to solicit input from the industry and public on the management of rock shrimp. Based on the results of that meeting, the Council began development of options for management of the rock shrimp fishery. The Council will consider a range of options including area restrictions, seasons, mesh sizes, count limits, and limited entry.

In establishing a control date, the Council intends to discourage speculative entry into the rock shrimp fishery while it discusses possible management regimes. As the Council considers a limited entry or access-controlled management regime, among other options, some fishermen who do not currently harvest rock shrimp, and never have done so, may decide to enter the fishery for the sole purpose of establishing a record of making commercial landings of rock shrimp. In the absence of a control date, such a record generally may be considered indicative of economic dependence on the fishery. On this basis, the fishermen may successfully lay claim to access to a fishery that is otherwise limited to traditional participants. When management authorities begin to consider use of a limited access management regime, this speculative entry often is responsible for a rapid increase in fishing effort in fisheries that are already fully or over-developed. The original problems become exacerbated by those who seek possible windfall gain from the solutions being discussed.

Establishment of a control date does not commit the Council or NMFS to any particular management regime or criterion for entry into the rock shrimp fishery. Fishermen are not guaranteed future participation in the rock shrimp fishery regardless of their date of entry or intensity of participation in the fishery before or after the control date. The Council may subsequently choose a different control date, or it may choose a management regime that does not make use of such a date. The Council may choose to give variably weighted consideration to fishermen in the fishery before and after the control date. Other qualifying criteria, such as documentation of commercial landings and sales, may be applied for entry. The Council may choose also to take no further action to control entry or access to the fishery.

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

Dated: March 30, 1994.

Charles Karnella,

Acting Program Management Officer, National Marine Fisheries Service.

[FR Doc. 94–8005 Filed 4–1–94; 8:45 am]

BILLING CODE 3510–22–P

[I.D. 032894G]

Mid-Atlantic Fishery Management Council; Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's Scientific and Statistical Committee will hold a meeting on April 26, 1994, at the Ramada Inn (1776 Room), 76 Industrial Highway, Essington, PA. The meeting will begin at 10 a.m.

The following topics will be discussed:

(1) Atlantic mackerel management system;

(2) Fishery statistics and their quality; and

(3) Mixed trawl fishery considerations.

FOR FURTHER INFORMATION CONTACT: David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901; telephone: (302) 674–2331.

SUPPLEMENTARY INFORMATION: The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis on (302) 674–2331 at least 5 days prior to the meeting date.

Dated: March 29, 1994.

David S. Crestin,

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

[FR Doc. 94–7935 Filed 4–1–94; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Army

Availability of Exclusive or Partially Exclusive Licensing of a Proposed U.S. Patent Concerning Automated Ball Valve Control

AGENCY: U.S. Army Engineer Waterways Experiment Station, DOD.

ACTION: Notice of availability.

SUMMARY: In accordance with 37 CFR 404.7(a)(1)(i), announcement is made of the availability of U.S. Patent 5,178,361 for licensing. This patent has been assigned to the United States of America as represented by the Secretary of the Army, Washington, DC.

ADDRESSES: U.S. Army Corps of Engineers, Waterways Experiment Station, ATTN: CEWES–CT–C, Vicksburg, MS 39180–6199.

FOR FURTHER INFORMATION CONTACT: Ms. Norma E. Logue, (601) 634–3076.

DATES: Proposals will be accepted until July 5, 1994.

SUPPLEMENTARY INFORMATION: The invention consists of a ball valve driven by an asynchronous motor which is controlled by a logic circuit consisting basically of a single integrated circuit chip and a solid state switch. The valve may be opened or closed using logic commands that may be generated by a computer or other logic source. Using the proposed equipment, numerous such valves may be controlled simultaneously from a single personal computer using commercially available digital I/O cards to automate and control large and complex hydraulic or pneumatic networks. Potential uses of the equipment would be anywhere control or hydraulic and/or pneumatic networks is required. This would include but not be limited to the chemical processing industry, energy production industry, defense industry, automotive industry, power production industry, maritime industry, in water treatment, etc.

Under the authority of section 11(a)(2) of the Federal Technology Transfer Act of 1986 (Pub. L. 99–502) and section 207 of Title 35, U.S. Code, the Department of the Army Corps of Engineers, Waterways Experiment Station wishes to license the above United States Patent in an exclusive or partially exclusive manner to any party interested in manufacturing and/or selling the equipment covered by the above mentioned patent.

Each interested party is required to submit a proposal for an exclusive or a partially exclusive license. The proposals for manufacturing and selling the equipment covered by the above mentioned patent will be evaluated using the following criteria: experience and quality control in manufacturing related products; scope of advertisement; method of sales; royalties; time to bring the item to market and production rate; and small business.

Proposals will be accepted for a period of 90 days from the date of notice in the **Federal Register**.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 94–7999 Filed 4–1–94; 8:45 am]

BILLING CODE 3710–08–M

Availability of Non-Exclusive, Exclusive, or Partially Exclusive Licensing of Patent

AGENCY: U.S. Army Armament Research, Development and Engineering Center, DOD.

ACTION: Notice.

SUMMARY: The Department of the Army announces the general availability of exclusive, partially exclusive or non-exclusive licenses under patent application number 08/094,411, filed July 8, 1993, Docket DAR–18–92, entitled "Charcoal-Free Black Powder Type Granules and Process", by Anton B. Weber, under Notice of Allowances. Licenses shall comply with 35 U.S.C. 209 and 27 CFR Part 404.

In addition to this U.S. patent licensing opportunity, the Government is willing to file patents in foreign countries corresponding to the U.S. application, subject to negotiation with potential licensees to assure the costs of such foreign filings.

ADDRESSES: Chief Patent Counsel, SMCAR–GCL, U.S. Army ARDEC, Picatinny Arsenal, NJ 08706–5000.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Goldberg, Chief Patent Counsel, (201) 724–6590, DSN 880–6590.

DATES: Written objections must be filed by May 4, 1994.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 94–7997 Filed 4–1–94; 8:45 am]

BILLING CODE 3710–08–M

Availability of Exclusive, Partially Exclusive or Non-Exclusive Licensing of U.S. Patent Concerning Explosive Stemming Device

AGENCY: U.S. Army Engineer Waterways Experiment Station, DOD.

ACTION: Notice of availability.

SUMMARY: In accordance with 37 CFR 404.7(a)(1)(i), announcement is made of the availability of U.S. Patent Number 5,092,245 awarded March 3, 1992 for licensing. This patent will be assigned to the United States of America as represented by the Secretary of the Army, Washington, DC.

ADDRESSES: U.S. Army Corps of Engineers, Waterways Experiment Station, ATTN: CEWES–CT–C, Vicksburg, MS 39180–6199.

FOR FURTHER INFORMATION CONTACT: Ms. Norma E. Logue, (601) 634–3076.

DATES: Proposals will be accepted until July 5, 1994.

SUPPLEMENTARY INFORMATION: This patent concerns a device for stemming explosives in a borehole to obtain improved coupling of the energy of the explosives into the soil or rock adjacent to the borehole. The device includes a cylindrical member having a flexible sleeve-like liner that conforms to the interior of the cylinder. One end of the liner is turned around an end of the cylindrical member so that the inner flexible sleeve will evert and empty, thus dropping the granular material that is prepackaged in the tube around the detonating line and on top of the explosive charge. The stemming device can be lifted to the surface or can remain in the shothole.

The system has potential use in placing explosive or priming charges for subsurface seismic investigation or quarrying. The device is considered to be useful in that it improves coupling and can be pre-packaged with selected stemming materials. The unit should reduce the probability of having the stemming material bridge the borehole and produce a cavity above the explosive charge.

Under the authority of section 11(a)(2) of the Federal Technology Transfer Act of 1986 (Pub. L. 99–502) and section 207 of Title 35, U.S. Code, the Department of the Army as represented by the U.S. Army Engineer Waterways Experiment Station wishes to license the above-mentioned technology in an exclusive, partially exclusive or non-exclusive manner to any parties interested in manufacturing and selling devices covered by the above-mentioned patent.

Each interested party is requested to submit a proposal for an exclusive, partially exclusive or non-exclusive license. The proposals for manufacturing and selling the device covered by the above-mentioned patent will be evaluated using the following criteria: demonstrated knowledge and capability to manufacture materials used in blasting operations, evaluation of the applicant's plan to construct the explosive stemming device employing the patent technology, time required to bring device to market and production rate, royalty offered, technical capability of applicant's staff in mechanical and explosives engineering as judged by resumes of full time staff, and small business.

Proposals will be accepted for a period of 90 calendar days from the date of notice in the **Federal Register**.

Kenneth L. Denton,

Army Federal Register Liaison Officer.

[FR Doc. 94–7998 Filed 4–1–94; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Record of Decision for Final Programmatic Environmental Impact Statement (FPEIS) for Dredged Material Disposal in San Diego Bay, San Diego, CA

Pursuant to section 102(2) of the National Environmental Policy Act (NEPA) of 1969 and the Council on

Environmental Quality Regulations Implementing NEPA Procedures (40 CFR 1500–1508), the Department of the Navy announces its decision to implement the final programmatic environmental impact statement (FPEIS) for dredged material disposal in San Diego Bay, San Diego, California. This decision establishes the framework to guide the Navy in the San Diego Bay region in making future decisions regarding project-specific dredged material disposal actions. The Navy has acknowledged that additional project-specific tiered environmental documentation will be undertaken in the future. Complete details of mitigation applicable for a particular dredged material disposal alternative must await completion of those future documents.

Examination of disposal alternatives began with a review of locations where historical disposal of dredged material has taken place in the San Diego Bay region. All reasonable alternatives practicable. They are: beach nourishment, ocean disposal, upland disposal (existing landfills), habitat enhancement, and fastland creation. The most practicable candidate disposal site within each alternative (except for upland disposal which has two siting options) were used as the basis for impact description. Although evaluated, the no action alternative (no dredged material disposal) and an alternative of limited disposal have been eliminated as prohibitively detrimental to continued Navy mission in San Diego Bay.

In addition to evaluating the existing environments and the consequences of disposing dredged material for each of the alternatives, the key issues of limiting criteria, schedule, capacity, and unit cost factors were examined. These issues will influence the choice of which alternative to select for disposing dredged material from a particular future project.

The Draft PEIS was prepared by the Navy and distributed to agencies and officials of federal, state and local governments, citizen groups and associates, public libraries, and other interested parties for review and comment. Over 100 copies were distributed and a public hearing was held in San Diego on February 18, 1993. No public oral statements were made and no written comments were received at the public hearing.

Copies of all comments received were included in the Final PEIS. Copies of all comments received were included in the Final PEIS. All submissions except two were complimentary of the Navy being willing to undertake the significant effort required to prepare the PEIS. Some comments encouraged Navy to use dredged material for specific purposes including beach nourishment and habitat enhancement to gain positive benefits associated with such disposal.

The vast majority of comments addressed specific details. Some questioned cited data and others asked for clarification of interpretations. All errors or omissions pointed out were corrected by revisions or clarifications presented in the FPEIS.

The most often stated concern addressed the Fastland Creation disposal alternative. This alternative would construct an aquatic contained disposal facility for contaminated sediment along the San Diego Bay waterfront and would cause loss of existing bay-bottom habitat. Some commenters suggested the Navy should investigate the potential for disposing of contaminated sediment in a capped facility somewhere within the Bay, but none identified locations or suggested where such a facility might be placed.

The key issues still to be resolved are identification of specific dredged material handling methodology and selection of the final disposal sites for contaminated sediment. While disposal alternatives for contaminated sediment have been identified in principle, there are many details left unaddressed. For example, disposal at landfill is feasible, but such disposal requires dewatering and specialized transportation. No mechanisms for such handling are addressed in the FPEIS, nor can they be addressed until specific disposal needs become known. The Navy will continue to explore these issues through tiered project-specific environmental documentation.

Questions regarding the Draft and Final Programmatic Environmental Impact Statement prepared for this action may be directed to: U.S. Department of the Navy, Southwest Division, Naval Facilities Engineering Command, 1220 Pacific Highway, rm 231, San Diego, California 92132–5178 (ATTN: Mr. Lowell Martin, Code 232.LM), telephone (619) 532–2991 (FAX (619) 532–3824).

Dated: March 29, 1994.

Elsie L. Munsell,

Deputy Assistant Secretary of the Navy (Environment and Safety).

Dated: March 30, 1994.

Michael P. Rummel,

LCDR, JACG, USN, Federal Register Liaison Officer.

[FR Doc. 94–7952 Filed 4–1–94; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL94–49–000, et al.]

Public Utility District No. 1 of Grays Harbor County, et al.; Electric Rate and Corporate Regulation Filings

March 28, 1994.

Take notice that the following filings have been made with the Commission:

1. Public Utility District No. 1 of Grays Harbor County

[Docket No. EL94–49–000]

Take notice that on March 14, 1994, the Public Utility District No. 1 of Grays Harbor County tendered for filing a letter requesting that the Commission waive the annual requirements to file FERC Form 715.

Comment date: April 7, 1994, in accordance with Standard Paragraph E at the end of this notice.

2. Public Utility District No. 1 of Lewis County

[Docket No. EL94–50–000]

Take notice that on March 18, 1994, the Public Utility District No. 1 of Lewis County tendered for filing a letter requesting that the Commission waive the annual requirements to file FERC Form 715.

Comment date: April 7, 1994, in accordance with Standard Paragraph E at the end of this notice.

3. Glacier Electric Cooperative, Inc.

[Docket No. EL94–51–000]

Take notice that on March 15, 1994, the Glacier Electric Cooperative, Inc. tendered for filing a letter requesting that the Commission waive the annual requirements to file FERC Form 715.

Comment date: April 7, 1994, in accordance with Standard Paragraph E at the end of this notice.

4. Long Sault, Inc.

[Docket No. EL94–52–000]

Take notice that on March 23, 1994, Long Sault, Inc. tendered for filing a letter requesting that the Commission waive the annual requirements to file FERC Form 715.

Comment date: April 7, 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. 94–7892 Filed 4–1–94; 8:45 am]

BILLING CODE 6717–01–P

[Projects Nos. 2599–005, and 2580–015; Michigan]

Consumers Power Co., Availability of Final Multiple Project Environmental Assessment

March 29, 1994.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the two applications for major license for the existing Hodenpyl and Tippy Hydroelectric Projects, located on the Manistee River in Manistee and Wexford Counties, in west-central Michigan, and has prepared a final Multiple Project Environmental Assessment (MPEA) for the projects in cooperation with the U.S. Department of Agriculture, Forest Service, Huron-Manistee National Forests.

On November 24, 1993, a draft MPEA was issued and distributed to all parties, and comments were requested on the draft MPEA to be filed within 45 days. All comments that were filed have been considered in the final MPEA.

In the final MPEA, the Commission and Forest Service staffs analyzed the site-specific and cumulative environmental effects of the existing projects, as proposed in a Settlement Agreement reached between Consumers Power Company and the state and Federal resource agencies. The Commission staff has concluded that approval of the applications for new license, with appropriate enhancement measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

Copies of the final MPEA are available in the Public Reference Branch, room 3104, of the Commission's offices at 941 North Capitol Street NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 94–7905 Filed 4–1–94; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 1922–008 Alaska]

Ketchikan Public Utilities; Availability of Draft Environmental Assessment

March 29, 1994.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for a new major license for the existing Beaver Falls Hydroelectric Project, located on Beaver Falls Creek near the city of Ketchikan, in the First Judicial District of Alaska.

The Federal Energy Regulatory Commission and the U.S. Forest Service have prepared a Draft Environmental Assessment (DEA) for the project that analyzes existing and potential future environmental effects of the project. Our conclusion is that approval of the project would not be a major federal action significantly affecting the quality of the human environment.

Copies of the DEA are available for review in the Public Reference Branch, room 3104, of the Commission's offices at 941 North Capitol Street NE., Washington, DC 20426.

Any comments should be filed within 30 days from the date of this notice and should be addressed to Lois D. Cashell, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. Please affix Project No. 1922–008 to all comments. For further information, please contact Mr. Carl Keller, Environmental Coordinator, at (202) 219–2831.

Lois D. Cashell,

Secretary.

[FR Doc. 94–7906 Filed 4–1–94; 8:45 am]

BILLING CODE 6717–01–M

Office of Energy Efficiency and Renewable Energy

[Case No. CW–001]

Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver From the Clothes Washer Test Procedures to New Harmony Systems Corporation

AGENCY: Office of Energy Efficiency and Renewable Energy, DOE.

ACTION: Decision and order.

SUMMARY: Notice is given of the Decision and Order [Case No. CW–001] granting a Waiver to New Harmony Systems Corporation (New Harmony) from the existing Department of Energy (DOE or Department) test procedure for clothes washers. The Department is granting New Harmony a Waiver from the Department's test procedures for its series 1 and 2 clothes washers with the following design features that differ from those covered by the existing clothes washer test procedure: an internal electrical heater for heating wash water; a variable water temperature control; and 120/208Y and/or 120/240 volt electrical power supply.

FOR FURTHER INFORMATION CONTACT:

P. Marc LaFrance, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE–431, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–7140.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–72, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9507.

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 430.27(g), notice is hereby given of the issuance of the Decision and Order as set below. In the Decision and Order, New Harmony has been granted a Waiver for its series 1 and 2 clothes washers with the following design features that differ from those covered by the existing clothes washer test procedure: an internal electrical heater for heating wash water; a variable wash water temperature control; and 120/208Y and/or 120/240 volt electrical power supply.

Issued in Washington, DC, March 24, 1994.

Frank M. Stewart, Jr.,

Chief of Staff, Energy Efficiency and Renewable Energy.

Decision and Order

In the matter of: New Harmony [Case No. CW–001].

Background

The Energy Conservation Program for Consumer Products (other than

automobiles) was established pursuant to the Energy Policy and Conservation Act, Public Law 94–163, 89 Stat. 917, amended by the National Energy Conservation Policy Act, Public Law 95–619, 92 Stat. 3266, the National Appliance Energy Conservation Act of 1987, Public Law 100–12, the National Appliance Energy Conservation Amendments of 1988, Public Law 100–357, and the Energy Policy Act of 1992, Public Law 102–486, 106 Stat. 2776, which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including clothes washers. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR part 430, subpart B.

DOE amended the prescribed test procedures by adding 10 CFR 430.27 on September 26, 1980, creating the waiver process (45 FR 64108). Thereafter, DOE further amended the appliance test procedure waiver process to allow the Assistant Secretary for Energy Efficiency and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a Waiver of such prescribed test procedures (51 FR 42823, November 26, 1986).

The waiver process allows the Assistant Secretary to temporarily waive the test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

The Interim Waiver provisions, added by the 1986 amendment, allow the Assistant Secretary to grant an Interim Waiver when it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. An Interim Waiver remains in effect for a period of 180 days or until DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

Pursuant to § 430.27(g), the Assistant Secretary shall publish in the **Federal Register** notice of each waiver granted, and any limiting conditions of each waiver.

In accordance with § 430.27 of 10 CFR part 430, on February 2, 1993, New Harmony filed a "Petition for Waiver" and an "Application for Interim Waiver" regarding its series 1 and 2 clothes washers with the following design features that differ from those covered by the existing clothes washer test procedure: An internal water heating source; a various temperature selection capability; and an alternate electrical power supply. On June 15, 1993, the Department published in the **Federal Register** the New Harmony petition and solicited comments, data, and information respecting the petition and granted the requested Interim Waiver with minor revisions as discussed in the Interim Waiver (58 FR 33089).

Comments were received from the Whirlpool Corporation (Whirlpool). All comments received were sent to New Harmony for its rebuttal. The Department consulted with the Federal Trade Commission (FTC) concerning the New Harmony petition. The FTC did not have any objections to the issuance of a Waiver to New Harmony.

Assertions and Determinations

New Harmony's petition seeks a Waiver from the DOE test procedure that is based on an external water heating source. Instead, New Harmony requests the allowance to test its series 1 and 2 clothes washers using an internal heater which heats the cold inlet water supplied for washing. Since the nature of a water-heating clothes washer is significantly different than a non-water-heating clothes washer, several issues have developed and have been commented on.

The existing test procedure for non-water-heating clothes washers uses inlet water at "100 °F±10 °F" and requires a temperature rise calculation based on water volume which assumes a hot wash temperature of 140 °F (60 °C). Thus, the calculation for the warm wash temperature is presumed to be set at 100 °F (37.8 °C) which is obtained from assumed equal amounts of hot and cold water being mixed in the clothes washer. For clothes washers equipped with thermostatically controlled inlet water valves the hot water inlet temperature is set to "140 °F±5 °F" and the cold water inlet temperature is set to "60 °F±5 °F".

New Harmony originally proposed testing their machines utilizing the existing test procedure Temperature Use Factors (TUFs) for a three temperature selection machine with a slight revision. New Harmony proposed changing the TUF for the "hot" setting from "30%" to "25%" and adding "5%" for the hottest setting on their machines. The Department did not concur with this proposal because New Harmony did not present any basis for the "5%" value. The Department issued an Interim Waiver with test requirements which were more representative of the existing test procedure. The Interim Waiver required testing at three temperature settings (hot—140 °F (60 °C), warm—100 °F (38 °C) and cold—60 °F (16 °C)) for maximum and minimum fill conditions. The results of the temperature setting tests were prorated using the existing test procedure TUFs for a three-temperature selection machine. The combined results for maximum and minimum fill were prorated using the existing test procedure values.

Whirlpool raised concern about the New Harmony's machines having the capability of heating water higher than 140 °F (60 °C). The concern is that some consumers will choose a temperature that is higher than 140 °F (60 °C) and therefore use more energy than the test would predict. The Department agrees with this concern. However, the Department also realizes that with New Harmony's variable temperature capability that some consumers may choose to utilize a "hot" temperature setting that is lower than 140 °F (60 °C). Furthermore, Proctor and Gamble market survey data for 1975 and 1988/89 reveals that consumer's preference has changed over the 13 years to use cold washes more frequently. Therefore, the Department has decided that the test for water-heating clothes washers will be based on the following to reflect the comment received and to be as consistent as possible with the current test procedure.

Temperature setting	Percent of use
Hottest possible on machine	5
140 °F (60 °C)	25
100 °F (38 °C)	55
Coldest possible on machine	15

The Department realizes that the "5%" use factor at the hottest setting was suggested by New Harmony without any firm basis, other than anticipated consumer habits. However, the Department believes that New

Harmony's assessment of the anticipated usage factor is the best means of resolving this issue. Additionally, the Department, by deciding to test the water-heating clothes washers at their respective hottest and coldest settings, will enable the test procedure to be generic for various clothes washers. For example, if a particular clothes washer's coldest setting actually demands heat above the specified inlet water temperature, then the energy for this will be considered. Whereas, if a particular clothes washer's coldest setting prevented any water heating, then there would not be any energy used to heat the wash water.

A second issue related to New Harmony's internal heater capability is the method to be used to measure the temperatures of the water used during the test. Whirlpool suggested that the wash water temperature should reach an equilibrium temperature prior to the start of the 10 minute wash time required in § 2.10. The Department does not concur with this suggestion because the existing test procedure energy consumption calculations are based on a temperature rise of the clothes washer inlet water. The Department does not consider a "traditional" clothes washer's heat dissipation of the heated water into the internal clothes washer components. The Department requires the temperature in the New Harmony's clothes washer be verified to ensure that it at least meets the specified temperature for warm and hot during the wash cycle; it does not require the clothes washer to maintain the wash temperature. This is a performance issue for New Harmony and regardless of the operating heating cycle the energy consumption will be reflected in the energy reporting. Therefore, the Department has deleted the requirement for measuring the temperature at the drain pipe.

A third issue related to New Harmony's internal heater capability is the tolerance requirement for temperatures. Whirlpool contended that the existing test procedure is based on calculations for temperature rises and recorded volumes, whereas the New Harmony's machines are actually supplying the energy to heat the water. Whirlpool further contended that a larger temperature tolerance will provide a significant difference in energy requirements. The Department concurs with the intent of Whirlpool's comment and has tightened the temperature tolerances to reduce variability in energy reporting. The Department has changed the tolerance for the various temperatures from ±5 °F (±2.8 °C) to a maximum and minimum temperature value with only a 5 °F (2.8 °C) range. For example, the inlet water temperature requirement for water-heating clothes washers has been changed to a maximum of 60 °F (15.6 °C) and a minimum of 55 °F (12.8 °C). This reduction in the tolerance range will reduce energy reporting variability while maintaining testing flexibility. This type of tolerance will also ensure that a minimum temperature rise is tested.

The Interim Waiver had a revised requirement for the "electrical energy supply" to allow for the testing of New Harmony's clothes washers which utilize a higher voltage. In addition to the higher voltage change, the tolerance was changed from the existing test procedure requirement of "±2 volts" to "1 percent" of the voltage. The Department believes that this increase in tolerance may be too burdensome, therefore the Department has changed the tolerance to "1.7 percent" of the voltage. The 1.7 percent value is equal to the existing procedure tolerance.

Whirlpool indicated a concern about the definition of "a water heating clothes washer". Their concern was that the proposed definition only considered a machine that provides all of the energy for heating the wash water by the internal electric heater. Whirlpool believes that the definition should consider the introduction of externally heated wash water. The Department understands Whirlpool's concern about clothes washers that may have the option of using externally heated water along with an internal heater. However, New Harmony's machines do not have this capability. Therefore, this Waiver for New Harmony does not require a definition change nor a test procedure change. The Department will address this issue in a future general test procedure revision.

Whirlpool indicated a concern that the Waiver should address the capability of testing a warm rinse. Since New harmony's machines do not have a warm rinse option, the Department does not agree that this Waiver should have the capability of testing a warm rinse option. The Department does concur that this issue may be applicable in the future and will address this issue in a general test procedure revision.

Conclusion

It is therefore ordered that:

(1) The "Petition for Waiver" filed by New Harmony [Case No CW–001] is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3), (4), and (5).

(2) Notwithstanding any contrary provisions of section 430.22 or Appendix J of 10 CFR part 430, subpart B, New Harmony shall be permitted to test its series 1 and 2 clothes washers with the modification set forth below:

(i) Add new § 1.19 and 1.20 in Appendix J to read as follows:

1.19 *Water-heating clothes washer* means a clothes washer that has an internal electrical heater which provides all the energy needed to heat water for washing.

1.20 *Non-water-heating clothes washer* means a clothes washer that does not have an internal electrical heater which provides the energy needed to heat water for washing.

(ii) Sections 2.2 and 2.3 in Appendix J shall be deleted and replaced with the following:

2.2 *Electrical energy supply.* Maintain the electrical supply to the clothes washer terminal block within 1.7 percent of 120/208Y or 120/240 volts as applicable to the particular terminal block wiring system as specified by the manufacturer. If the clothes washer has a dual voltage conversion capability, conduct the test at the highest voltage recommended by the manufacturer.

2.3 *Water temperature.*

2.3.1 *Water-heating clothes washers.* The temperature of the water supply shall be maintained at a minimum of 55 °F (12.8 °C) and a maximum of 60 °F (15.6 °C).

(iii) Sections 3.2.1 through 3.3.5 in Appendix J shall be deleted and replaced with the following:

3.2.1 *Per-cycle electrical energy consumption at maximum fill.* Set the water level selector to the maximum fill position, if manually controlled.

3.2.1.1 *Hottest wash at maximum fill.* Activate the machine and insert the appropriate test load as specified in § 2.8.2.1. Select the normal or its equivalent wash cycle. Where spin speed selection is available, set the control to its maximum setting. Set the water temperature selector to the hottest setting and activate the wash cycle. Measure and record the kilowatt-hours of electrical energy consumed for the complete cycle as $E_{ht, max}$.

3.2.1.2 *Hot wash at maximum fill.* Insert a water temperature sensing device inside the inner drum prior to testing. Activate the machine and insert the appropriate test load as specified in § 2.8.2.1. Select the normal or its equivalent wash cycle. Where spin speed selection is available, set the control to its maximum setting. Set the water temperature selector to the hot setting (a minimum of 140 °F (60 °C) and a maximum of 145 °F (62.8 °C)) and activate the wash cycle. Verify the wash water temperature, which must be at a

minimum of 140 °F (60 °C) and a maximum of 145 °F (62.8 °C). If the measured water temperature is not within the specified range, stop testing, adjust the temperature selector accordingly and repeat the procedure. Otherwise, proceed and complete testing. Measure and record the kilowatt-hours of electrical energy consumed for the complete cycle as $E_{h,max}$.

3.2.1.3 *Warm wash at maximum fill.* Repeat § 3.2.1.2 for a warm wash setting at a minimum of 100 °F (37.8 °C) and a maximum of 105 °F (40.6 °C). Measure and record the kilowatt-hours of electrical energy consumed for the complete cycle as $E_{w,max}$.

3.2.1.4 *Cold wash at maximum fill.* Repeat § 3.2.1.1 for the coldest water setting. Measure and record the kilowatt-hours of electrical energy consumed for the complete cycle as $E_{c,max}$. Ensure that the inlet water temperature is maintained per § 2.3.1.

3.2.2 *Per-cycle electrical energy consumption at minimum fill.* Set the water level selector to the minimum fill position, if manually controlled.

3.2.2.1 *Hottest wash at minimum fill.* Repeat § 3.2.1.1 for a test load as specified in § 2.8.2.1. Measure and record the kilowatt-hours of electrical energy consumed for the complete cycle as $E_{ht,min}$.

3.2.2.2 *Hot wash at minimum fill.* Repeat § 3.2.1.2 for a test load as specified in § 2.8.2.1. The hot wash setting shall be at a minimum of 140 °F (60 °C) and a maximum of 145 °F (62.8 °C). Measure and record the kilowatt-hours of electrical energy consumed for the complete cycle as $E_{h,min}$.

3.2.2.3 *Warm wash at minimum fill.* Repeat § 3.2.1.2 for warm wash setting at a minimum of 100 °F (37.8 °C) and a maximum of 105 °F (40.6 °C). Measure and record the kilowatt-hours of electrical energy consumed for the complete cycle as $E_{w,min}$.

3.2.2.4 *Cold wash at minimum fill.* Repeat § 3.2.1.1 for the coldest wash setting. Measure and record the kilowatt-hours of electrical energy consumed for the complete cycle as $E_{c,min}$. Ensure that the inlet water temperature is maintained per § 2.3.1.

(iv) Sections 4.1 through 4.6 in Appendix J shall be deleted and replaced with the following:

4.1 *Per-cycle temperature-weighted machine electrical energy consumption for maximum and minimum water fill levels.* Calculate the per-cycle temperature-weighted electrical energy consumption for the maximum water fill level, E_{max}, and for the minimum water fill level, E_{min}, expressed in kilowatt-hours per cycle and defined as:

$$E_{max}=(0.05\times E_{ht,max})+(0.25\times E_{h,max})+(0.55\times E_{w,max})+(0.15\times E_{c,max})$$

$$E_{min}=(0.05\times E_{ht,min})+(0.25\times E_{h,min})+(0.55\times E_{w,min})+(0.15\times E_{c,min})$$

where:

$E_{ht,max}$=as defined in section 3.2.1.1
$E_{h,max}$=as defined in section 3.2.1.2
$E_{w,max}$=as defined in section 3.2.1.3
$E_{c,max}$=as defined in section 3.2.1.4
$E_{ht,min}$=as defined in section 3.2.2.1
$E_{h,min}$=as defined in section 3.2.2.2
$E_{w,min}$=as defined in section 3.2.2.3
$E_{c,min}$=as defined in section 3.2.2.4

4.2 *Total per-cycle machine electrical energy consumption.* Calculate the total per-cycle energy consumption, E_{TE}, expressed in kilowatt-hours per cycle and defined as:

$$E_{TE}=(0.72\times E_{max})+(0.28\times E_{min})$$

where:

E_{max}, E_{min}=as defined in section 4.1

(v) In CFR § 430.22, paragraph (j)(1)(i)(B), change the following:

From: "* * *according to 4.6 of Appendix (j)* * *"

To: "* * *according to 4.2 of Appendix (j)* * *"

(vi) § 430.22 of the CFR, paragraph (j)(2), shall be deleted and replaced with the following:

(J) (2) The energy factor for water-heating clothes washers shall be the quotient of the cubic foot capacity of the clothes container as determined in 3.1 of appendix J to this subpart divided by the clothes washer energy consumption per cycle expressed as the total per-cycle machine electrical energy consumption as determined in 4.2 of Appendix J to this subpart. The resulting shall be rounded off to the nearest 0.01 cubic foot per kilowatt-hour.

(3) The Waiver shall remain in effect from the date of issuance of this Order until DOE prescribes final test procedures appropriate to New Harmony's series 1 and 2 clothes washers.

(4) This Waiver is based upon the presumed validity of statements, allegations, and documentary materials submitted by the petitioner. This Waiver may be revoked or modified at any time upon a determination that the factual basis underlying the Petition is incorrect.

(5) This Waiver supersedes the Interim Waiver granted to New Harmony on June 15, 1993 (58 FR 33089).

Issued in Washington, DC March 24, 1994.

Frank M. Stewart, Jr.,

Chief of Staff, Energy Efficiency and Renewable Energy.

[FR Doc. 94–7877 Filed 4–1–94; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Project No 1999–WI]

Wisconsin Public Service Corp.; Environmental Impact Statement Scoping

March 29, 1994.

The Federal Energy Regulatory Commission (Commission) has received an application for a new license for the Wausau Project No. 1999 on the Wisconsin River in Marathon County, Wisconsin. The Commission has determined that due to the Wausau Project's proximity to nine other Wisconsin River hydroelectric projects, and the similar filing time of their license applications, Wausau will be incorporated in the Environmental Impact Statement (EIS) currently being prepared for those nine projects. This multiproject EIS was noticed in the **Federal Register** on May 6, 1993, and includes; Wisconsin Valley Project No. 2113, Rothschild Project No. 2212, Kings Dam Project No. 2239, Centralia Project No. 2255, Wisconsin Rapids Project No. 2256, Port Edwards Project No. 2291, Nekoosa Project No. 2292, Jersey Project No. 2476, and Wisconsin River Division Project No. 2590.

The Commission is conducting scoping for the Wausau Project to identify any significant issues related to the continued operation of this project. You are invited to send your written scoping comments on the Wausau Project to the Commission (see below). Staff will review all issues raised in the scoping process. Comments for the Wausau Project will be integrated with those received for the ongoing Wisconsin River Basin EIS. A public scoping meeting will not be held for the Wausau project, and a separate scoping document (beyond this notice) will not be prepared for Wausau.

The Commission previously conducted 3 public scoping meetings (the week of July 12, 1993) and issued scoping documents (Scoping Document 1 in June 1993, Scoping Document 2 in September 1993, and Supplement to Scoping Document 2 in October 1993) for the ongoing Wisconsin River Basin nine-project EIS.

Proposed Action

The Applicant proposes no new construction or increases in hydroelectric capacity for the Wausau Project. The Applicant proposes only a minor change in project operations. A 25 cubic feet per second (cfs) minimum flow through a kayak channel is proposed to enhance recreation and aesthetics. The project would continue

to be operated in a run-of-river mode and maintain headpond levels on a daily basis within +/− 0.3 feet of normal headpond elevation. The Applicant would continue a 0.5 feet drawdown during the winter to prevent water from splashing over the Taintor gates and forming ice on the braces. The Applicant would provide a new barrier-free fishing area for the public.

Project Alternatives

The Commission Staff (Staff) will consider alternatives, including enhancement measures not proposed by the Applicant. The Staff will review and consider alternative recommendations for additional resource protection, or enhancement measures that may be appropriate to include in a new license. Modifications could include recommendations by the agencies, the general public, and the Staff.

In addition to these alternatives, Staff will evaluate the no-action alternative, which maintains the existing environment or status quo at the projects. Under this alternative the projects would continue to operate as required by the original license on an annual license basis, and no enhancement measures would be provided. We use this alternative to set baseline environmental conditions for comparison with other alternatives.

Scope of the Environmental Impact Statement

The geographic scope of analysis defines the physical limits or boundaries of the proposed actions' effects on the resources. Since the proposed actions affect each resource differently, the geographic scope for each resource varies. For fishery resources, flow analysis, water quality, flood control, and power, the geographic scope of analysis will encompass the main stem Wisconsin River.

The temporal scope includes a discussion of the past, present, and future actions and their effects on the resources. Based on the license term, the temporal scope will look 30 to 50 years into the future, concentrating on the effect on the resource from reasonably foreseeable future actions (e.g., the effect on water quality from potential future water withdrawals within the basin). The historical discussion will, by necessity, be limited to the amount of available information for each resource.

Environmental Issues

A preliminary list of environmental issues identified by the Staff for coverage in the EIS is presented in this section. The list is not intended to be exhaustive or final, but is an initial listing of issues that have been raised and appear to be important. The staff will review all issues raised during the scoping process and make decisions as to the level of analysis needed. If preliminary analysis indicates that any issues presented in this scoping document have little potential for causing significant impacts, the issue or issues will be identified and the reasons for not providing a more detailed analysis will be given.

The following issues apply to the Wausau Project:

- Reservoir water level fluctuation and drawdown limitations and their effect on fish habitat, riparian wetlands, wildlife, cultural resources, recreation, and shoreline development.
- Minimum flow needs for protection or enhancement of recreation, water quality, and the riverine fishery.
- Fish passage needs at the dam. Fishery protection and enhancement measures related to turbine entrainment and fish mortality.
- Effects of project operation on vegetation and wildlife resources.
- Impacts of project structures on visual resources and potential for enhancements.
- Opportunities for recreational facility improvements and public access enhancements.

The EIS will assess the project-specific impacts on the above resources and whether these impacts contribute to significant adverse impacts. Both project-specific impacts and cumulative effects will weigh in selecting an action to recommend for the licensing decision on the projects.

EIS Preparation Schedule

The preliminary schedule for preparing the EIS for the Wausau Hydroelectric Projects is:

Milestones	Target date
Public scoping	Early spring 1994.
Draft EIS	Late summer 1994.
Final EIS	Winter 1995.

Request for Comments

The Commission's scoping objectives are to:

- Identify significant environmental issues,
- Determine the depth of analysis appropriate to each issue,
- Identify the resource issues not requiring detailed analysis, and
- Identify reasonable project alternatives.

Federal, state, and local resource agencies, licensees and developers, Indian tribes, other interested groups, and the general public are invited to forward to the Commission any information that they believe will assist the Commission Staff in conducting an accurate and thorough analysis of the site-specific and cumulative environmental effects of the proposed licensing activities on the Wisconsin River. The types of information sought include:

- Information, quantified data, or professional opinion that may contribute to defining the geographical and temporal scope of the analysis and identifying significant environmental issues.
- Identification of and information from any other environmental assessment, environmental impact statement, or similar document or study (previous, on-going, or planned) relevant to the proposed licensing activities in the Wisconsin River Basin.
- Existing information and any data that would aid in describing the past and present actions and effects of the projects and other developmental activities on the physical/chemical, biological, and socioeconomic environments. For example, fish stocking/management histories, historic water quality data and the reasons for improvement or degradation of the quality, any wetland habitat losses or proposals to develop land and water resources within the basin.
- Identification of any federal, state, or local resource plans and future project proposals that encompass the Wisconsin River Basin with information on when they'll be implemented, if known. For example, proposals to construct or operate water treatment facilities, recreation areas, water diversions, or implement fishery management programs.
- Documentation that would support a conclusion that the actions or a project(s) does or does not contribute to cumulative adverse or beneficial effects on resources and therefore should be excluded from further study or excluded from further consideration of cumulative effects within the Wisconsin River Basin. Documentation should include, but is not limited to: how the projects interact with other projects within the river basin and other developmental activities; results from studies; resource management policies; and reports from federal, state, and local agencies.

To be useful in preparing the multi-project EIS, the requested information must be received by the Commission no later than 30 days past the date of this notice. Address all communications to: Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426.

All correspondence must clearly show at the top of the first page "Wausau Project, FERC No. 1999".

When filing scoping comments, you should submit an original and 8 copies; this will assure that staff receives your information quickly. Parties to the proceedings (as identified on the official Service List for the Wausau Project) must also send copies of their filings, and all attachments, to the other parties listed on the official service list. The official service list is available from the Commission Secretary at the same address above.

The Commission is simultaneously issuing a notice (REA Notice) indicating that staff is ready to conduct the environmental analysis for the Wausau Project. Your comments in response to either notice will become part of the record for these proceedings. You do not need to comment in response to both the REA Notice and this scoping notice. Except, comments made pursuant to Section 10(j) or Section 18 of the Federal Power Act must be clearly identified and must be received within the timeframe provided for in the REA notice and 18 CFR 4.34(b)(2). Likewise, the applicant's response to any comments made under Section 10(j), must be clearly identified and filed within prescribed timeframes as set forth in the REA Notice and 18 CFR 4.34(b).

Any questions concerning the scoping process should be directed to Sabina Joe, Federal Energy Regulatory Commission, Office of Hydropower Licensing, 825 North Capitol Street, NE, Washington, D.C., 20426 (Telephone 202–219–1648).

Lois D. Cashell,

Secretary.

[FR Doc. 94–7893 Filed 4–1–94; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. RP94–188–000]

Carnegie Natural Gas Co.; Proposed Changes in FERC Gas Tariff

March 29, 1994.

Take notice that on March 24, 1994, Carnegie Natural Gas Company (Carnegie) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following revised tariff sheet, with a proposed effective date of May 2, 1994:

Original Sheet No. 9C.

Carnegie states that it is filing the above tariff sheet as a limited application under section 4 of the Natural Gas Act and the Commission's Order No. 636 to direct bill to Carnegie's former bundled firm sales customers unrecovered gas costs direct billed to Carnegie by Carnegie's upstream pipeline supplier, Texas Eastern Transmission Corporation (Texas Eastern), pursuant to Texas Eastern's filing in Docket No. RP94–129–000. Carnegie states that it is making this filing pursuant to § 31.3(b) of the General Terms and Conditions of its FERC Gas Tariff.

Carnegie states that copies of its filing were served on all jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before April 5, 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. 94–7902 Filed 4–1–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP88–195–016]

CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff

March 29, 1994.

Take notice that on March 24, 1994, CNG Transmission Corporation (CNG) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 2A, the following tariff sheets, with an effective date of October 1, 1993:

Sub. First Revised Sheet No. 407,
Sub. First Revised Sheet No. 426,
Sub. First Revised Sheet No. 444,
Sheet Nos. 420–422,
Sheet No. 440,
Sheet No. 441,
Sheet No. 448.

CNG states that the purpose of this filing is to correct the pagination of certain tariff sheets filed in this proceeding on March 14, 1994.

CNG states that copies of this filing were served on 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 Rule of Practice and Procedure, 18 CFR 385.211. All such protests should be filed on or before April 5, 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. 94–7895 Filed 4–1–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP94–85–001 and RP94–130–001]

Colorado Interstate Gas Co.; Proposed Changes in FERC Gas Tariff

March 29, 1994.

Take notice that on March 24, 1994, Colorado Interstate Gas Company (CIG), tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following revise tariff sheet:

First Substitute Original Sheet No. 369A

CIG states that it has submitted First Substitute Original Sheet No. 369A to comply with Ordering Paragraph (B) of the March 9, 1994 Commission order issued in Docket Nos. RP94–85–000 and RP94–130–000.

To comply with the March 9, 1994 order, CIG states that it has reduced the total Buyout-Buydown costs sought to be recovered in Docket Nos. RP94–85–000 and RP94–130–000 by $39,537, brining those total costs to $5,843,834. The jurisdictional portion of the corrected costs is $5,818,869. Consistent with CIG's proposal to absorb 50 percent of the jurisdictional portion of these costs, CIG now proposes to recover $2,909,435 from its affected jurisdictional firm sales customers.

CIG has requested that the Commission accept this filing, to become effective January 20, 1994, the date the Commission accepted the original tariff sheets in Docket Nos. RP94–85–000 and RP94–130–000.

CIG states that copies of the filing were served upon all persons listed on the Commission's service lists for Docket Nos. RP94–85–000 and RP94–103–000.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before April 5,

1994. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 94–7899 Filed 4–1–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–190–000]

Mississippi River Transmission Corp.; Proposed Changes in FERC Gas Tariff

March 28, 1994.

Take notice that on March 25, 1994, Mississippi River Transmission Corporation (MRT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, with a proposed effective date of April 1, 1994:

Third Revised Sheet No. 5,
Third Revised Sheet No. 6,
Third Revised Sheet No. 7,
Third Revised Sheet No. 10,
Second Revised Sheet No. 11,
Alt. Third Revised Sheet No. 5,
Alt. Third Revised Sheet No. 6,
Alt. Third Revised Sheet No. 10.

MRT stated that the purpose of this filing is to adjust its rates to reflect $129,033 of gas supply realignment costs, plus applicable interest, pursuant to § 16.3 of the General Terms and Conditions of its Tariff. MRT stated that its filing includes the "Price Differential" cost of continuing to perform under certain gas supply contracts during the months of November, 1993 and December, 1993.

MRT stated that copies of its filing are available for inspection at its business offices, located in St. Louis, Missouri, and have been mailed to all of its affected customers and the State Commissions of Arkansas, Missouri and Illinois.

Any person desiring to be heard or protest the subject filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure 18 CFR 385.211 and 385.214. All such motions and protests should be filed on or before April 5, 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 available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–7904 Filed 4–1–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–189–000]

Northwest Pipeline Corp.; Proposed Changes in FERC Gas Tariff

March 29, 1994.

Take notice that on March 24, 1994, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, with a proposed effective date of April 24, 1994:

Fourth Revised Sheet No. 23,
Second Revised Sheet No. 107,
First Revised Sheet No. 224,
Second Revised Sheet No. 225,
Second Revised Sheet No. 226,
Second Revised Sheet No. 227.

Northwest states that the purpose of this filing is to propose changes to § 14.1(a) and related sections of the General Terms and Conditions contained in Northwest's FERC Gas Tariff, Third Revised Volume No. 1, with respect to the manner in which Northwest schedules mainline throughput and receipt and delivery point capacity.

Northwest states that a copy of this filing has been served upon all of Northwest's jurisdictional customers and affected state regulatory commissions.

Any persons desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with § 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before April 5, 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. 94–7903 Filed 4–1–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–186–000]

Questar Pipeline Co.; Proposed Changes in FERC Gas Tariff

March 29, 1994.

Take notice that on March 24, 1994, Questar Pipeline Company (Questar), tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, with a proposed effective date of April 1, 1994:

First Revised Sheet No. 5A.1.

Questar states that the tariff sheet implements a mechanism that allows Questar to pass through to Mountain Fuel Supply Company $13,477 in take-or-pay buyout/buydown costs assigned to Questar by Colorado Interstate Gas Company on February 8, 1994, In Docket No. RP94–130–000.

Questar states further that this filing is tendered pursuant to 18 CFR 2.104 and 154.(a)(1) and in accordance with the provisions of Order Nos. 528, et al.

Questar states that copies of the filing were served upon Mountain Fuel Supply Company, Colorado Interstate Gas Company and the Public Service Commissions of Utah and Wyoming.

Any person desiring to be heard or protest the subject filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with § 385.211 and 385.214 of the Commission's Rules of Practice and Procedure 18 CFR 385.211 and 385.214. All such motions and protests should be filed on or before April 5, 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 available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–7900 Filed 4–1–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–187–000]

Tennessee Gas Pipeline Co.; Proposed Changes in FERC Gas Tariff

March 29, 1994.

Take notice that on March 24, 1994, Tennessee Gas Pipeline Company (Tennessee) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, with a proposed effective date of June 15, 1994:

First Revised Sheet No. 314,
First Revised Sheet No. 317,
First Revised Sheet No. 509,
First Revised Sheet No. 512,
Original Sheet No. 22A,
Original Sheet Nos. 155A–155E,
Original Sheet Nos. 560A–560G.

Tennessee states that it is proposing these amendments in order to provide a new hourly scheduling flexibility service for interruptible transportation (Rate Schedule IT–X), with a proposed implementation date of June 15, 1994.

Tennessee states that this proposed new hourly scheduling flexibility service is in response to requests by its electric generator customers, who desire a reliable, short notice transportation service that will meet their peak load dispatch requirements.

Any person desiring to be heard or to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with sections 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214. All such petitions or protests should be filed on or before April 5, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to this proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file and available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–7901 Filed 4–1–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP94–300–000]

Tennessee Gas Pipeline Co. and Florida Gas Transmission Co.; Abandonment

March 29, 1994.

Take notice that on March 22, 1994, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252 and Florida Gas Transmission Company (FGT), P.O. Box 1188, Houston, Texas 77251, filed a joint application in Docket No. CP94–300–000 pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee and FGT propose to abandon the exchange of natural gas pursuant to a December 10, 1962 Gas Exchange Agreement included in Tennessee's FERC Gas Tariff as Rate Schedule X–17 and in FGT's FERC Gas Tariff as Rate Schedule E–2. Tennessee and FGT state that these rate schedules provide for the exchange of natural gas between the parties at the point where FGT's 24-inch main line crosses Tennessee's 30-inch Delta-Portland Line in Stone County, Mississippi. Tennessee and FGT state that since both parties have open access transportation certificates and have restructured their services under Order No. 636, there is no longer a need for the exchange service as certificated by the Commission.

Tennessee states that it notified FGT of its intent to terminate the exchange agreement on April 30, 1993. FGT states that it agreed to this termination on January 18, 1994.

Tennessee and FGT do not propose to abandon any facilities as a result of the authorization requested.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 19, 1994, 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 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 Tennessee and FGT to appear or to be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 94–7896 Filed 4–1–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–60–005]

Transwestern Pipeline Co.; Proposed Changes in FERC Gas Tariff

March 29, 1994.

Take notice that on March 24, 1994, Transwestern Pipeline Company (Transwestern) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet, with an effective date of January 1, 1994:

Substitute 1st Revised Sheet No. 5E(viii)
Substitute 13th Revised Sheet No. 90A

On March 9, 1994, the Commission issued an Order Rejecting Amended Tariff Sheet and Rejecting Compliance Filing (Order). This Order rejects the following two filings made by Transwestern. On January 14, 1994, Transwestern filed a tariff sheet in order to comply with a Commission order issued December 30, 1993 in Docket No. RP94–60–000, which accepted and suspended, subject to refund and conditions, Transwestern's November 30, 1993 take-or-pay filing. On February 7, 1994, Transwestern filed a revised tariff sheet to correct the total amortization amount contained in the November 30, 1993 filing in compliance with the Commission's Order. Transwestern is clarifying certain aspects of the above-mentioned filings and is also submitting corrected tariff sheets.

Transwestern is also filing tariff sheets to adhere to the Commission's Order which rejected the tariff language on Sheet 90A that described the exit point methodology. Revised Sheet 90A describes the computation of the surcharge as it is actually calculated.

Transwestern states that copies of the filing were served on its gas utility 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 April 5, 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. 94–7898 Filed 4–1–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP94–307–000]

Transwestern Pipeline Co.; Request Under Blanket Authorization

March 29, 1994.

Take notice that on March 24, 1994, Transwestern Pipeline Company (Transwestern), 1400 Smith Street, Houston, Texas 77002, filed in Docket No. CP94–307–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to install and operate a tap and metering facilities at a new point of delivery for the transportation of natural gas volumes to Amoco Production Company's (Amoco) Empire Abo Plant located in Eddy County, New Mexico under Transwestern's blanket certificate issued in Docket No. CP82–534–000 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.

Transwestern states that Amoco would build approximately thirty feet of 2-inch pipeline from the suction side of its plant to interconnect with Transwestern's proposed metering facilities to be located on Transwestern's existing LEC 10-inch lateral. Transwestern further states that it would transport natural gas pursuant to its blanket transportation certificate authority to accommodate gas deliveries to Amoco. Transwestern says that the gas volumes delivered by it would be used for engine fuel at Amoco's plant.

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. 94–7897 Filed 4–1–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP94–60–000 and RP94–60–001]

Transwestern Pipeline Co.; Settlement Conference

March 29, 1994.

Pursuant to the Commission order which issued on December 30, 1993, a settlement conference will be held to resolve the issues raised in the above-captioned proceeding. The conference will be held on Thursday, April 14, 1994 at 10 a.m. in a room to be designated at the offices of the Federal Regulatory Commission, 810 First Street, NE., Washington, DC 20426.

All interested persons and Staff are permitted to attend.

Lois D. Cashell,

Secretary.

[FR Doc. 94–7953 Filed 4–1–94; 8:45 am]

BILLING CODE 6717–01–M

Office of Arms Control and Nonproliferation

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement", under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation between the Government of the United States of America and the Government of Sweden concerning Peaceful Uses of Nuclear Energy.

This subsequent arrangement to be carried out under the above-mentioned agreements involves approval of the following retransfer: RTD/SW(EU)–158, for the transfer of 165,000 kilograms of uranium containing approximately 5,450 kilograms of the isotope uranium–235 (3.30 percent enrichment) from the Federal Republic of Germany to Sweden for use as fuel in the Forsmark and Ringhals power reactors.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Issued in Washington, DC, on March 28, 1994.

Edward T. Fei,

Acting Director, Office of Nonproliferation Policy, Office of Arms Control and Nonproliferation.

[FR Doc. 94–7878 Filed 4–1–94; 8:45 am]

BILLING CODE 6450–01–M

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement", under the Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation between the Government of the United States of America and the Government of Sweden concerning Peaceful Uses of Nuclear Energy.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval of the following retransfer: RTD/SW(EU)–157, for the transfer of fuel elements from France to Sweden containing 130 kilograms of uranium containing 25.935 kilograms of the isotope uranium-235 (19.95 percent enrichment) for use in the R–2 material test reactor.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Issued in Washington, DC, on March 28, 1994.

Edward T. Fei,

Acting Director, Office of Nonproliferation Policy, Office of Arms Control and Nonproliferation.

[FR Doc. 94–7879 Filed 4–1–94; 8:45 am]

BILLING CODE 6450–01–M

Office of Energy Efficiency and Renewable Energy

[Case No. CW–002]

Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver From the Clothes Washer Test Procedure to Asko Inc.

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Decision and Order.

SUMMARY: Notice is given of the Decision and Order [Case No. CW–002] granting a Waiver to Asko Inc. (Asko) from the existing Department of Energy (DOE or Department) test procedure for clothes washers. The Department is granting Asko a Waiver from the Department's test procedures for its clothes washer models 10504, 12004, and 20004, with the following design features that differ from those covered by the existing clothes washer test procedure: an internal electrical heater for heating wash water; a continuously variable wash water temperature control; 208/240 volt electrical power supply; and machine-controlled water fill capability.

FOR FURTHER INFORMATION CONTACT: P. Marc LaFrance, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE–431, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–8423. Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–72, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9507.

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 430.27(g), notice is hereby given of the issuance of the Decision and Order as set below. In the Decision and Order, Asko has been granted a Waiver for its clothes washer models 10504, 12004, and 20004, with the following design features that differ from those covered by the existing clothes washer test procedure: an internal electrical heater for heating wash water; a continuously variable wash water temperature control; 208/240 volt electrical power supply; and machine-controlled water fill capability.

Issued in Washington, DC, March 25, 1994.

Frank M. Stewart, Jr.,

Acting Chief of Staff, Energy Efficiency and Renewable Energy.

Background

The Energy Conservation Program for Consumer Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act, Public Law 94–163, 89 Stat. 917, amended by the National Energy Conservation Policy Act, Public Law 95–619, 92 Stat. 3266, the National Appliance Energy Conservation Act of 1987, Public Law 100–12, the National Appliance Energy Conservation Amendments of 1988, Public Law 100–357, and the Energy Policy Act of 1992, Public Law 102–486, 106 Stat. 2776, which requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including clothes washers. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR part 430, subpart B.

DOE amended the prescribed test procedures by adding 10 CFR 430.27 on September 26, 1980, creating the waiver process (45 FR 64108). Thereafter, DOE further amended the appliance test procedure waiver process to allow the Assistant Secretary for Energy Efficiency and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures (51 FR 42823, November 26, 1986).

The waiver process allows the Assistant Secretary to temporarily waive the test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

The Interim Waiver provisions, added by the 1986 amendment, allow the Assistant Secretary to grant an Interim Waiver when it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. An Interim Waiver remains in effect for a period of 180 days or until DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

Pursuant to § 430.27(g), the Assistant Secretary shall publish in the **Federal Register** notice of each waiver granted, and any limiting conditions of each waiver.

In accordance with § 430.27 of 10 CFR part 430, on April 8, 1993, Asko filed a Petition for Waiver regarding its clothes washer models 10504, 12004, and 20004, with the following design features that differ from those covered by the existing clothes washer test procedure: An internal electrical heater for heating wash water; a continuously variable wash water temperature control; 208/240 volt electrical power supply; and machine-controlled water fill capability. On April 26, 1993, Asko filed an Application for Interim Waiver and on May 11, 1993, Asko subsequently submitted an amendment to the Application for Interim Waiver upon DOE's request for additional information to allow the Department to make its determination of the economic hardship and/or competitive disadvantage likely to result if DOE fails to grant the Application for Interim Waiver. On September 7, 1993, the Department published in the **Federal Register** the Asko petition and solicited comments, data, and information respecting the petition and granted the requested Interim Waiver in its entirety (58 FR 47130).

Comments were received from the Whirlpool Corporation (Whirlpool) and Speed Queen Company (Speed Queen). All comments received were sent to Asko for its rebuttal. The Department consulted with the Federal Trade Commission (FTC) concerning the Asko petition. The FTC did not have any objections to the issuance of a waiver to Asko.

Assertions and Determinations

Asko's petition seeks a waiver from the DOE test procedure that is based on an external water heating source. Instead, Asko requests the allowance to test its clothes washer models 10504, 12004, and 20004 using an internal heater which heats the cold inlet water supplied for washing. Since the nature of a water-heating clothes washer is significantly different from a nonwater-heating clothes washer, several issues have developed and have been commented on.

The existing test procedure for non-water-heating clothes washers uses inlet water at "100°F±10°F" and requires a temperature rise calculation based on water volume which assumes a hot

wash temperature of 140°F (60°C). Thus, the calculation for the warm wash temperature is presumed to be set at 100°F (37.8°C) which is obtained from assumed equal amounts of hot and cold water being mixed in the clothes washer. For clothes washers equipped with thermostatically controlled inlet water valves the hot water inlet temperature is set to "140°F±5°F" and the cold water inlet temperature is set to "60°F±5°F".

Asko originally proposed testing its clothes washers utilizing four equally weighted tests. Asko proposed that two of the tests be conducted at 140°F (60°C) (one for maximum fill and one for minimum fill) and the remaining two tests be conducted at 68°F (20°C) (one for maximum fill and one for minimum fill). The Department did not concur with this proposal and issued an Interim Waiver with test requirements which were more representative of the existing test procedure. The Interim Waiver required testing at three temperature settings (hot—140°F (60°C), warm—100°F (38°C and cold—60°F (16°C)) for maximum and minimum fill conditions. The results of the temperature setting tests were prorated using the existing test procedure Temperature Use Factors for a three temperature selection machine. The combined results for maximum and minimum fill were prorated using the existing test procedure values. Whirlpool and Speed Queen raised concern about the Asko's machines having the capability of heating water higher than 140°F (60°C). The concern is that some consumers will choose a temperature that is higher than 140°F (60°C) and therefore use more energy than the test would predict. The Department agrees with this concern. However, the Department also realizes that with Asko's variable temperature capability that some consumers may choose to utilize a "hot" temperature setting that is lower than 140°F (60°C). Furthermore, Proctor and Gamble market survey data for 1975 and 1988/89 reveal that consumers' preferences have changed over the 13 years to use cold washes more frequently. Therefore, the Department has decided that the test for water-heating clothes washers will be based on the following to reflect the comments received and to be as consistent as possible with the current test procedure.

Temperature setting	Percentage of use
Hottest possible on machine	5
140°F (60°C)	25
100°F (38°C)	55
Coldest possible on machine ...	15

Additionally, the Department, by deciding to test the water-heating clothes washers at their respective, hottest and coldest, settings, will enable the test procedure to be generic for various clothes washers. For example, if a particular clothes washer's coldest setting actually demands heat above the specified inlet water temperature, then the energy for this will be considered. Whereas, if a particular clothes washer's coldest setting prevents any water heating, then there would not be any energy used to heat the wash water.

A second issue related to Asko's internal heater capability is the method to be used to measure the temperatures of the water used during the test. Whirlpool suggested that the wash water temperature should reach an equilibrium temperature prior to the start of the 10 minute wash time required in section 2.10. The Department does not concur with this suggestion because the existing test procedure energy consumption calculations are based on a temperature rise of the clothes washer inlet water. The Department does not consider a "traditional" clothes washer's heat dissipation of the heated water into the internal clothes washer components. The Department requires the temperature in the Asko's clothes washer be verified to ensure that it at least meets the specified temperature for warm and hot during the wash cycle; it does not require the clothes to maintain the wash temperature. This is a performance issue for Asko and regardless of the operating heating cycle the energy consumption will be reflected in the energy reporting.

A third issue related to Asko's internal heater capability is the tolerance requirement for temperatures. Whirlpool contended that the existing test procedure is based on calculations for temperature rises and recorded volumes, whereas the Asko's machines are actually supplying the energy to heat the water. Whirlpool further contended that a larger temperature tolerance will provide a significant difference in energy requirements. The Department concurs with the intent of Whirlpool's comment and has tightened the temperature tolerances to reduce variability in energy reporting. The Department has changed the tolerance for the various temperatures from ±5°F (±2.8°C) to a maximum and minimum temperature value with only a 5°F (2.8°C) range. For example, the inlet water temperature requirement for water-heating clothes washers has been changed to a maximum of 60°F (15.6°C) and a minimum of 55°F (12.8°C). This reduction in the tolerance range will reduce energy reporting variability while maintaining testing flexibility. This type of tolerance will also ensure that a minimum temperature rise is tested.

Speed Queen commented on the requirement for the inlet water temperature. Speed Queen proposed that the inlet water temperature be set to 50°F (10°C) in lieu of 60°F (16°C). Speed Queen's concern was based on the fact that the existing test procedure uses a 90°F temperature rise in the calculations. The Department does not concur with the Speed Queen suggestion. As indicated above, the Department is changing the amended test procedure to include a test at the hottest temperature setting which will be conducted on a temperature range which is greater than 90°F. In addition, the Department believes that a 50°F (10°C) inlet water requirement may be too burdensome. In many cases the inlet water would have to be cooled to obtain the 50°F (10°C) temperature.

Asko's petition also addressed its design feature which will automatically control the water level in the clothes washer based on the clothes load. Whirlpool and Speed Queen both had concerns about the use of variable test loads to activate a maximum or minimum fill for testing. The concern was that the absorption of the test cloth will introduce an additional variable. Both Whirlpool and Speed Queen suggested using the existing test procedure's test loads (3 lbs. at minimum fill and 7 lbs. at maximum fill). The Department concurs with the Whirlpool and Speed Queen suggestion, however, the testing conducted will be representative of consumer minimum and maximum test loads and not the minimum and maximum test load capability of the Asko machines. The Department also realizes that this will cause the calculations for Asko's clothes washer total energy consumption at minimum fill to go up and total energy consumption at maximum fill to go down. The Department may revise the test load requirements for all clothes washers in the future to reflect consumer habits if usage data becomes available regarding automatic fill controls.

Whirlpool also recommended that the Department change the requirement for the test load test cloth. Whirlpool recommended that a test cloth more representative of actual consumer habits be utilized verses the energy test cloth specified in section 2.6. The Department does not agree with Whirlpool's suggestion for Asko's petition because it is not unique to Asko's Petition. The test procedure requires the same test cloth

for all front load machines. The Department recommends that this type of comment be presented during a ruling to revise the entire test procedure.

The Interim Waiver had a revised requirement for the "electrical energy supply" to allow for the testing of Asko's clothes washers which use a higher voltage. In addition to the higher voltage change, the tolerance was changed from the existing test procedure requirement of "±2 volts" to "1 percent" of the voltage. The Department believes that this increase in tolerance may be too burdensome, therefore the Department has changed the tolerance to "1.7 percent" of the voltage. The 1.7 percent value is equal to the existing procedure tolerance.

Conclusion

It is therefore ordered that:

(1) The "Petition for Waiver" filed by Asko [Case No. CW–002] is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3), (4) and (5).

(2) Notwithstanding any contrary provisions of section 430.22 or Appendix J of 10 CFR Part 430, Subpart B, Asko shall be permitted to test its washing machines, models 10504, 12004, and 20004 with the modification set forth below:

(i) Add new §§ 1.19 and 1.20 in appendix J to read as follows:

1.19 *"Water-heating clothes washer"* means a clothes washer that has an internal electrical heater which provides all the energy needed to heat water for washing.

1.20 *"Non-water-heating clothes washer"* means a clothes washer that does not have an internal electrical heater which provides the energy needed to heat water for washing.

(ii) Sections 2.2 and 2.3 in appendix J shall be deleted and replaced with the following:

2.2 *Electrical energy supply.* Maintain the electrical supply to the clothes washer terminal block within 1.7 percent of 120/208Y or 120/240 volts as applicable to the particular terminal block wiring system as specified by the manufacturer. If the clothes washer has a dual voltage conversion capability, conduct the test at the highest voltage recommended by the manufacturer.

2.3 *Water temperature.*

2.3.1 *Water-heating clothes washers.* The temperature of the water supply shall be maintained at a minimum of 55°F (12.8°C) and a maximum of 60°F (15.6°C).

(iii) Sections 3.2.1 through 3.3.5 in Appendix J shall be deleted and replaced with the following:

3.2.1 *Per-cycle electrical energy consumption at maximum fill.* Set the water level selector to the maximum fill position, if manually controlled.

3.2.1.1 *Hottest wash at maximum fill.* Activate the machine and insert the appropriate test load as specified in section 2.8.2.1. Select the normal or its equivalent wash cycle. Where spin speed selection is available, set the control to its maximum setting. Set the water temperature selector to the hottest setting and activate the wash cycle. Measure and record the kilowatt-hours of electrical energy consumed for the complete cycle as $E_{ht,max}$.

3.2.1.2 *Hot wash at maximum fill.* Insert a water temperature sensing device inside the inner drum prior to testing. Activate the machine and insert the appropriate test load as specified in section 2.8.2.1. Select the normal or its equivalent wash cycle. Where spin speed selection is available, set the control to its maximum setting. Set the water temperature selector to the hot setting (a minimum of 140°F (60°C) and a maximum of 145°F (62.8°C)) and activate the wash cycle. Verify the wash water temperature, which must be at a minimum of 140°F (60°C) and a maximum of 145°F (62.8°C). If the measured water temperature is not within the specified range, stop testing, adjust the temperature selector accordingly and repeat the procedure. Otherwise, proceed and complete testing. Measure and record the kilowatt-hours of electrical energy consumed for the complete cycle as $E_{h,max}$.

3.2.1.3 *Warm wash at maximum fill.* Repeat section 3.2.1.2 for a warm wash setting at a minimum of 100°F (37.8°C) and a maximum of 105°F (40.6°C). Measure and record the kilowatt-hours of electrical energy consumed for the complete cycle as $E_{w,max}$.

3.2.1.4 *Cold wash at maximum fill.* Repeat section 3.2.1.1 for the coldest water setting. Measure and record the kilowatt-hours of electrical energy consumed for the complete cycle as $E_{c,max}$. Ensure that the inlet water temperature is maintained per section 2.3.1.

3.2.2 *Per-cycle electrical energy consumption at minimum fill.* Set the water level selector to the minimum fill position, if manually controlled.

3.2.2.1 *Hottest wash at minimum fill.* Repeat section 3.2.1.1 for a test load as specified in section 2.8.2.1. Measure and record the kilowatt-hours of electrical energy consumed for the complete cycle as $E_{ht,min}$.

3.2.2.2 *Hot wash at minimum fill.* Repeat section 3.2.1.2 for a test load as specified in section 2.8.2.1. The hot wash setting shall be at a minimum of 140°F (60°C) and a maximum of 145°F (62.8°C). Measure and record the kilowatt-hours of electrical energy consumed for the complete cycle as $E_{h,min}$.

3.2.2.3 *Warm wash at minimum fill.* Repeat section 3.2.1.2 for warm wash setting at a minimum of 100°F (37.8°C) and a maximum of 105°F (40.6°C). Measure and record the kilowatt-hours of electrical energy consumed for the complete cycle as $E_{w,min}$.

3.2.2.4 *Cold wash at minimum fill.* Repeat section 3.2.1.1 for the coldest wash setting. Measure and record the kilowatt-hours of electrical energy consumed for the complete cycle as $E_{c,min}$. Ensure that the inlet water temperature is maintained per section 2.3.1.

(iv) Sections 4.1 through 4.6 in Appendix J shall be deleted and replaced with the following:

4.1 *Per-cycle temperature-weighted machine electrical energy consumption for maximum and minimum water fill levels.* Calculate the per-cycle temperature-weighted electrical energy consumption for the maximum water fill level, E_{max}, and for the minimum water fill level, E_{min}, expressed in kilowatt-hours per cycle and defined as:

$$E_{max} = (0.05 \times E_{ht,max}) + (0.25 \times E_{h,max}) + (0.55 \times E_{w,max}) + (0.15 \times E_{c,max})$$

$$E_{min} = (0.05 \times E_{ht,min}) + (0.25 \times E_{h,min}) + (0.55 \times E_{w,min}) + (0.15 \times E_{c,min})$$

where:

$E_{ht,max}$=as defined in section 3.2.1.1
$E_{h,max}$=as defined in section 3.2.1.2
$E_{w,max}$=as defined in section 3.2.1.3
$E_{c,max}$=as defined in section 3.2.1.4
$E_{ht,min}$=as defined in section 3.2.2.1
$E_{h,min}$=as defined in section 3.2.2.2
$E_{w,min}$=as defined in section 3.2.2.3
$E_{c,min}$=as defined in section 3.2.2.4

4.2 *Total per-cycle machine electrical energy consumption.* Calculate the total per-cycle energy consumption, E_{TE}, expressed in kilowatt-hours per cycle and defined as:

$$E_{TE} = (0.72 \times E_{max}) + (0.28 \times E_{min})$$

where:

E_{max}, E_{min} = as defined in section 4.1

(v) In CFR § 430.22, paragraph (j)(1)(i)(B), change the following:

From: "* * * according to 4.6 of Appendix (j) * * *"

To: "* * * according to 4.2 of Appendix (j) * * *"

(vi) Section 430.22 of the CFR, paragraph (j)(2), shall be deleted and replaced with the following:

(J)(2) The energy factor for water-heating clothes washers shall be the

quotient of the cubic foot capacity of the clothes container as determined in 3.1 of appendix J to this subpart divided by the clothes washer energy consumption per cycle expressed as the total per-cycle machine electrical energy consumption as determined in 4.2 of appendix J to this subpart. The resulting shall be rounded off to the nearest 0.01 cubic foot per kilowatt-hour.

(3) The Waiver shall remain in effect from the date of issuance of this Order until DOE prescribes final test procedures appropriate to these washing machines, models 10504, 12004, and 20004, manufactured by Asko.

(4) This Waiver is based upon the presumed validity of statements, allegations, and documentary materials submitted by the petitioner. This Waiver may be revoked or modified at any time upon a determination that the factual basis underlying the Petition is incorrect.

(5) This Waiver supersedes the Interim Waiver granted to Asko on September 7, 1993 (58 FR 47130).

Issued in Washington, DC, March 25, 1994.

Frank M. Stewart, Jr.,

Acting Chief of Staff, Energy Efficiency and Renewable Energy.

[FR Doc. 94–7875 Filed 4–1–94; 8:45 am]

BILLING CODE 6450–01–P

Appliance and Equipment Energy Efficiency Standards: Public Meetings To Discuss Evaluation Criteria for the Voluntary Programs to Provide Energy Efficiency Information for Luminaires and Commercial Office Equipment

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of public meetings.

SUMMARY: The Energy Policy Act of 1992 requires the Department of Energy (DOE or Department) to support voluntary national testing and information programs for those types of luminaires and commercial office equipment that are widely used, and show potential for significant energy savings. Not later than October 24, 1995, DOE must determine whether the voluntary programs thus created by members of those industries are consistent with the objectives set forth in the legislation.

In order to determine what specific criteria will be used to evaluate the effectiveness of the voluntary programs, the Department will hold two public meetings and invite interested parties for each program to offer suggestions concerning methods of evaluation. All persons are hereby given notice of the opportunity to submit written comments and to attend the public meetings.

DATES: Written comments in quadruplicate must be received by May 12, 1994. Requests to speak should also be submitted in advance before May 12, 1994, or if time permits, upon registration the day of the meeting. The public meeting for the luminaire program will be held on Tuesday, May 24, 1994. The public meeting for commercial office equipment will be held on Thursday, May 26, 1994.

ADDRESSES: Written comments and requests to speak should be labeled "Voluntary Program to Promote Energy Efficiency in Luminaires" or "Voluntary Program to Promote Energy Efficiency in Commercial Office Equipment," and submitted to Ms. Barbara Twigg, Office of Energy Efficiency and Renewable Energy, Mail Station EE–431, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585. Telephone: (202) 586–9127; FAX: (202) 586–4617.

The meetings will begin at 9:30 a.m., and will be held at the U.S. Department of Energy, Forrestal Building, room 1E–245, 1000 Independence Avenue, SW., Washington, DC.

Copies of the transcripts of the public meetings and public comments received may be read at the DOE Freedom of Information Reading Room, U.S. Department of Energy, Forrestal Building, room 1E–190, 1000 Independence Avenue, SW., Washington, DC, (202) 586–6020 between the hours of 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Barbara Twigg, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Forrestal Building, Mail Station EE–431, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9127.

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Forrestal Building, Mail Station GC–72, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9507.

SUPPLEMENTARY INFORMATION:

1. Authority

The Energy Policy Act of 1992 (EPACT; Pub. L. 102–486) identified several new categories of products and equipment for inclusion in a range of required and voluntary testing and information programs to promote energy efficiency. Under sections 125 and 126 of EPACT, the Secretary of Energy, after consulting with industry associations and other interested organizations, is to provide technical and financial assistance to support voluntary national testing and information programs for those types of commercial office equipment and luminaires that are widely used, and for which there is a potential for significant energy savings as a result of such programs. These test procedures will provide information that when conveyed to consumers, will enable purchasers of such equipment to assess the energy consumption and potential cost savings of alternative products.

2. Background

The voluntary programs for commercial office equipment and luminaires will be developed by separate organizations composed of interested parties associated with each industry, and the efforts to develop these programs will be monitored and evaluated by the Secretary of Energy. Not later than three years after the date of enactment of EPACT (October 24, 1995), the Secretary shall make a determination as to whether the voluntary programs are positioned to achieve the objectives established for the sale and purchase of commercial office equipment and luminaires. If the Secretary determines that either of the voluntary programs is not consistent with the objectives of the legislation, the Secretary shall, after consultation with the National Institute of Standards and Technology, develop test procedures for that set of products. One year later, the Federal Trade Commission will prescribe labeling rules.

The Department recognizes that the clarification of evaluation criteria is an important guiding element as the testing and information programs take shape. As part of the monitoring and evaluation process, DOE would like to solicit comments on how the evaluation criteria should be determined within the context of the emerging programs. After oral and written comments have been submitted, DOE will analyze the suggestions, determine the specific evaluation criteria, and publish its findings in the **Federal Register**.

3. Discussion

The purpose of the public meeting is twofold: (1) To provide an opportunity to inform DOE on the progress of the voluntary programs; and (2) to request suggestions from all interested parties on the best means of evaluating the potential effectiveness of the programs.

Some specific areas for comment are identified below; however, these areas are not intended to limit the content of submissions.

- The type, use, and standardization of test procedures.
- The extent of market penetration represented by the products selected as "widely used" and the extent of participation across the respective industries.
- The dissemination of information to potential consumers.
- The amount of energy saved.
- Provisions to update the program in future years and incorporate new products.
- Provisions for DOE to monitor the progress of the program.

4. Public Meeting Procedure

DOE will make a presentation at the outset of each meeting to provide background and explain the goals for the meeting. DOE will then accept oral comments limited to a time which will be set in light of the number of persons who request to speak. The official conducting the meeting will accept comments and questions from those attending to afford the DOE staff and interested parties an opportunity to discuss and explore issues surrounding the proposed evaluation criteria.

Issued in Washington, DC, on March 25, 1994.

Frank M. Stewart, Jr.,

Acting Chief of Staff, Energy Efficiency and Renewable Energy.

[FR Doc. 94–7870 Filed 4–1–94; 8:45 am]

BILLING CODE 6450–01–P

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of January 3 Through January 7, 1994

During the week of January 3 through January 7, 1994, the decisions and orders summarized below were issued with respect to applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Request for Exception

Fletcher & Associates, Ltd, 1/7/94, LEE–0051

Fletcher & Associates, Ltd. (Fletcher) filed an Application for Exception from the provision of filing Form EIA–782B, entitled "Reseller/Retailers' Monthly Petroleum Product Sales Report." In considering the request, the DOE found that the firm was not adversely affected by the reporting burden in a way that is significantly different from the burden borne by similar reporting firms. Thus, Fletcher did not demonstrate that it is experiencing serious hardship or gross inequity. Moreover, since the firm is a "certainty firm," it could not be granted relief from filing. Accordingly, exception relief was denied.

Refund Applications

Atlantic Richfield Company/Land O'Lakes, Inc., 1/3/94, RF304–8934, RF304–15436

The DOE issued a Decision and Order granting an Application for refund filed by Land O'Lakes, Inc. (Land O'Lakes) in the Atlantic Richfield Company Subpart V special refund proceeding. In order to qualify for a refund based upon the ARCO products sold to its member-patrons, cooperatives such as Land O'Lakes need only document their purchases from ARCO and certify that any refunds will be passed along to its member-patrons. However, in 1987, Land O'Lakes transferred all of its petroleum supply business to Farmers Union Central Exchange, Inc. (CENEX). As Land O'Lakes no longer serves its former petroleum patrons, the DOE determined that CENEX'S existing patronage system is the best available mechanism to distribute refund monies to former Land O'Lakes patrons. CENEX has certified that it will notify its Board of Directors of any refunds that are obtained by CENEX in the ARCO proceeding as a result of the Application filed by Land O'Lakes. CENEX has also certified that it will then distribute those refunds to its patrons in accordance with its established patronage dividends systems. The DOE determined that Land O'Lakes and CENEX had met the requirements applicable to a cooperative for a full volumetric refund and granted CENEX a refund of $40,156.

In addition, the DOE granted Land O'Lakes a reseller refund of $3,826 based on its purchases of 7,505,261 gallons of ARCO products it sold to non-members.

Stanley Furniture Company, 1/5/94, RF272–57523

The DOE issued a Decision and Order concerning an Application for Refund filed on behalf of Stanley Furniture Company in the crude oil special refund proceeding being disbursed by the DOE under 10 CFR part 205, Subpart V. The DOE determined that the refund claim was meritorious and granted a refund of $2,948. In granting the Application, the DOE determined that "finishing material" was not a covered product and, therefore, not eligible for a refund because it was not purchased from a refinery. Stanley's claim was reduced by the amount of gallons claimed for "finishing material."

Texaco Inc./Bryan Texaco Station, 1/7/94, RF321–20013

The DOE issued a Supplemental Order concerning an Application for Refund filed by Petroleum Funds, Inc. (PFI) on behalf of Bryan Texaco Station and Herman Hudson. Bryan Texaco Station was granted a refund in Texaco Inc./Harley's Texaco, Case No. RF321–340. (October 9, 1991). The DOE received another Application on behalf of Bryan Texaco Station filed by Bill Wilfong. Mr. Wilfong claimed and documented ownership dates that overlapped with those claimed by Mr. Hudson. In response to a request for documentation of Mr. Hudson's ownership dates, PFI informed the DOE that Mr. Hudson did not own Bryan Texaco Station during the period he claimed in his Application. Accordingly, the Supplemental Order rescinds Mr. Hudson's refund and makes PFI and Mr. Hudson jointly liable for repayment of the refund.

Texaco Inc./Hicone Texaco, 1/7/94, RR321–137

The DOE issued a Decision and Order granting a Motion for Reconsideration filed by Robert Robinson in the Texaco Inc. Subpart V special refund proceeding on behalf of Hicone Texaco (Hicone). The DOE had previously denied Hicone's Application for Refund on the basis that Hicone was not a purchaser or consignee of Texaco refined petroleum products but rather a consignee for Lee Oil Company (Lee) and, therefore, not eligible to receive a refund in the Texaco proceeding. However, in the Motion for Reconsideration, Hicone presented evidence that the business arrangement between Hicone and its supplier, Lee, was such that Hicone was more similar to an indirect purchaser of Texaco products than a consignee for Lee. The DOE, as a discretionary matter, reviewed the Motion and determined that it should be granted. Accordingly, Mr. Robinson was granted a refund of $314 ($228 principal plus $86 interest) as an indirect purchaser of Texaco products.

Texaco Inc./Tabbaa Oil Et Al., 1/7/94, RF321–14309 Et Al.

The DOE issued a Decision and Order concerning 14 Applications for Refund filed in the Texaco Inc. Subpart V special refund proceeding by indirect purchasers which purchased Texaco products from Cook & Cooley (C&C), a Texaco jobber located in Long Beach, California. On October 22, 1993, the DOE issued a Decision and Order in the

Texaco proceeding which determined that C&C had been injured in its purchases of Texaco products. Texaco Inc./Cook & Cooley, 23 DOE ¶85,158 (1993). Based on a detailed showing of C&C's costs and prices during the refund period, the DOE concluded that (i) C&C had absorbed the full amount of any overcharges it had incurred in its purchases from Texaco of premium and unleaded gasoline and (ii) C&C absorbed 58 percent of the overcharges for its purchases of regular gasoline. Consequently, the DOE concluded that the indirect purchasers supplied by C&C incurred 42 percent of the impact of Texaco's alleged overcharges in sales of regular gasoline. For their purchases of premium and unleaded gasoline, indirect purchasers supplied by C&C would not have been injured because the overcharges were absorbed by C&C. Regular gasoline constituted 48.3 percent of C&C's purchases from Texaco. In the absence of more accurate data regarding the applicant's purchases, the DOE assumed that regular gasoline also constituted 48.3 percent of the purchases made by C&C's customers. Consequently, the applicants in this decision were granted refunds based on 20.3 percent of their purchases (.42 x .483).

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Atlantic Richfield Company/Industrial Fuel & Asphalt Corp et al	RF304–13534	01/05/94
Atlantic Richfield Company/Majors Transit, Incorporated et al	RF304–14440	01/03/94
Altantic Richfield Company/Patterson Lumber Company	RF304–15443	01/07/94
Atlantic Richfield Company/Perry's Heating Service, Inc	RF304–14559	01/03/94
Atlantic Richfield Company/Wiatrowski's Arco et al	RF304–13971	01/05/94
Bryan County, Oklahoma et al	RF272–86001	01/03/94
Clark Tanklines Company	RF272–77716	01/05/94
Friona Independent School District et al	RF272–80679	01/05/94
Green Construction Company	RF272–77190	01/06/94
Green Construction Company	RF272–95044	
Gulf Oil Corporation/Airport Limousine Service	RF300–19617	01/05/94
Gulf Oil Corporation/Del's Gulf Service et al	RF300–20611	01/05/94
Gulf Oil Corporation/Ford Motor Company	RF300–20297	01/05/94
Westinghouse Electric Corp	RF300–20454	
Gulf Oil Corporation/Mack & John's Service Station, Inc	RF300–20672	01/07/94
Hornes International, Inc	RF300–20820	
Hornes International, Inc	RF300–21765	
Hornes International, Inc	RF300–21766	
Hornes International, Inc	RF300–21767	
Hornes International, Inc	RF300–21768	
Gulf Oil Corporation/Ottawa Oil Company	RF300–15454	01/05/94
Linston, Inc. et al	RF272–91500	01/03/94
M.S.A.D.8	RR272–123	01/07/94
Metropolitan Petroleum & Fuel/Champion Service	RF349–7	01/05/94
Milford Central School	RF272–83212	01/07/94
Muncy School District	RF272–83273	
Mukwonago Area School District et al	RF272–87109	01/03/94
Texaco Inc./Chuck's Texaco et al	RF321–11664	01/06/94
Texaco Inc./Eubank Texaco	RF321–19232	01/07/94
Eubank Texaco	RF321–20014	
Texaco Inc./H.C.Blakewell, Inc. et al	RF321–10698	01/05/94
Texaco Inc./Majewski Texaco Service	RR321–141	01/03/94
Texaco Inc./McKinney Oil Co	RF321–5854	01/07/94
McKinney Oil Co. of Tallulah, Inc	RF321–5855	
McKinney Oil Co. of Delhi, Inc	RF321–20000	
Texaco Inc./Pat Vincent's Texaco	RR321–132	01/03/94
Random Lake Oil Co	RR321–140	
Texaco Inc./Republic Oil Corporation et al	RF321–19157	01/05/94
Wright Brothers Construction Co. et al	RF272–77193	01/06/94

Dismissals

The following submissions were dismissed:

Name	Case No.
4th Avenue Shell	RF315–9479
Banks County	RF272–85287
Broadway Arco	RF304–13495
Charles A. Brookbank	RF300–16365
Cherokee Hlg. & Rigng., Inc	RF272–91387
Duane & Ron's Texaco Station	RF321–11042
E.C. Barnes, Inc	LEE–0063
Farmer's Co-op Oil Co., Inc	RF321–10930
Freeway Texaco	RF321–19974
George H. Nunes, Inc	RF238–123
Raul's Texaco	RF321–9944

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E–234, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

Dated: March 24, 1994.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 94–7880 Filed 4–1–94; 8:45 am]

BILLING CODE 6450–01–P

Issuance of Decisions and Orders; Week of February 14 Through February 18, 1994

During the week of February 14 through February 18, 1994, the decisions and orders summarized below were issued with respect to applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Request for Exception

C. Parker Oil Co., Inc., 2/18/94, LEE–0042

C. Parker Oil Co., Inc., (Parker) filed an Application for Exception from the provision of filing Form EIA–782B, entitled "Reseller/Retailer's Monthly Petroleum Product Sales Report." The exception request, if granted, would permit Parker to be exempted from filing Form EIA–782B. The Department issued a Decision and Order which determined that the exception request be denied since the firm had not shown that it was experiencing a serious hardship, gross inequity, or unfair distribution of burdens.

Refund Applications

Stepan Company, 2/18/94, RF272–16338, RD272–16338

The DOE issued a Decision and Order concerning an Application for Refund filed on behalf of Stepan Company in the crude oil special refund proceeding being administered by the DOE under 10 CFR part 205, Subpart V. The DOE determined that the refund claim was meritorious and granted a refund of $57,222. The DOE also denied a Motion for Discovery filed by a consortium of States and two Territories and rejected their challenge to the claim. The DOE denied the States' Objections, finding that the industry-wide econometric data submitted by the States did not rebut the presumption that the Applicant was injured by the crude oil overcharges. In granting the Application, the DOE determined that mixed xylene and ortho-xylene were essentially xylene, a product eligible for a refund in the crude oil proceeding.

Westinghouse Electric Corporation-Technology & Quality Center, Westinghouse Electric Corporation, 2/18/94, RF272–16739, RD272–16739, RD272–93803

The DOE issued a Decision and Order concerning two Applications for Refund filed on behalf of Westinghouse Electric Corporation-Technology & Quality Center and Westinghouse Electric Corporation in the crude oil special refund proceeding being administered by the DOE under 10 C.F.R. Part 205, Subpart V. The DOE determined that the refund claim was meritorious and granted a refund of $31,990. The DOE also denied a Motion for Discovery filed by a consortium of States and two Territories and rejected their challenge to the claim. The DOE denied the States' Objections, finding that the industry-wide econometric data submitted by the States did not rebut the presumption that the Applicant was injured by the crude oil overcharges.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Atlantic Richfield Company/Midtown Arco et al	RF304–14202	02/15/94
Atlantic Richfield Company/N.C.L. Automotive et al	RF304–14453	02/17/94
City of Beardstown	RF272–83524	02/15/94
City of Montpelier, Idaho et al	RF272–88147	02/18/94
Gulf Oil Corp./Village Gulf et al	RF300–20238	02/18/94
Lindenwold Public Schools et al	RF272–87549	02/15/94
Roach Aviation	RF272–65920	02/17/94
Service America Corporation et al	RF272–87020	02/18/94
Texaco Inc./Art's Airport Texaco	RR321–143	02/14/94
Texaco Inc./Fountain City Texaco et al	RF321–14255	02/17/94
Texaco Inc./O.H. Weaver Texaco et al	RF321–6261	02/14/94

Dismissals

The following submissions were dismissed:

Name	Case No.
Dodgeville School District	RF272–83497
Fogle's Texaco	RF321–10573
General Cooperative Assn	LEE–0085
Howard's Texaco	RF321–3492
Joe's Kwik Korner	RF321–17965
Kroninger's Tire Center	RF304–14523
Menomonie Area School District	RF272–81943
Odessa LPG Transport, Inc	RF340–142
Pendleton School District	RF272–80888
Petroleum Fuels, Inc	RF340–96
Shelton Oil & Gas, Inc	RF340–167
Stamford Taxi, Inc	RF300–19150
Ware School District	RF272–80700

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E–234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

Dated: March 24, 1994.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 94–7882 Filed 4–1–94; 8:45 am]

BILLING CODE 6450–01–P

Issuance of Decisions and Orders; Week of February 21 Through February 25, 1994

During the week of February 21 through February 25, 1994, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

Ed Bricker, 2/22/94, LFA–0349

Ed Bricker filed an Appeal from a partial denial by the Office of Inspector General (IG) of a request for information submitted under the Freedom of Information Act (FOIA). Eight of the documents responsive to Bricker's requests were withheld in their entirety pursuant to FOIA Exemptions 6 and 7(C), and certain material in 18 other responsive documents was withheld pursuant to the same two exemptions. Subsequent to the filing of Bricker's Appeal, the IG informed the Office of Hearings and Appeals that it had adopted new policies regarding its withholding of information under the two exemptions. The IG stated that because these policies were not in place at the time of its initial determination, an additional review of the documents at issue would result in more information being released to the appellant. In light of these changes, the matter was remanded to the IG to conduct a further review of the documents so that additional information could be released. In all other respects, the Appeal was denied.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Atlantic Richfield Company/Bill's Arco et al	RF304–13636	02/22/94
Atlantic Richfield Company/Field & McGrady Special et al	RF304–13404	02/24/94
Borough of Essex Fells et al	RF272–84423	02/23/94
General Cartage Co., Inc. et al	RF272–80173	02/25/94
Gulf Oil Corp./Diebel Oil Co. et al	RF300–8774	02/22/94
Gulf Oil Corp./Walker Oil Co., Inc	RF300–20547	02/22/94
Lamont E. Meaux et al	RF272–91070	02/23/94
Moose International, Inc. et al	RF272–90301	02/25/94
Sanford Brick Company	RA272–57	02/25/94
Texaco Inc./Bradley's Texaco et al	RR321–144	02/24/94
Texaco Inc./Dunbar's Texaco	RF321–7639	02/22/94
Helm's Whittier Texaco	RF321–9008	
Texaco Inc./Gaona Bros., Inc. et al	RF321–10585	02/22/94
Texaco Inc./John F. Nagela et al	RF321–14159	02/23/94
Texaco Inc./Lowndsboro Texaco Service et al	RF321–7322	02/22/94
Texaco Inc./Mini Car Wash	RF321–1712	02/25/94

Dismissals

The following submissions were dismissed:

Name	Case No.
Albina Transfer Co., Inc	RF272–81502
Bunge Corporation	RR272–61
City of Breese	RF272–83052
City of Harrisburg	RF272–85304
City of Utica	RF272–85266
Goodyear Tire & Rubber Company	RF272–92667
Mitch Carter Texaco	RF321–20081

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E–234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

Dated: March 24, 1994.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 94–7881 Filed 4–1–94; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4858–2]

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; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before May 4, 1994.

FOR FURTHER INFORMATION CONTACT: For further information, or a copy of this ICR, contact Sandy Farmer at (202) 260–2740.

SUPPLEMENTARY INFORMATION:

Office of Air and Radiation

Title: Fuel and Fuel additives Registration Program (EPA ICR #309.08; OMB #2060–0150). This ICR requests renewal of the existing clearance.

Abstract: Fuel manufacturers are required to register their products and provide quarterly and annual reports on production volume and additive usage. Additive manufacturers must register their products and provide annual reports on production volume. This program provides EPA with an inventory of automotive fuels, fuel composition and fuel additives. The information is used to protect the public from exposure to evaporative emissions and products of combustion, and to prevent damage to automotive emission controls systems.

Burden Statement: The public reporting burden for this collection of information is estimated to average 1 hour per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Respondents: Manufacturers of fuels and fuel additives.

Estimated Number of Respondents: 2007.

Estimated Total Annual Burden On Respondents: 16,315 hours.

Frequency of Collection: One time registration, quarterly and annual reports.

Send comments regarding the burden estimate, or any other aspect of this information collection, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM–223Y), 401 M Street, SW., Washington, DC 20460;

and

Troy Hillier, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20530.

Dated: March 29, 1994.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 94–7983 Filed 4–1–94; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4855–4]

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 May 4, 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 Water

Title: 1994 Industrial Laundries Questionnaire (EPA No. 1685.01).

Abstract: This is a new information collection sponsored by the Office of Water in support of the development of technology-based effluent limitations guidelines pursuant to the Clean Water Act. The development of effluent limitations for the industrial laundries industry is required by court order to be proposed by 12/31/96. The questionnaire will be mandatory pursuant to section 308 of the Clean Water Act.

The survey respondents will be randomly selected using the information gathered from the industrial laundries screener survey (OMB Control No. 2040–0163). Respondents will be asked to complete a two-part questionnaire, providing information that includes:

(1) Quality and type of items accepted by industrial laundries,

(2) Water use and waste characteristics,

(3) Current waste/wastewater treatment operations and waste minimization practices,

(4) Cost of industrial laundry operations and treatment capacity,

(5) Market characteristics for industrial laundry services,

(6) Financial information,

(7) The extent of facility operations unrelated to industrial laundering and the liquidation value of their industrial laundering operations, and

(8) The number of facility employees.

As a follow-up to the questionnaire, a subset of respondents will be requested to provide last year's wastewater monitoring data.

EPA will use the information to develop effluent limitations guidelines and standards that reflect the best available technology within economically achievable limitations and the best practicable control technology.

Burden Statement: Public reporting burden for this collection of information is estimated to average 85 hours per response for the two-part questionnaire and an additional 2 hours per response for the subset of respondents providing monitoring data. This includes time for reviewing instructions, gathering and compiling the data needed, and completing and reviewing the questionnaires.

Respondents: Facilities engaged in industrial laundering in the United States such as hotels, hospitals, and prisons that accept laundry from off-site.

Estimated Number of Respondents: 250 industrial laundry facilities and 50 hotels, hospitals, or prisons.

Estimated Number of Responses Per Respondent: 1.

Frequency of Collection: One time.

Estimated Total Annual Burden On Respondents: 25,000 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 (PM–223Y), 401 M St., SW., Washington, DC 20460;

and

Matt Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW., Washington, DC 20503.

Dated: March 24, 1994.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 94–7984 Filed 4–1–94; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4856–9]

Proposed Settlement, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposal settlement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended ("Act"), notice is hereby given of a proposed settlement agreement in the following case: *Basic Acrylic Monomer Manufacturers* v. *EPA*, No. 93–1179 (D.C. Cir.).

This action involves a petition for review filed by BAMM seeking judicial review of EPA's final rule establishing regulations pursuant to section 112(i)(5) of the Clean Air Act, 42 U.S.C. 7412(i)(5) entitled National Emission Standards for Hazardous Air Pollutants; Compliance Extensions for Early Reductions. 57 FR 61970 (December 29, 1992).

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed settlement agreement from persons who were not named as parties or interveners to the litigation in question. EPA or the Department of Justice may withhold or withdraw consent to the proposed settlement agreement if the comments disclose facts or circumstances that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

A copy of the proposed settlement agreement has been lodged with the clerk of the United States Court of Appeals for the District of Columbia Circuit. Copies are also available from Diane Weeks, Air and Radiation Division (2344), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260–7620. Written comments should be sent to Robert J. Martineau, Jr., at the above address and must be submitted on or before May 4, 1994.

Dated: March 21, 1994.

Jean C. Nelson,

General Counsel.

[FR Doc. 94–7979 Filed 4–1–94; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4857–3]

Charter Renewal for the Management Advisory Group to the Assistant Administrator for Water

The U.S. Environmental Protection Agency (EPA) announces the renewal for the Management Advisory Group to the Assistant Administrator for Water following consultation with the Committee Management Secretariat, General Services Administration. EPA has determined that renewal of this advisory committee is in the public interest in connection with the performance of duties imposed on the Agency by law. The charter which continues this advisory committee for two years, until March 31, 1996, or unless otherwise sooner terminated, will be filed with the appropriate Congressional committees and the Library of Congress. The committee will operate in accordance with the provisions of the Federal Advisory Committee Act and the rules and regulations issued in implementation of the Act.

FOR FURTHER INFORMATION CONTACT: Deborah L. Ross, Designated Federal Official (4102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, 202–260–0173.

Dated: March 8, 1994.

Mark Luttner,

Acting Deputy, Assistant Administrator for Water.

[FR Doc. 94–7986 Filed 4–1–94; 8:45 am]

BILLING CODE 6560–50–M

[FRL 3–4857–8]

Proposed Settlement NSPS for Small Industrial Boilers Litigation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act ("Act"), notice is hereby given of a proposed settlement of the following case: *Babcock and Wilcox Company* v. *U.S. EPA*, No. 90–1509 (D.C. Cir.).

This case involves a challenge to new source performance standards (NSPS) promulgated by EPA under section 111 of the Clean Air Act for small industrial, commercial and institutional steam generating units (small boilers). See 55 FR 37674 (September 12, 1990) (codified at 40 CFR part 60, subpart Dc).

For a period of thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement from persons who were not named as parties to the litigation in question. EPA or the Department of Justice may withhold or withdraw consent to the proposed settlement if the comments disclose facts or circumstances that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

A copy of the settlement has been lodged with the Clerk of the United States Court of Appeals for the District of Columbia Circuit. Copies of the settlement are also available from Diane Weeks, Air and Radiation Division (2344), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20640, (202) 260–7620. Written comments should be sent to Robert J. Martineau, Jr., at the above address and must be submitted on or before May 4, 1994.

Dated: March 25, 1994.

Jean C. Nelson,

General Counsel.

[FR Doc. 94–7987 Filed 4–1–94; 8:45 am]

BILLING CODE 6560–50–M

[FRL–4858–1]

Mosley Road Sanitary Landfill Superfund Site: Proposed De Minimis Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice; Request for public comment.

SUMMARY: Under section 122(g) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Environmental Protection Agency (EPA) has agreed to settle claims for past response costs and a portion of future response costs at the Mosley Road Sanitary Landfill Superfund Site, Oklahoma City, Oklahoma County, Oklahoma with the following parties:

American Telephone & Telegraph Company.
Brittain Brothers, Inc.
Broadway Machine and Motor Supply.
Cato Oil and Grease Company.
Cooper Industries.
The Dow Chemical Company.
Downtown Airpark, Inc.
McDonnell Douglas Corporation.
Minnesota Mining & Manufacturing Company.
National Packaging Company.
New State Oil.
Oklahoma National Stockyards Company.
Oklahoma Publishing Company.
Ralston Purina Company.
Seagate Technology, Inc.
Sermatech International, Inc.
United States Pollution Control, Inc.
Weyerhauser Company.
Wolverine Tube, Inc.

EPA will consider pubic comments on the proposed settlement for 30 days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate,

improper, or inadequate. Copies of the proposed settlement are available from Ms. Monica Chapa Smith, Oklahoma/New Mexico Superfund Enforcement Section (6H–EO), U.S. EPA, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 655–6780.

Written comments may be submitted to Ms. Chapa Smith no later than 30 days from the date of publication.

Dated: March 24, 1994.

Joe D. Winkle,

Acting Regional Administrator, USEPA, Region 6.

[FR Doc. 94–7985 Filed 4–1–94; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[RAO Letter 24 DA 94–268]

Responsible Accounting Officers: Accounting for Work Force Reduction Programs

Recently, it has come to our attention that there is a lack of uniformity among the carriers in accounting for work force reduction programs under part 32. Several carriers have announced work force reduction programs in 1993 and have indicated that they plan to record the entire effects on their 1993 SEC Form 10–K filing in conformance with GAAP. Some of these carriers propose to follow this same accounting under part 32 while others propose to account for these programs under part 32 as the programs are implemented. The reason for this letter, therefore, is to establish uniformity in accounting for these work force reduction programs and to remind carriers of the Commission's policy with respect to the application of GAAP under part 32. The accounting reflected herein should be reported in the ARMIS filings that are due at the Commission on or before April 1, 1994.

The Commission's policy on GAAP is set forth in § 32.12(a) of its rules. This Section states that "The company's financial records shall be kept in accordance with generally accepted accounting principles to the extent permitted by this system of accounts." Thus, it is our belief that if a carrier is recording and event for financial reporting purposes pursuant to GAAP, then the carrier should also record this event for part 32 federal accounting purposes unless part 32 prohibits the action or we have specifically advised the carrier to do otherwise.

The Commission's policy on new GAAP standards is set forth in § 32.16(a) of its rules. This Section states that "[The company's records and accounts shall be adjusted to apply new accounting standards prescribed by the Financial Accounting Standards Board or successor authoritative accounting standard-setting groups, in a manner consistent with generally accepted accounting principles. Commission approval of a change in accounting standard will automatically take effect 90 days after the company informs this Commission of its intention to follow the new standard, unless the Commission notifies the company to the contrary * * *]."

The Commission's policy with respect to uniformity of accounting standards for the industry is contained in the GAAP Order.[1] The GAAP Order included the following statements demonstrating our intention to maintain uniformity of accounting standards for telephone companies:

To promote the needed consistency and uniformity industry wide to properly carry out our regulatory responsibilities, we are applying the same accounting standards to all carriers.[2] Furthermore, in order to maintain control over the USOA so that uniformity is maintained for all carriers, the Commission will select the accounting method carriers are to use under GAAP when GAAP permits several accounting options. The carriers will use the accounting method selected by the Commission unless we grant them a waiver to do otherwise.[3]

Based on the above guidelines, we see no basis for carriers to give accounting recognition to work force reductions for Form 10–K purposes but not for part 32 purposes. Since part 32 does not specifically address work force reductions, the proper accounting should be determined by applying the criteria established under GAAP to the circumstances of the work force reduction. We see no way that the same GAAP criteria applied to the same facts can result in accounting recognition under GAAP in one instance and not another. Accordingly, carriers that are showing liabilities, and one time charges for work force reductions in their 10–K reports for 1993 should reflect the work force reduction in their 1993 ARMIS filings.

At the same time, we recognize that part 32 accounting and reporting may require modification to accommodate the Commission's regulatory needs. We believe that the accounting for work force reductions is such a case. Carriers recording liabilities for work force reductions shall record such amounts in Accounts 4120, Other Accrued Liabilities, and 4360, Other Deferred Credits, for the current and noncurrent portions, respectively, and shall charge Account 7360, Other Nonoperating Income. When the restructuring expenses are actually paid Nonoperating Income. When the restructuring expenses are actually paid or otherwise require part 32 recognition (for example, adjustment of the transition benefit obligation for the reductions under SFAS 106), they will be charged to the appropriate part 32 expense accounts with a credit to cash or other appropriate account. At the same time, the liability established in Accounts 4120 and 4360 will be debited and Account 7360 will be credited. This accounting will recognize the liability consistent with GAAP, will show the effect of the restructuring on net income, and will allow delayed recognition in the regulatory operating accounts until the detailed amounts are known and amounts have actually been paid. The balance in Account 4360 related to these entries should not be deducted from the ratebase because it arose from charges to a below the line account.

This letter is issued pursuant to authority delegated under § 0.291 of the Commission's Rules, 47 CFR § 0.291. Applications for review under § 1.115 of the Commission's Rules, 47 CFR § 1.115, must be filed within 30 days of the date of this letter. See 47 CFR § 1.4(b)(2).

If you have any questions, please contact Kenneth M. Ackerman at (202) 634–1861.

Sincerely,

Kenneth P. Moran,

Chief, Accounting and Audits Division, Common Carrier Bureau.

[FR Doc. 94–7886 Filed 4–1–94; 8:45 am]

BILLING CODE 6712–01–M

[1] Revision of the Uniform System of Accounts for Telephone Companies to Accommodate Generally Accepted Accounting Principles (parts 31, 33, 42 and 43 of the Rules), CC Docket No. 84–469, 50 FR 48408 (November 25, 1985) (hereinafter GAAP Order).

[2] GAAP Order at 69.

[3] Id. at 71.

FEDERAL RESERVE SYSTEM

Paul H. Berns; Change in Bank Control Notice

Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set

forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice 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 indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than April 25, 1994.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Paul H. Berns, Breese, Illinois, to acquire the right to vote an additional 26.0 percent, for a total of 93.0 percent, of the voting shares of Aviston Bancorp, Inc., Aviston, Illinois, and thereby indirectly acquire State Bank of Aviston, Aviston, Illinois.

Board of Governors of the Federal Reserve System, March 29, 1994.

William W. Wiles,

Secretary of the Board.

[FR Doc. 94-7943 Filed 4-1-94; 8:45 am]

BILLING CODE 6210-01-F

The Daiwa Bank, Limited; Application To Engage in Certain Nonbanking Activities

The Daiwa Bank, Limited, Osaka, Japan (Applicant), has applied pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) (BHC Act) and § 225.23 of the Board's Regulation Y (12 CFR 225.23), to engage *de novo* through Cosmo Securities (America) Inc., New York, New York (Company), in the following nonbanking activities:

1. Providing discount and full service securities brokerage services pursuant to §§ 225.25(b)(15)(i) and (ii) of Regulation Y; and

2. Purchasing and selling all types of securities as a riskless principal on the order of customers where Company may retain a position in the securities for up to seven days.

Applicant seeks approval to conduct the proposed activities throughout the United States and the world.

Section 4(c)(8) of the BHC Act provides that a bank holding company may, with Board approval, engage in any activity which the Board, after due notice and opportunity for hearing, has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto. This statutory test requires that two separate tests be met for an activity to be permissible for a bank holding company. First, the Board must determine that the activity is, as a general matter, closely related to banking. Second, the Board must find in a particular case that the performance of the activity by the applicant bank holding company may reasonably be expected to produce public benefits that outweigh possible adverse effects.

A particular activity may be found to meet the closely related to banking test if it is demonstrated that banks have generally provided the proposed activity; that banks generally provide services that are operationally or functionally similar to the proposed activity so as to equip them particularly well to provide the proposed activity; or that banks generally provide services that are so integrally related to the proposed activity as to require their provision in a specialized form. National Courier Ass'n v. Board of Governors, 516 F.2d 1229, 1237 (D.C. Cir. 1975). In addition, the Board may consider any other basis that may demonstrate that the activity has a reasonable or close relationship to banking or managing or controlling banks. Board Statement Regarding Regulation Y, 49 FR 806 (1984).

The Board previously has determined by regulation that full service brokerage activities, when conducted within the limitations established by the Board in its regulations and in related interpretations and orders, are closely related to banking for purposes of section 4(c)(8) of the BHC Act. See 12 CFR 225.25(b)(15). In addition, the Board previously has determined by order that riskless principal activities, when conducted within the limitations established by the Board in its previous orders, are closely related to banking. See, e.g., J.P. Morgan & Company Inc., 76 Federal Reserve Bulletin 26 (1990); Bankers Trust New York Corporation, 75 Federal Reserve Bulletin 829 (1989). In addition, the Board has modified certain conditions contained in these orders for foreign banking organizations to address certain issues raised by an organization's foreign status and to avoid extending U.S. bank supervisory standards to foreign banks. See, e.g., The Royal Bank of Canada, 77 Federal Reserve Bulletin 272 (1991); Canadian Imperial Bank of Commerce, et al., 76 Federal Reserve Bulletin 158 (1990).

Applicant maintains that Company will conduct the proposed activities in conformity with the conditions and limitations established by the Board by regulation or in prior cases, except that Company, in conducting its riskless principal activities, proposes to retain a position in securities for a period of up to seven days in the event that Company is unable to execute a customer's order in full in a single transaction. Riskless principal refers to a transaction in which a broker-dealer, after receiving an order to buy (or sell) a security from a customer, purchases (or sells) the security for its own account to offset a contemporaneous sale to (or purchase from) the customer. See 75 Federal Reserve Bulletin at 831. Applicant does not believe that the offsetting transactions need to occur on the same day in order to be contemporaneous. Rather, Applicant believes that a purchase or sale should be regarded as contemporaneous if it occurs promptly following the time it reasonably takes to complete the offsetting transaction. Furthermore, Applicant believes that the absence of market risk (as opposed to customer credit risk) is the key element in riskless principal transactions. Applicant states that Company will have a binding contractual commitment by its customer to buy or sell a given security before Company effects the offsetting transaction as a principal. Applicant does not believe that a time lapse between the two sides of the transaction creates a market risk for Company.

In order to satisfy the proper incident to banking test, section 4(c)(8) of the BHC Act requires the Board to find that the performance of the activities by Company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. Applicant believes that the proposed activities will benefit the public by promoting competition. Applicant also believes that approval of this application will allow Company to provide a wider range of services and added convenience to its customers. Applicant believes that the proposed activities will not result in any unsound banking practices or other adverse effects.

In publishing the proposal for comment, the Board does not take a position on issues raised by the proposal. Notice of the proposal is published solely in order to seek the views of interested persons on the issues presented by the application and does not represent a determination by the Board that the proposal meets, or is likely to meet, the standards of the BHC Act.

Any comments or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington,

D.C. 20551, not later than April 29, 1994. Any request for a hearing on this application must, as required by § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by a statement of the reasons why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York.

Board of Governors of the Federal Reserve System, March 29, 1994.

William W. Wiles,

Secretary of the Board.

[FR Doc. 94–7944 Filed 4–1–94; 8:45 am]

BILLING CODE 6210-01-F

Fifth Third Bancorp; 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 28, 1994

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Fifth Third Bancorp, Cincinnati, Ohio, and Fifth Third Kentucky Bank Holding Company, Louisville, Kentucky, to acquire The Cumberland Federal Bancorporation, Inc., Louisville, Kentucky, and thereby indirectly acquire Cumberland Federal Savings Bank, Louisville, Kentucky. In connection with this application, Fifth Third Kentucky Bank Holding Company has applied to become a bank holding company by acquiring The Fifth Third Bank of Central Kentucky, Lexington, Kentucky.

Board of Governors of the Federal Reserve System, March 29, 1994.

William W. Wiles,

Secretary of the Board.

[FR Doc. 94–7945 Filed 4–1–94; 8:45 am]

BILLING CODE 6210-01-F

The First Trust Holdings, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than April 28, 1994.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. The First Trust Holdings, Inc., Watseka, Illinois, to become a bank holding company by acquiring 100 percent of the voting shares of The First Trust and Savings Bank of Watseka, Watseka, Illinois, and The First National Bank of Clifton, Clifton, Illinois.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Salem Bancshares, Inc., Salem, Missouri, to become a bank holding company by acquiring at least 97.5 percent of the voting shares of Bank of Salem, Salem, Missouri.

C. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. United Bancorporation, Osseo, Wisconsin, to become a bank holding company by acquiring at least 80 percent of the voting shares of Clarke County State Bank, Osceola, Iowa; Farmers & Merchants State Bank, Iroquois, South Dakota; Farmers State Bank, Stickney, South Dakota; Cambridge State Bank, Cambridge, Wisconsin; Lincoln County Bank, Merrill, Wisconsin; United Bank, Osseo, Wisconsin; and Bank of Poynette, Poynette, Wisconsin.

Board of Governors of the Federal Reserve System, March 29, 1994.

William W. Wiles,

Secretary of the Board.

[FR Doc. 94–7946 Filed 4–1–94; 8:45 am]

BILLING CODE 6210-01-F

Pickens County Bancshares, Inc., et al.; Notice of Applications To Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) 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 commence or to engage *de novo*, either directly or

through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 25, 1994.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Pickens County Bancshares, Inc., Reform, Alabama, to retain WAB&T Financial Services, Inc., Reform, Alabama, and thereby engage in insurance agency and securities brokerage activities pursuant to §§ 225.25(b)(8)(iii)(A) and (b)(15) of the Board's Regulation Y.

A. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Summit Bancshares, Inc., Fort Worth, Texas, to engage *de novo* through its subsidiary Fort Worth Community Development Corporation, Fort Worth, Texas, in community development activities making, for their own account, equity and debt investment in companies or projects designed primarily to promote community welfare pursuant to § 225.25(b)(6) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 29, 1994.

William W. Wiles

Secretary of the Board.

[FR Doc. 94-7947 Filed 4-1-94; 8:45 am]

BILLING CODE 6210-01-F

Sumitomo Trust & Banking Co., Ltd.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The company listed in this notice has applied under § 225.23(a) of the Board's Regulation Y (12 CFR 225.23(a)) 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 nonbanking activities that are listed in § 225.25 of Regulation Y and nonbanking activities that are not listed in Regulation Y but have previously been approved by Board Order to be closely related to banking and permissible for bank holding companies. These activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank of New York and at the offices of the Board of Governors of the Federal Reserve System in Washington, D.C. Interested persons may express their views in writing on the application including the factors set forth in section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)), including 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 comments on the application that request a hearing 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 not later than April 25, 1994, at the Reserve Bank indicated or to the attention of William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. Sumitomo Trust & Banking Co., Ltd., Osaka, Japan; to acquire Boullioun Aviation Services, Inc., Bellevue, Washington, and thereby engage in leasing personal property and acting as agent, broker or advisor in leasing such property pursuant to § 225.25(b)(5)(i); leasing tangible personal property and acting as agent, broker or advisor in leasing such property, in which the lessor relies on an estimated residential value of the property in excess of 25 percent pursuant to § 225.25(b)(5)(ii); making, acquiring or servicing commercial loans and other extensions of credit for its account or that of others and acting as agent, broker or advisor with respect to such credit financing transactions, pursuant to § 225.25(b)(1); acting as an investment or financial advisor to the extent of (i) providing portfolio investment advice regarding investments in aircraft leases and other financing of aircraft and related equipment; (ii) furnishing general economic statistical forecasting services and industry studies regarding the aircraft and air transportation industry; and (iii) providing advice, including rendering fairness opinions and providing valuation services, in connection with financing transactions or aircraft and related equipment (including private and public financing and loan syndications) and conducting financial feasibility studies pursuant to § 225.25(b)(4) of the Board's Regulation Y.

Applicant also seeks to engage in asset management activities, including managing and collecting performing and nonperforming aircraft loans, leases and related financial assets; rendering advice on quality grading categories for financial assets; establishing reserve levels for specific assets and for entire portfolios; formulating and implementing business plans related to managed financial assets; initiating foreclosure, repossession, and other legal proceedings; managing bankruptcy and other litigation proceedings involving managed financial assets; managing liquidation of financial assets and related property; rendering advice regarding the preparation of financial assets and related property for sale; negotiating renewals, extensions, and restructuring agreements; developing and implementing marketing strategies for the sale or refinancing of individual financial assets and related property and for the packaging and sale of whole or securitized financial asset portfolios; conducting and reviewing appraisals and inspections; providing asset valuations; performing cash flow and

asset review analyses; contracting with and supervising independent asset managers; leasing related property; and developing and implementing marketing strategies for the sale of related property. The Board has previously approved bank holding companies to engage in asset management activities. See, e.g., The Dai-Ichi Kangyo Bank, 79 Federal Reserve Bulletin 131 (1993), Continental Bank Corporation, 79 Federal Reserve Bulletin 888 (1993). Applicant also seeks to provide asset management services to non-financial institutions as well as financial institutions.

Board of Governors of the Federal Reserve System, March 29, 1994.

William W. Wiles,

Secretary of the Board.

[FR Doc. 94–7948 Filed 4–1–94; 8:45 am]

BILLING CODE 6210-01-F

Union Bank of Switzerland; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 94-7211) published on page 14420 of the issue for Monday, March 28, 1994.

Under the Federal Reserve Bank of New York heading, the entry for Union Bank of Switerland is revised to read as follows:

1. Union Bank of Switzerland, Zurich, Switzerland, to engage *de novo*, in community development activities through UBS Community Development Corporation pursuant to § 225.25(b)(6) of the Board's Regulation Y.

Comments on this application must be received by April 18, 1994.

Board of Governors of the Federal Reserve System, March 29, 1994.

William W. Wiles,

Secretary of the Board.

[FR Doc. 94–7949 Filed 4–1–94; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL TRADE COMMISSION

[Dkt. 9253]

Abbott Laboratories; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, an Illinois-based manufacturer of infant formula from soliciting its competitors to adopt or adhere to any provision restricting consumer mass media advertising, including provisions in Infant Formula Council or other organizational codes or statements, except to the extent that they prohibit false or deceptive advertising.

DATES: Complaint issued June 10, 1992. Order issued February 4, 1994.[1]

FOR FURTHER INFORMATION CONTACT: Richard B. Dagen, FTC/S–2627, Washington, DC 20580, (202) 326–2628.

SUPPLEMENTARY INFORMATION: On Tuesday, November 9, 1993, there was published in the **Federal Register**, 58 FR 59471, a proposed consent agreement with analysis In the Matter of Abbott Laboratories, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 94–7969 Filed 4–1–94; 8:45 am]

BILLING CODE 6750–01–M

[Dkt. 9262]

Baltimore Metropolitan Pharmaceutical Association, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, two Maryland associations from entering into, or organizing or encouraging any agreement among pharmacy firms to refuse to participate in third-party payer prescription drug reimbursement plans and prohibits, for five years, the respondents from providing comments or advice to any pharmacists or pharmacy on the desirability, profitability, or appropriateness of participating in any existing or proposed participation agreement.

DATES: Complaint issued September 28, 1993. Order issued February 25, 1994.[1]

FOR FURTHER INFORMATION CONTACT: John Hoagland, FTC/S–3308, Washington, DC 20580. (202) 326–2893.

SUPPLEMENTARY INFORMATION: On Thursday, December 16, 1993, there was published in the **Federal Register**, 58 FR 65718, a proposed consent agreement with analysis In the Matter of Baltimore Metropolitan Pharmaceutical Association, Inc., *et al.*, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 94–7970 Filed 4–1–94; 8:45 am]

BILLING CODE 6750–01–M

[File No. 932 3168]

El Portal Luggage, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a Nevada-based retailer of leather goods from misrepresenting the identity of the country of origin of any product it sells, and from removing, altering, obliterating, or concealing any country of origin designation attached to a product that it receives or offers for sale.

DATES: Comments must be received on or before June 3, 1994.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary,

[1] Copies of the Complaint, the Decision and Order, and Commissioner Azcuenaga's statement are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Sylvia Kundig, FTC/San Francisco Regional Office, 901 Market St., suite 570, San Francisco, CA 94103. (415) 744–7920.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of El Portal Luggage, Inc., a corporation, and it now appears that El Portal Luggage Inc., a corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between El Portal Luggage, Inc., by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent El Portal Luggage, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Nevada, with its office and principal place of business located at 4432 Aldebaran Avenue, Las Vegas, Nevada 89103.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim under the Equal Access to Justice Act.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by the proposed respondent of facts, other than jurisdictional facts, or of violations of law as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered that respondent, El Portal Luggage, Inc., a corporation, its successors and assigns, and its officers, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the labelling, advertising, promotion, offering for sale, sale or distribution of any product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting, in any manner, directly or by implication, the identify of the country-of-origin of any product.

II

It is further ordered that respondent, El Portal Luggage, Inc., a corporation, its successors and assigns, and its officers, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the offering for sale, sale or distribution of any product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from removing, altering, obliterating, or concealing any country-of-origin designation that is on or attached to any product that respondent receives and offers for sale.

III

It is further ordered that for five (5) years after the last date of dissemination of any representation covered by this Order, respondents, or its successors and assigns, shall maintain and upon request make available to the Federal Trade Commission for inspection and copying all materials that were relied on in disseminating such representations.

IV

It is further ordered that the respondent shall:

A. Within thirty (30) days after the date of service of this Order, provide a copy of this Order to each of its current directors and officers, and to each employee, agent, and representative having any sales, advertising, or policy responsibility with respect to the subject matter of this Order, and obtain from each such person a signed statement acknowledging receipt of this Order; and

B. For ten (10) years from the date of issuance of this Order, provide a copy of this Order to each of its directors and

officers, and to each employee, agent, and representative having any sales, advertising, or policy responsibility with respect to the subject matter of this Order, within fifteen (15) days after such person commences his or her duties, and obtain from each such person a signed statement acknowledging receipt of this Order.

V

It is further ordered that respondent shall notify the Commission, at least thirty (30) days prior to any proposed change in the respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation that may affect compliance obligations arising out of the Order.

VI

It is further ordered that respondent shall, within sixty (60) days after the date of service of this Order upon it and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed Consent Order from El Portal Luggage, Inc.

The proposed Consent Order has been placed on the public record for sixty (60) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action, or make final the proposed Order contained in the agreement.

This matter concerns the misrepresentation of the country-of-origin of certain luggage products of foreign manufacture that the proposed respondent offers for sale. The Commission's proposed Complaint alleges that some of the goods that El Portal Luggage, Inc. offers for sale are foreign-made, and that when El Portal Luggage, Inc. receives these goods they have labels attached that indicate the country-of-origin. The proposed complaint further alleges that El Portal Luggage, Inc. deliberately removed the country-of-origin labels during a period when El Portal's window and in-store signage emphasized that many of the products it offered for sale were of domestic manufacture. Finally, the proposed Complaint alleges that these activities represented, directly or by implication, that the goods without foreign-origin labels were manufactured in the United States. The representation is alleged to violate section 5 of the Federal Trade Commission Act, 15 U.S.C. 45, because the goods with the labels removed were not manufactured in the United States.

The proposed Consent Order prohibits the proposed respondent from misrepresenting, directly or by implication, the identity of the country-of-origin of any product. It also prohibits the proposed respondent from removing, altering, obliterating, or concealing any country-of-origin designation that is attached to any product the proposed respondent receives and offers for sale.

Finally, the proposed Consent Order contains provisions requiring record retention demonstrating compliance with the Order; distribution of the Order to employees; notification to the Commission of any changes in the structure of the corporation; and reports to the Commission demonstrating compliance with the terms of the Order.

The purpose of this analysis is to facilitate public comment of the proposed Order. It is not intended to constitute an official interpretation of the agreement and proposed Order or to modify in any way their terms.

Donald S. Clark,

Secretary.

[FR Doc. 94–7974 Filed 4–1–94; 8:45 am]

BILLING CODE 6750–01–M

[Dkt. 9205]

Occidental Petroleum Corporation, et al.; Prohibited Trade Practices and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modified final order.

SUMMARY: This modified final order requires Occidental, a California-based corporation, to divest certain PVC assets to a Commission-approved acquirer within twelve months and to provide to the acquirer all PVC technology used or developed by the respondent for use in connection with the PVC assets to be divested. The modified order also prohibits Occidental, for 10 years, from acquiring all or any part of the stock or assets of, or any interest in, any producer of PVC located in the United States, without prior Commission approval.

DATES: Final order issued December 22, 1992. Modified Final Order issued February 3, 1994.[1]

FOR FURTHER INFORMATION CONTACT: Eric Rohlck, FTC/S–2115, Washington, DC 20580. (202) 326–2681.

SUPPLEMENTARY INFORMATION: In the Matter of Occidental Petroleum Corporation, et al. The prohibited trade practices and/or corrective actions as set forth at 58 FR 26788, are modified.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Donald S. Clark,

Secretary.

[FR Doc. 94–7973 Filed 4–1–94; 8:45 am]

BILLING CODE 6750–01–M

[Dkt. C–3480]

Presto Food Products, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a California corporation from misrepresenting the absolute or comparative amount of total fat, saturated fat, or cholesterol in Mocha Mix, Mocha Mix Lite, or in any milk product or non-dairy substitute and the amount of these nutrients relative to the serving size being advertised for the products.

DATES: Complaint and Order issued February 23, 1994.[1]

FOR FURTHER INFORMATION CONTACT: C. Lee Peeler, FTC/S–4002, Washington, DC 20580. (202) 326–3090.

SUPPLEMENTARY INFORMATION: On Friday, December 10, 1993, there was published in the **Federal Register**, 58 FR 64955, a proposed consent agreement with analysis In the Matter of Presto Food Products, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the

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[1] Copies of the Complaint, Initial Decision, Final Order, Modified Final Order, Statements, etc. are available from the Commission's Public Reference Branch, H–130, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

Donald S. Clark,

Secretary.

[FR Doc. 94–7971 Filed 4–1–94; 8:45 am]

BILLING CODE 6750–01–M

[Dkt. C–3479]

Redmond Products, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a Minnesota-based manufacturer of hair care products and its officer from making unsubstantiated representations regarding the environmental benefits of any cosmetic product in the future.

DATES: Complaint and Order issued February 10, 1994.[1]

FOR FURTHER INFORMATION CONTACT: Michael Dershowitz or Kevin Bank, FTC/S–4002, Washington, DC 20580. (202) 326–3158 or 326–2675.

SUPPLEMENTARY INFORMATION: On Friday, November 12, 1993, there was published in the **Federal Register**, 58 FR 60035, a proposed consent agreement with analysis In the Matter of Redmond Products, Inc., et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 94–7972 Filed 4–1–94; 8:45 am]

BILLING CODE 6750–01–M

[File No. 931 0024]

TCH Corporation, et al.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require, among other things, two California-based corporations to divest, within one year, to a Commission-approved buyer, the pharmacy business in either the Payless or the Thrifty or Bi-Mart stores in five designated areas, would require the respondents to ensure that the assets to be divested remain viable and marketable, and for ten years would require that the respondents obtain Commission approval prior to acquiring any stock in any entity engaged in the retail pharmacy business in the areas designated.

DATES: Comments must be received on or before June 3, 1994.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Laura Wilkinson, FTC/S–2224, Washington, DC 20580. (202) 326–2830.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Agreement Containing Consent Order

In the Matter of: TCH Corporation, a corporation, and Green Equity Investors, L.P., a limited partnership.

The Federal Trade Commission ("Commission") having initiated an investigation of the proposed acquisition of certain stock and assets of Kmart Corporation by TCH Corporation ("TCH"), a Delaware corporation, and Green Equity Investors, L.P. ("GEI"), a Delaware investment limited partnership, hereinafter sometimes referred to, collectively, as "Proposed Respondents"; and it now appearing that TCH and GEI are willing to enter into an Agreement Containing Consent Order ("Agreement") to divest certain assets, cease and desist from certain acts, and to provide for certain other relief.

It is hereby agreed by and between Proposed Respondents, by their duly authorized officers and attorneys, and counsel for the Commission that:

1. Proposed Respondent TCH is a Delaware corporation with its office and principal place of business at 3424 Wilshire Boulevard, Los Angeles, CA 90010.

2. Proposed Respondent GEI is a Delaware investment limited partnership with its office and principal place of business at 333 South Grand Avenue, suite 5400, Los Angeles, CA 90071.

3. Proposed Respondents admit all the jurisdictional facts set forth in the draft of complaint here attached.

4. Proposed Respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim under the Equal Access to Justice Act.

5. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the Proposed Respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the

circumstances may require) and decision, in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute an admission by the Proposed Respondents that the law has been violated as alleged in the draft of complaint here attached, or that the facts as alleged in the draft complaint, other than the jurisdictional facts, are true.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may, without further notice to Proposed Respondents, (1) Issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following Order to divest and to cease and desist, and for other relief in disposition of the proceeding, and (2) make information public with respect thereto. When so entered, the Order shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The Order shall become final upon service. Delivery by the United States Postal Service of the complaint and decision containing the agreed-to Order to Proposed Respondents' addresses as stated in this agreement shall constitute service. Proposed Respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the Order, and no agreement, understanding, representation, or interpretation not contained in the Order or the agreement may be used to vary or contradict the terms of the Order.

8. Proposed Respondents have read the proposed Complaint and Order contemplated hereby. Proposed Respondents understand that once the Order has been issued, they will be required to file one or more compliance reports showing they have fully complied with the Order. Proposed Respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the Order after it becomes final.

Order

I

It is ordered that, as used in this Order, the following definitions shall apply:

A. "TCH" or "Thrifty" means TCH Corporation, a corporation organized, existing, and doing business under and by the virtue of the laws of Delaware, its subsidiaries, divisions, and groups controlled by TCH, and their respective directors, officers, agents, representatives, and their respective successors and assigns.

B. "GEI" means Green Equity Investors, L.P., an investment limited partnership organized, existing, and doing business under and by the virtue of the laws of Delaware, its general partners, subsidiaries, divisions, and groups controlled by GEI, and their respective directors, officers, agents, representatives, and their respective successors and assigns.

C. "Respondents" means TCH and GEI.

D. "Commission" means the Federal Trade Commission.

E. "Acquisition" means the acquisition of the voting stock of PayLess Drug Stores Northwest, Inc., a wholly-owned subsidiary of Kmart Corporation, by Respondents TCH and GEI.

F. "Acquirer" means the party or parties to whom Respondents TCH and GEI divest the assets herein ordered to be divested.

G. "Prescription drugs" means ethical drugs available at retail only by prescription.

H. "PayLess Pharmacy Business" means PayLess's business of selling prescription drugs at retail stores located in any of the cities or towns listed in Paragraph I.L. of this Order, but does not include PayLess's business of selling other products in those retail stores.

I. "PayLess Pharmacy Assets" means all assets constituting the PayLess Pharmacy Business, excluding those assets pertaining to the PayLess trade name, trade dress, trade marks and service marks, and including but not limited to:

1. Leases and properties, at the Acquirer's option;

2. Zoning approval and registrations, at the Acquirer's option;

3. Books, records, reports, dockets and lists relating to the PayLess Pharmacy Business;

4. Lists of stock keeping units ("SKUs"), *i.e.*, all forms, package sizes and other units in which prescription drugs are sold and which are used in records of sales and inventories;

5. Lists of all customers, including but not limited to third party insurers, including all files of names, addresses, and telephone numbers of the individual customer contacts, and the unit and dollar amounts of sales, by product, to each customer;

6. All names of prescription drug manufacturers and distributors under contract with PayLess;

7. All price lists for prescription drugs, operating manuals, and advertising and promotional materials, at the Acquirer's option, but only if the divestiture is to an Acquirer that does not already operate a pharmacy in any location; and

8. Goodwill, tangible and intangible, utilized in the sale of prescription drugs.

J. "Thrifty and Bi-Mart Pharmacy Business" means Thrifty's business of selling prescription drugs at retail stores located in any of the cities or towns listed in Paragraph I.L. of this Order, but does not include Thrifty's business of selling other products in those retail stores.

K. "Thrifty and Bi-Mart Pharmacy Assets" means all assets constituting the Thrifty and Bi-Mart Pharmacy Business, excluding those assets pertaining to the Thrifty and Bi-Mart trade names, trade dress, trade marks and service marks, and including but not limited to:

1. Leases and properties, at the Acquirer's option;

2. Zoning approvals and registrations, at the Acquirer's option;

3. Books, records, manuals, dockets and lists, relating to the Thrifty and Bi-Mart Pharmacy Business;

4. Lists of SKUs, i.e., all forms, package sizes and other units in which prescription drugs are sold and which are used in records of sales and inventories;

5. Lists of all customers, including but not limited to third party insurers, including all files of names, addresses, and telephone numbers of the individual customer contacts, and the unit and dollar amounts of sales, by product, to each customer;

6. All names of prescription drug manufacturers and distributors under contract with Thrifty;

7. All price lists for prescription drugs, operating manuals, and advertising and promotional materials, at the Acquirer's option, but only if the divestiture is to an Acquirer that does not already operate a pharmacy in any location; and

8. Goodwill, tangible and intangible, utilized in the sale of prescription drugs.

L. "Assets To Be Divested" means either the PayLess Pharmacy Assets or the Thrifty and Bi-Mart Pharmacy Assets located in the following cities or towns:

1. Bishop, California;

2. Mt. Shasta, California;

3. Taft, California;
4. Florence, Oregon; and
5. Ellensburg, Washington.

II

It is further ordered that:

A. Respondent shall divest, absolutely and in good faith, within one (1) year of the date this Order becomes final, the Assets To Be Divested.

B. Divestiture of the Assets To Be Divested by Respondents shall be made only to an acquirer or acquirers that receive the prior approval of the Commission and only in a manner that receives the prior approval of the Commission. The purpose of the divestiture of the Assets To Be Divested is to ensure the continuation of the Assets To Be Divested as ongoing viable pharmacies engaged in the same businesses in which the Assets To Be Divested are presently employed and to remedy the lessening of competition resulting from the acquisition as alleged in the Commission's complaint.

C. Pending final divestiture of the Assets To Be Divested, Respondents shall take such action as is necessary to maintain the viability and marketability of the Assets To Be Divested and shall not cause or permit the destruction, removal, wasting, deterioration, or impairment of any Assets To Be Divested except in the ordinary course of business and except for ordinary wear and tear.

D. If a divestiture includes a lease of physical space, and if pursuant to that lease a Respondent through default of the lease or otherwise regains possession of the space, Respondents must notify the Commission of such repossession within thirty (30) days and must redivest such assets or interest pursuant to Paragraph II of this Order within six (6) months of such repossession.

III

It is further ordered that:

A. If Respondents have not divested, absolutely and in good faith and with the Commission's prior approval, the Assets To Be Divested within one (1) year of the date this Order becomes final, Respondents shall consent to the appointment by the Commission of a trustee to divest the Assets To Be Divested. Provided, however, that if the Commission has not approved or disapproved a proposed divestiture within 120 days of the date the application for such divestiture has been put on the public record, the running of the divestiture period shall be tolled until the Commission approves or disapproves the divestiture. In the event the Commission or the Attorney General brings an action pursuant to section 5(l) of the Federal Trade Commission Act, 15 U.S.C. section 45(l), or any other statute enforced by the Commission, Respondents shall consent to the appointment of a trustee in such action. Neither the appointment of a trustee nor a decision not to appoint a trustee under this Paragraph shall preclude the Commission or the Attorney General from seeking civil penalties or any other relief available to it for any failure by Respondents to comply with this Order.

B. If a trustee is appointed by the Commission or a court pursuant to Paragraph III.A. of this Order, Respondents shall consent to the following terms and conditions regarding the trustee's powers, duties, authorities, and responsibilities:

1. The Commission shall select the trustee, subject to the consent of Respondents, which consent shall not be unreasonably withheld. The trustee shall be a person with experience and expertise in acquisitions and divestitures. If Respondents have not opposed, in writing, the selection of any proposed trustee within ten (10) days after notice by the staff of the Commission to Respondents of the identity of any proposed trustee, Respondents shall be deemed to have consented to the selection of the proposed trustee.

2. The trustee shall, subject to the prior approval of the Commission, have the exclusive power and authority to divest the Assets To Be Divested.

3. The trustee shall have twelve (12) months from the date the Commission approves the trust agreement described in Paragraph III.B.8. of this Order to accomplish the divestiture. If, however, at the end of the twelve-month period the trustee has submitted a plan of divestiture or believes that divestiture can be accomplished within a reasonable time, the twelve-month divestiture period may be extended by the Commission, or in the case of a court appointed trustee by the court; provided, however, the Commission may extend the twelve (12) month divestiture period only two (2) times.

4. The trustee shall have full and complete access to the personnel, books, records, and facilities related to the Assets To Be Divested, or to any other relevant information, as the trustee may reasonably request. Respondents shall develop such financial or other information as such trustee may reasonably request and shall cooperate with the trustee. Respondents shall take no action to interfere with or impede the trustee's accomplishment of the divestiture. Any delays in divestiture caused by Respondents shall extend the time for divestiture under Paragraph III.B.3. in an amount equal to the delay, as determined by the Commission or for a court-appointed trustee, by the court.

5. Subject to Respondents' absolute and unconditional obligation to divest at no minimum price and the purpose of the divestiture as stated in Paragraph II.B., the trustee shall use his or her best efforts to negotiate the most favorable price and terms available in each contract that is submitted to the Commission. The divestiture shall be made in the manner set out in Paragraph II of this Order. Provided, however, if the trustee receives bona fide offers from more than one acquirer, and if the Commission determines to approve more than one such acquirer, the trustee shall divest to the acquirer selected by Respondents from among those approved by the Commission.

6. The trustee shall serve, without bond or other security, at the cost and expense of Respondents, on such reasonable and customary terms and conditions as the Commission or a court may set. The trustee shall have authority to employ, at the cost and expense of Respondents, such consultants, accountants, attorneys, investment bankers, business brokers, appraisers, and other representatives and assistants as are reasonably necessary to carry out the trustee's duties and responsibilities. The trustee shall account for all monies derived from the divestiture and all expenses incurred. After approval by the Commission and, in the case of a court-appointed trustee, by the court, of the account of the trustee, including fees for his or her services, all remaining monies shall be paid at the direction of Respondents and the trustee's power shall be terminated. The trustee's compensation shall be based at least in significant part on a commission arrrangement contingent on the trustee's divesting the Assets To Be Divested.

7. Respondents shall indemnify the trustee and hold the trustee harmless against any losses, claims, damages, liabilities, or expenses arising out of, or in connection with, the performance of the trustee's duties including all reasonable fees of counsel and other expenses incurred in connection with the preparations for, or defense of any claim whether or not resulting in any liability, except to the extent that such liabilities, losses, damages, claims, or expenses result from misfeasance, gross negligence, willful or wanton acts, or bad faith by the trustee.

8. Within ten (10) days after appointment of the trustee, and subject to the prior approval of the Commission and, in the case of a court-appointed

trustee, of the court, Respondents shall execute a trust agreement that transfers to the trustee all rights and powers necessary to permit the trustee to effect the divestiture required by this Order.

9. If the trustee ceases to act or fails to act diligently, a substitute trustee shall be appointed in the same manner as provided in Paragraph III.A. of this Order.

10. The Commission or, in the case of a court-appointed trustee, the court, may on its own initiative or at the request of the trustee issue such additional orders or directions as may be necessary or appropriate to accomplish the divestiture required by this Order.

11. The trustee shall have no obligation or authority to operate or maintain the Assets To Be Divested.

12. The trustee shall report in writing to Respondents and to the Commission every sixty (60) days concerning the trustee's efforts to accomplish divestiture.

IV

It is further ordered that, within sixty (60) days after the date this Order becomes final and every sixty (60) days thereafter until Respondents have fully complied with the provisions of Paragraphs II. and III. of this Order, Respondents shall submit to the Commission a verified written report setting forth in detail the manner and form in which they intend to comply, are complying, and have complied with those provisions. Respondents shall include in their compliance reports, among other things that are required from time to time, a full description of the efforts being made to comply with Paragraph II and III of the Order, including a description of all substantive contacts or negotiations for the divestiture and the identity of all parties contacted. Respondents also shall include in their compliance reports copies of all written communications to and from such parties, all internal memoranda, and all reports and recommendations concerning divestiture.

V

It is further ordered that, for a ten (10) year period commencing on the date this Order becomes final, Respondents shall not, without the prior approval of the Commission, directly or indirectly, through subsidiaries, partnerships, or otherwise:

(A) Acquire any stock, share capital, equity, leasehold or other interest in any concern, corporate or non-corporate, engaged in the business of selling prescription drugs at retail stores located in any of the cities or towns listed in Paragraph I.L. of this Order or previously engaged in the business of selling prescription drugs at retail stores located in any of the cities or towns listed in Paragraph I.L. of this Order within the six-month period prior to such acquisition; or

(B) Acquire any assets used for, or previously used for (and still suitable for use for), the business of selling prescription drugs at retail stores located in any of the cities or towns listed in Paragraph I.L. of this Order. Provided, however, that these prohibitions shall not relate to the construction of new facilities or the acquisition or lease of facilities that have not operated as pharmacies within six months of the date of the offer to acquire or lease. Provided further, that the requirement of prior Commission approval set out in this Paragraph shall not apply to a Respondent contemplating an acquisition otherwise subject to prior Commission approval if, at the time of such acquisition, that Respondent does not own, directly or indirectly, any interest in the whole or any part of the stock or share capital of, any company that is engaged in the business of selling prescription drugs at retail stores located in any of the cities or towns listed in Paragraph I.L. of this Order or any asset used or previously used within the previous six-months in (and still suitable for use in) the business of selling prescription drugs at retail stores located in any of the cities or towns listed in Paragraph I.L. of this Order. Provided, however, that for any such acquisition exempted from the requirements of this Paragraph, each acquiring Respondent shall provide written notice to the Commission of such acquisition at least ten (10) days prior to such acquisition. Notwithstanding the foregoing, Respondent GEI may acquire, for investment purposes only, an interest of not more than five (5) percent of the stock or share capital of any concern. One year from the date this Order becomes final, annually thereafter for the next nine (9) years on the anniversary of the date this Order became final, and at such other times as the Commission may require, Respondents shall file with the Commission a verified written report setting forth in detail the manner and form in which they have complied and are complying with Paragraph V. of this Order.

VI

It is further ordered that, for the purpose of determining or securing compliance with this Order, and subject to any legally recognized privilege, upon written request and on reasonable notice to Respondents, Respondents shall permit any duly authorized representatives of the Commission:

A. Access, during office hours and in the presence of counsel, to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of Respondents relating to any matters contained in this consent order; and

B. Upon five (5) days notice to Respondents, and without restraint or interference from Respondents, to interview officers or employees of Respondents, who may have counsel present, regarding such matters.

VII

It is further ordered that either Respondent shall notify the Commission at least thirty (30) days prior to any change in the structure of Respondent TCH such as dissolution, assignment or sale resulting in the emergence of a successor, the creation or dissolution of subsidiaries or any other change that may affect compliance obligations arising out of the Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission ("Commission") has accepted provisionally an agreement containing a proposed Consent Order from TCH Corporation ("TCH" or "Thrifty") and Green Equity Investors, L.P. ("GEI"), under which TCH and GEI would divest pharmacy assets in five (5) geographic locations where they face limited competition. TCH operates the Thrifty Drug Store Chain and the BiMart chain of discount stores.

The proposed Consent Order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed Order.

On December 1, 1993, TCH and Kmart Corporation ("Kmart") entered into an agreement whereby GEI, through TCH, would acquire all the stock of PayLess Drug Stores Northwest, Inc. ("PayLess"), a wholly owned subsidiary of Kmart. The proposed complaint alleges that the proposed acquisition, if consummated, would constitute a violation of section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and section 5 of the FTC Act, as amended, 15 U.S.C. 45, in the market

for the sale of prescription drugs in retail stores in the following towns: Bishop, California; Mt. Shasta, California; Taft, California; Florence, Oregon; and Ellensburg, Washington (hereinafter "relevant geographic areas"). The proposed Consent Order would remedy the alleged violation by maintaining the current number of competitors in the relevant geographic areas where Thrifty and PayLess are direct competitors and where they face limited competition.

The proposed Consent Order provides that within one (1) year of the Order becoming final, TCH and GEI shall divest all assets related to the retail sale of prescription drugs in PayLess or Thrifty retail stores in the relevant geographic areas. The divestiture of the PayLess or Thrifty pharmacy business in the relevant geographic areas shall be made only to an acquirer or acquirers that receive prior approval of the Commission and only in a manner that receives the prior approval of the Commission. The assets shall be divested to an eligible acquirer or acquirers that will operate a pharmacy business in the relevant geographic areas. Eligible acquirers in each relevant geographic area include, but are not limited to: Owners of retail stores that currently do not operate a pharmacy in that relevant geographic area; persons previously employed by Thrifty or PayLess; persons who will operate a pharmacy within an existing Thrifty or PayLess retail store; or persons who will open a new retail store. In the event that TCH and GEI have not divested the Thrifty or PayLess pharmacy assets in the relevant areas in one (1) year, the proposed Consent Order provides that TCH and GEI shall consent to the appointment by the Commission of a trustee to divest the pharmacy assets.

Under the provisions of the Consent Order, TCH and GEI are also required to provide to the Commission a report of their compliance with the divestiture provisions of the Order within sixty (60) days following the date this Order becomes final, and every sixty (60) days thereafter until TCH and GEI have completely divested their interest in assets related to the retail sale of prescription drugs in the relevant geographic areas. The proposed Order will also prohibit TCH and GEI, for a period of ten (10) years, from acquiring, without Federal Trade Commission approval, any stock in any concern engaged in the business of selling prescription drugs at retail in the relevant geographic areas. However, if GEI sells Thrifty/PayLess and no longer owns any pharmacy businesses, it will not need to seek the Commission's prior approval of the acquisition of any businesses that have pharmacies in the relevant geographic areas. In addition, GEI may, without prior Commission approval, acquire up to five (5) percent of any companies' stock for investment purposes even if such a company may own pharmacies in the relevant geographic areas.

One year from the date the Order becomes final and annually thereafter for nine (9) years, TCH and GEI will be required to provide to the Commission a report of their compliance with the Consent Order. The Consent Order also requires TCH or GEI to notify the Commission at least thirty (30) days prior to any change in the structure of TCH resulting in the emergence of a successor.

The purpose of this analysis is to facilitate public comment on the proposed Order, and it is not intended to constitute an official interpretation of the agreement and proposed Order or to modify in any way their terms.

Donald S. Clark,

Secretary.

Statement of Commissioner Deborah K. Owen in the Matter of TCH Corporation

I find reason to believe that the proposed acquisition of certain assets of Kmart Corporation by TCH Corporation and Green Equity Investors may violate section 5 of the FTC Act by substantially lessening competition with respect to acute care prescription drugs sold to cash customers in the Bishop and Mt. Shasta, California markets.[1] In the absence of further investigation, I cannot find reason to believe that the Act has been violated with respect to the remaining allegations in the Commission's complaint.[2] I therefore dissent with respect to those allegations, and with respect to any provisions in the order that are unnecessary to remedy the alleged anticompetitive effects in the product and geographic markets that I have supported.

[FR Doc. 94–7975 Filed 4–1–94; 8:45 am]

BILLING CODE 6750–01–M

[1] I define acute care prescription drugs as those which are prescribed to fill an immediate need and are rarely refilled, such as antibiotics. Maintenance drugs, by contract, are those prescribed on an ongoing basis and are regularly refilled, such as blood pressure medicine. The latter are more susceptible to competition from mail-order firms. I define cash customers to mean persons whose prescription purchases are not covered by managed care or other third-party payors. Such customers are less able to resist a price increase.

[2] The rationale underlying my unwillingness to find reason to believe that the law has been violated where there has been insufficient investigation is detailed in my dissenting statement in the matter of QVC Network, Inc./Paramount Communications, Inc. (File No. 941–0008).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Interest Rate on Overdue Debts

Section 30.13 of the Department of Health and Human Services' claims collection regulations (45 CFR part 30) provides that the Secretary shall charge an annual rate of interest as fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing on the date that HHS becomes entitled to recovery. The rate generally cannot be lower than the Department of Treasury's current value of funds rate or the applicable rate determined from the "Schedule of Certified Interest Rates with Range of Maturities." This rate may be revised quarterly by the Secretary of the Treasury and shall be published quarterly by the Department of Health and Human Services in the **Federal Register.**

The Secretary of the Treasury has certified a rate of 12⅞% for the quarter ended March 31, 1994. This interest rate will remain in effect until such time as the Secretary of the Treasury notifies HHS of any change.

Dated: March 28, 1994.

Thomas J. Doherty,

Acting Deputy Assistant Secretary, Finance.

[FR Doc. 94–7885 Filed 4–7–94; 8:45 am]

BILLING CODE 4150–04–M

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Center for Infectious Diseases; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: Board of Scientific Counselors, National Center for Infectious Diseases (NCID).

Times and Dates: 8:30 a.m.–5:30 p.m., May 12, 1994; 8:30 a.m.–3:30 p.m., May 13, 1994.

Place: CDC, Auditorium B, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space available.

Purpose: The Board of Scientific Counselors, NCID, provides advice and guidance to the Director, CDC, and Director, NCID, in the following areas: program goals and objectives; strategies; program organization and resources for infectious disease prevention and control; and program priorities.

Matters to be Discussed: The agenda will focus on:

1. CDC's plan on emerging infectious disease threats: (a) Implementation and (b) constituency building.

2. Diagnostic reagents: (a) Production, (b) development, and (c) evaluation.

3. Material transfers.

4. NCID's plan to address needs of minority and underserved populations.

5. Update on tuberculosis prevention guidelines.

6. NCID's full-time equivalent (FTE) reductions: (a) Impact and (b) plans.

Other agenda items include announcements/introductions; NCID update; and follow-up on actions recommended by the board (December 1993).

Agenda items are subject to change as priorities dictate.

Written comments are welcome and should be received by the contact person listed below prior to the opening of the meeting.

Contact Person for More Information: Diane S. Holley, Office of the Director, NCID, CDC, Mailstop C–20, 1600 Clifton Road, NE., Atlanta, Georgia 30333, telephone 404/639–0044.

Dated: March 28, 1994.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 94–7937 Filed 4–1–94; 8:45 am]

BILLING CODE 4163–18–M

National Committee on Vital and Health Statistics (NCVHS) Subcommittee on State and Community Health Statistics: Meeting

Pursuant to Public Law 92–463, the National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC), announces the following meeting.

Name: NCVHS Subcommittee on State and Community Health Statistics.

Time and Date: 9 a.m.–5 p.m., April 19, 1994.

Place: Room 703A, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

Status: Open.

Purpose: The subcommittee will meet to discuss issues related to State and community statistics and to develop a work plan for the coming year.

Contact Person for More Information: Substantive program information as well as summaries of the meeting and a roster of committee members may be obtained from Gail F. Fisher, Ph.D., Executive Secretary, NCVHS, NCHS, CDC, room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone 301/436–7050.

Dated: March 25, 1994.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 94–7791 Filed 4–1–94; 8:45 am]

BILLING CODE 4163–18–M

National Committee on Vital and Health Statistics (NCVHS) Subcommittee on Medical Classification Systems; Meeting

Pursuant to Public Law 92–463, the National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC), announces the following meeting.

Name: NCVHS Subcommittee on Medical Classification Systems.

Time and Date: 9 a.m.–5p.m., April 18, 1994.

Place: Hubert H. Humphrey Building, room 703A–729A, 200 Independence Avenue, SW., Washington, DC 20201.

Status: Open.

Purpose: The subcommittee will review responses from its request for comments on the working paper: "Technical Considerations Regarding A Single Procedure Classification System."

Contact Person for More Information: Substantive program information as well as summaries of the meeting and a roster of committee members may be obtained from Gail F. Fisher, Ph.D., Executive Secretary, NCVHS, NCHS, CDC, room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone 301/436–7050.

Dated: March 28, 1994.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 94–7938 Filed 4–1–94; 8:45 am]

BILLING CODE 4163–18–M

Health Resources and Services Administration

Final Methodology for Implementation of the Statutory General Funding Preference for Selected Grant Programs Under Titles VII and VIII of the Public Health Service Act for Fiscal Year 1994

SUMMARY: The Health Professions Education Extension Amendments of 1992 and the Nurse Education and Practice Improvement Amendments of 1992 (Pub. L. 102–408, dated October 13, 1992) authorize a general funding preference (sections 791(a) and 860(e)(1)) for selected grant programs in titles VII and VIII of the Public Health Service (PHS) Act. For the purpose of making grant and cooperative agreement awards, funding preference is defined as the funding of a specific category or group of approved applications ahead of other categories or groups of approved applications in a discretionary program, or favorable adjustment of the formula which determines the grant award in a formula grant program.

This statutory general preference was implemented in Fiscal Year (FY) 1993 following publication of a proposed **Federal Register** notice (57 FR 60212, dated December 18, 1992) which announced the implementation methodology for FY 1993. Following public comment, modifications were made in the proposed methodology and a final notice was published in the **Federal Register** (58 FR 9570, dated February 22, 1993). In addition, input was elicited from constituency groups affected by this preference provision. The proposed methodology for FY 1994 implementation of the general funding preference was published in the **Federal Register** (58 FR 40659, dated July 29, 1993). This notice will describe the public comments received and will include the final methodology for implementation of this statutory funding preference for FY 1994.

EFFECTIVE DATE: The methodology for implementing the statutory general funding preference which is described in this notice is for use in FY 1994 grant cycles for the programs which are subject to this funding preference.

SUPPLEMENTARY INFORMATION: Sections 791(a) and 860(e)(1) of the PHS Act include a general funding preference for selected grant programs under titles VII and VIII. Grant programs which are subject to this funding preference are:

Departments of Family Medicine (section 747(b)),
Grants for Predoctoral Training in Family Medicine (section 747(a)),
Grants for Graduate Training in Family Medicine (section 747(a)),
Grants for Faculty Development in Family Medicine (section 747(a)),
Grants for Predoctoral Training in General Internal Medicine and/or General Pediatrics (section 748),[1]
Grants for Residency Training in General Internal Medicine and/or General Pediatrics (section 748),
Grants for Faculty Development in General Internal Medicine and/or General Pediatrics (section 748),
Residency Training and Advanced Education in the General Practice of Dentistry (section 749),[1]
Grants for Physician Assistant Training Program (section 750),

[1] No competitive cycle planned for FY 1994.

Grants for Physician Assistant Faculty Development (section 750),[2]
Podiatric Primary Care Residency Training (section 751),[1]
Grants for Preventive Medicine Residency Training (section 763),[1]
Allied Health Traineeships (section 766),[1]
Allied Health Project Grants (section 767),
Advanced Nurse Education (section 821),
Nurse Practitioner and Nurse-Midwifery Programs (section 822)
Professional Nurse Traineeships (section 830),
Nurse Anesthetist Education Programs (section 831(a)),
Nurse Anesthetist Traineeships (section 831(a)), and
Grants for Nurse Anesthetist Faculty Fellowships (section 831(b)).

Statutory General Funding Preference Provision

Under sections 791(a) and 860(e)(1) of the Act, with respect to the above listed grant programs, preference will be given to any qualified applicant that—

(A) has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or

(B) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings.

When program applications are peer reviewed, preference will be given only for applications ranked above the 20th percentile of applications that have been recommended for approval by the appropriate peer review group. In several formula grant programs affected by this preference, the applications are not required to be submitted to a peer review group.

Statutory Definition of "Graduate"

Under sections 791(c) and 860(e)(3), "graduate" is defined as an individual who has successfully completed all training (and residency requirements) necessary for full certification in the health profession selected by the individual.

Methodology for Implementation

In the proposed notice, the public was invited to comment on the proposed changes in the definitions of "high rate," "significant increase in the rate," and "medically underserved communities" and on the implementation specifics for new programs and small programs. HRSA received 2 comments prior to the end of the comment period. Comments regarding each of the proposed areas will be discussed. Comments on implementation aspects that were not specifically proposed for public comment are not addressed in this notice.

Proposed Definitions of "High Rate" and "Significant Increase in the Rate"

The proposed definition of "high rate" is a minimum percent of graduates in academic year 1991–92 or academic year 1992–93, whichever is greater, who spend at least 50 percent of their worktime in clinical practice in the specified settings. The minimum percent for "high rate" for each program was to be identified in the **Federal Register** announcement for that program and in the program materials. The following statements are proposed amplifications of the basic "high rate" definition. For undergraduate medical education programs academic years 1988–89 and 1989–90 were proposed. Preventive medicine, public health, dental public health, and public health nurse graduates were proposed to be counted if they identify a primary work affiliation at one of the qualified work sites. Graduates who are providing care in a medically underserved community as a part of a fellowship or other educational experience were to be counted.

The proposed definition of "significant increase in the rate" is that, between academic years 1991–92 and 1992–93, the rate of placing graduates in the specified settings has increased by a minimum percent and that not less than 15 percent of graduates from the most recent year are working in these settings. The minimum percent for "significant increase in the rate" for each program was to be identified in the **Federal Register** announcement for that program and in the program materials.

One comment received from a professional association suggested that the percentage rates published for grant programs which benefitted their constituency should be lower. We believe that the percentage rates are appropriate. The rates for FY 1994 are similar to the rates used in FY 1993. In FY 1993, only 40% of grant applicants for programs affected by this preference did not apply for the preference. Of those applicants who did apply, 90% met the criteria and did receive preference in funding.

Proposed Implementation Specifics for New Programs

To allow new programs to compete equitably in FY 1994, criteria for the general funding preference were proposed which applied only to new programs. It was proposed that a new program be defined as any program which has graduated less than three classes. After a program has graduated three classes, that program will be able to provide the information necessary for the general funding preference as defined in the law and will no longer be considered a new program.

It was proposed that a new program would qualify for the general funding preference if four or more of the following criteria were met:

1. The mission statement of the program identifies a specific purpose of preparing health professionals to serve underserved populations.
2. The curriculum includes content which will help to prepare practitioners to serve underserved populations.
3. Substantial clinical training experience is required in medically underserved communities.
4. A minimum of 20 percent of the faculty spend at least 50 percent of their time providing/supervising care in medically underserved communities.
5. The entire program or a substantial portion of the program is physically located in a medically underserved community.
6. Student assistance, which is linked to service in medically underserved communities following graduation, is available to the students in the program.
7. The program provides a placement mechanism for deploying graduates to medically underserved communities.

One respondent suggested that (1) "substantial clinical training experience" in criteria #3 should be defined; (2) the word "faculty" in criteria #4 is unclear; (3) criteria #5 should be deleted because "the physical location of a program does not determine the practice type;" and (4) criteria #6 should be deleted because student assistance does not apply to grants for residency programs. Since this preference applies to a wide variety of programs, a single definition of "substantial clinical training experience" or "faculty" could not be applied generally. Individual grant programs may develop specific definitions if this becomes necessary. Such definitions would be included in program application materials. We believe that programs located in medically underserved communities will provide an opportunity for students to develop skills needed to provide care to underserved populations. We do not plan to delete criterion #5. Since student assistance is relevant to many of the programs which are subject to the general preference, we do not plan to

[2] Program currently in development.

delete criterion #6. New residency programs can qualify for the preference based on any combination of four other criteria.

In addition, it was proposed that new programs could also qualify for the general funding preference by providing assurance that a minimum percent of their prospective graduates have signed commitments to practice in medically underserved communities after graduation contingent upon receiving some type of student assistance. This minimum percent was to be equal to the minimum percentage for "high rate."

One respondent suggested that "a non-binding agreement is a poor indicator of the actual outcome regarding practice in a medically underserved community." In FY 1993 no programs qualified for the general preference based on signed commitments. This option was included to provide every fair opportunity for new programs to qualify for the preference. However, if we find that no programs qualify for the general preference based on signed commitments in FY 1994, we will consider deleting this mechanism to qualify for the preference for FY 1995.

Proposed Implementation Specifics for Small Programs

For FY 1994, it was proposed that the program materials for grant programs whose applicants typically have less than 10 graduates per year would request data for the preceding three years which will be aggregated to determine whether or not the "high rate" has been achieved. There were no comments which specifically disagreed with this implementation strategy.

Statutory Definition of "Medically Underserved Community"

Section 799(6) of the PHS Act defines "medically underserved community" as an urban or rural area or population that—

(A) is eligible for designation under section 332 as a health professional shortage area;

(B) is eligible to be served by a migrant health center under section 329, a community health center under section 330, a grantee under section 340 (relating to homeless individuals), or a grantee under section 340A (relating to residents of public housing); or

(C) has a shortage of personal health services, as determined under criteria issued by the Secretary under section 1861(aa)(2) of the Social Security Act (relating to rural health clinics).

For implementation of the general funding preference in FY 1994, it was proposed that service in a "medically underserved community" would include service in the following work settings:

Community Health Centers (section 330)
Migrant Health Centers (section 329)
Health Care for the Homeless Grantees (section 340)
Public Housing Primary Care Grantees (section 340A)
Rural Health Clinics, federally designated (section 1861(aa)(2) of the Social Security Act)
National Health Service Corps sites, freestanding (section 333)
Indian Health Service Sites (Public Law 93–638 for tribally operated sites and Public Law 94–437 for IHS operated sites)
Federally Qualified Health Centers (section 1905(a) and (l) of the Social Security Act)
Primary Medical Care Health Professional Shortage Areas (HPSAs) (facilities and geographic) (designated under section 332) For primary care physicians and other health personnel except dentists and nurses
Dental HPSAs (facilities and geographic) (designated under section 332) For dentists only
Nurse Shortage Areas (old section 836, currently section 846) For nurses only
State or Local Health Departments (Regardless of sponsor—for example, local health departments who are funded by the State would qualify.)
Ambulatory practice sites designated by State Governors as serving medically underserved communities

Several concerns were included in the comments related to the definition of "medically underserved community." Many of the issues identified related to the need for a more comprehensive list of practice settings. For example, it was suggested that the list should include (1) practices and/or facilities in which 50 percent or more of the patients served are Medicaid recipients and (2) practice settings located adjacent to medically underserved communities but serving the underserved population. These practice settings are outside the scope of the current statutory definition of medically underserved community.

One respondent objected to favoring applicants whose graduates are practicing in Federally-subsidized settings while discriminating against those applicants whose graduates are serving where special designations have not been sought or Federal assistance utilized. Because the statutory definition of medically underserved community is based on Federal designations, this bias may be unavoidable. However, an attempt has been made to make the list as comprehensive as possible, within the confines of the law.

There was one suggestion to "provide an opportunity for preference to be claimed and secured based on affirmation or documentation that graduates' practice settings are located in communities or serve populations which meet specified eligibility criteria for HPSA or MUA/MUP designation." There were also several questions related to practice settings included on the list. For example, one letter stated "many state and local government health department work settings clearly do not have service to underserved communities as the principal focus."

While most of the suggestions made by the respondents are options that have been considered previously, these suggestions will all be reevaluated for consideration in the FY 1995 implementation of this preference. We recognize that there are difficulties associated with the implementation of this preference and we appreciate the comments received regarding our proposed notice.

Final Methodology for Implementation of the Statutory General Funding Preference

Definition of "High Rate"

"High rate" is defined as a minimum percent of graduates in academic year 1991–92 or academic year 1992–93, whichever is greater, who spend at least 50 percent of their worktime in clinical practice in the specified settings. For undergraduate medical education programs academic years 1988–89 and 1989–90 will be used. Preventive medicine, public health, dental public health, and public health nurse graduates can be counted if they identify a primary work affiliation at one of the qualified work sites. Graduates who are providing care in a medically underserved community as a part of a fellowship or other educational experience can be counted.

Definition of "Significant Increase in the Rate"

"Significant increase in the rate" means that, between academic years 1991–92 and 1992–93, the rate of placing graduates in the specified settings has increased by a minimum percent and that not less than 15 percent of graduates from the most recent year are working in these settings.

New Programs

A new program is defined as any program which has graduated less than three classes. After a program has

graduated three classes, that program will be able to provide the information necessary for the general funding preference as defined in the law and will no longer be considered a new program.

A new program will qualify for the general funding preference if four or more of the following criteria are met:

1. The mission statement of the program identifies a specific purpose of preparing health professionals to serve underserved populations.

2. The curriculum includes content which will help to prepare practitioners to serve underserved populations.

3. Substantial clinical training experience is required in medically underserved communities.

4. A minimum of 20 percent of the faculty spend at least 50 percent of their time providing/supervising care in medically underserved communities.

5. The entire program or a substantial portion of the program is physically located in a medically underserved community.

6. Student assistance, which is linked to service in medically underserved communities following graduation, is available to the students in the program.

7. The program provides a placement mechanism for deploying graduates to medically underserved communities.

In FY 1994, new programs can qualify for the general preference by providing assurance that a minimum percent of their prospective graduates have signed commitments to practice in medically underserved communities after graduation contingent to receiving some type of student assistance. This minimum percent will be equal to the minimum percentage for "high rate."

Small Programs

For FY 1994, the program materials for grant programs whose applicants typically have less than 10 graduates per year will request data for the preceding three years which will be aggregated to determine whether or not the "high rate" has been achieved.

Service in "Medically Underserved Community Work Settings"

For implementation of this general funding preference in FY 1994, it is proposed that service in a "medically underserved community" will include service in the following work settings:

Community Health Centers (section 330)
Migrant Health Centers (section 329)
Health Care for the Homeless Grantees (section 340)
Public Housing Primary Care Grantees (section 340A)
Rural Health Clinics, federally designated (section 1861(aa)(2) of the Social Security Act)
National Health Service Corps sites, freestanding (section 333)
Indian Health Service Sites (Public Law 93–638 for tribally operated sites and Public Law 94–437 for IHS operated sites)
Federally Qualified Health Centers (section 1905 (a) and (l) of the Social Security Act)
Primary Medical Care Health Professional Shortage Areas (HPSAs) (facilities and geographic) (designated under section 332) For primary care physicians and other health personnel except dentists and nurses
Dental HPSAs (facilities and geographic) (designated under section 332) For dentists only
Nurse Shortage Areas (old section 836, currently section 846) For nurses only
State or Local Health Departments (Regardless of sponsor—for example, local health departments who are funded by the State would qualify.)
Ambulatory practice sites designated by State Governors as serving medically underserved communities

Dated: March 28, 1994.

John H. Kelso,

Acting Administrator.

[FR Doc. 94–7876 Filed 4–1–94; 8:45 am]

BILLING CODE 4160–15–W

Substance Abuse and Mental Health Services Administration

Current List of Laboratories Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies and Laboratories that Have Withdrawn from the Program

AGENCY: Substance Abuse and Mental Health Services Administration, HHS (Formerly: National Institute on Drug Abuse, ADAMHA, HHS).

ACTION: Notice.

SUMMARY: The Department of Health and Human Services notifies Federal agencies of the laboratories currently certified to meet standards of Subpart C of Mandatory Guidelines for Federal Workplace Drug Testing Programs (53 FR 11979, 11986). A similar notice listing all currently certified laboratories will be published during the first week of each month, and updated to include laboratories which subsequently apply for and complete the certification process. If any listed laboratory's certification is totally suspended or revoked, the laboratory will be omitted from updated lists until such time as it is restored to full certification under the Guidelines.

If any laboratory has withdrawn from the National Laboratory Certification Program during the past month, it will be identified as such at the end of the current list of certified laboratories, and will be omitted from the monthly listing thereafter.

FOR FURTHER INFORMATION CONTACT: Mrs. Giselle Hersh, Division of Workplace Programs, room 13–A–54, 5600 Fishers Lane, Rockville, Maryland 20857; Tel.: (301) 443–6014.

SUPPLEMENTARY INFORMATION:

Mandatory Guidelines for Federal Workplace Drug Testing were developed in accordance with Executive Order 12564 and section 503 of Public Law 100–71. Subpart C of the Guidelines, "Certification of Laboratories Engaged in Urine Drug Testing for Federal Agencies," sets strict standards which laboratories must meet in order to conduct urine drug testing for Federal agencies. To become certified an applicant laboratory must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification a laboratory must participate in an every-other-month performance testing program plus periodic, on-site inspections.

Laboratories which claim to be in the applicant stage of certification are not to be considered as meeting the minimum requirements expressed in the HHS Guidelines. A laboratory must have its letter of certification from SAMHSA, HHS (formerly: HHS/NIDA) which attests that it has met minimum standards.

In accordance with Subpart C of the Guidelines, the following laboratories meet the minimum standards set forth in the Guidelines:

Aegis Analytical Laboratories, Inc., 624 Grassmere Park Road, suite 21, Nashville, TN 37211, 615–331–5300.
Alabama Reference Laboratories, Inc., 543 South Hull Street, Montgomery, AL 36103, 800–541–4931/205–263–5745.
Allied Clinical Laboratories, 201 Plaza Boulevard, Hurst, TX 76053, 817–282–2257.
American Medical Laboratories, Inc., 14225 Newbrook Drive, Chantilly, VA 22021, 703–802–6900.
Associated Pathologists Laboratories, Inc., 4230 South Burnham Avenue, suite 250, Las Vegas, NV 89119–5412, 702–733–7866.
Associated Regional and University Pathologists, Inc. (ARUP), 500 Chipeta Way, Salt Lake City, UT 84108, 801–583–2787.
Baptist Medical Center—Toxicology Laboratory, 9601 I–630, Exit 7, Little Rock, AR 72205–7299, 501–227–2783, (formerly: Forensic Toxicology Laboratory Baptist Medical Center).

Bayshore Clinical Laboratory, 4555 W. Schroeder Drive, Brown Deer, WI 53223, 414–355–4444/800–877–7016.
Bioran Medical Laboratory, 415 Massachusetts Avenue, Cambridge, MA 02139, 617–547–8900.
Cedars Medical Center, Department of Pathology, 1400 Northwest 12th Avenue, Miami, FL 33136, 305–325–5810.
Centinela Hospital Airport Toxicology Laboratory, 9601 S. Sepulveda Blvd., Los Angeles, CA 90045, 310–215–6020.
Clinical Reference Lab, 11850 West 85th Street, Lenexa, KS 66214, 800–445–6917.
CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory, 3308 Chapel Hill/Nelson Hwy., Research Triangle Park, NC 27709, 919–549–8263/800–833–3984.
CompuChem Laboratories, Special Division, 3308 Chapel Hill/Nelson Hwy., Research Triangle Park, NC 27709, 919–549–8263.
Cox Medical Centers, Department of Toxicology, 1423 North Jefferson Avenue, Springfield, MO 65802, 800–876–3652/417–836–3093.
CPF MetPath Laboratories, 21007 Southgate Park Boulevard, Cleveland, OH 44137–3054, (Outside OH) 800–338–0166/(Inside OH) 800–362–8913, (formerly Southgate Medical Laboratory; Southgate Medical Services, Inc.).
Damon/MetPath, 8300 Esters Blvd., suite 900, Irving, TX 75063, 214–929–0535, (formerly: Damon Clinical Laboratories).
Dept. of the Navy, Navy Drug Screening Laboratory, Great Lakes, IL, Building 38–H, Great Lakes, IL 60088–5223, 708–688–2045/708–688–4171.
Dept. of the Navy, Navy Drug Screening Laboratory, Norfolk, VA, 1321 Gilbert Street, Norfolk, VA 23511–2597, 804–444–8089 ext. 317.
Doctors Laboratory, Inc., P.O. Box 2658, 2906 Julia Drive, Valdosta, GA 31604, 912–244–4468.
Drug Labs of Texas, 15201 I–10 East, suite 125, Channelview, TX 77530, 713–457–3784.
DrugScan, Inc., P.O. Box 2969, 1119 Mearns Road, Warminster, PA 18974, 215–674–9310.
Eagle Forensic Laboratory, Inc., 950 N. Federal Highway, suite 308, Pompano Beach, FL 33062, 305–946–4324.
ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 601–236–2609, (moved 6/16/93).
Employee Health Assurance Group, 405 Alderson Street, Schofield, WI 54476, 800–627–8200, (formerly: Alpha Medical Laboratory, Inc.).
General Medical Laboratories, 36 South Brooks Street, Madison, WI 53715, 608–267–6267.
Harrison Laboratories, Inc., 9930 W. Highway 80, Midland, TX 79706, 800–725–3784/915–563–3300, (formerly: Harrison & Associates Forensic Laboratories).
HealthCare/MetPath, 24451 Telegraph Road, Southfield, MI 48034, Inside MI: 800–328–4142/Outside MI: 800–225–9414, (formerly: HealthCare/Preferred Laboratories).
Hermann Hospital Toxicology Laboratory, Hermann Professional Building, 6410 Fannin, suite 354, Houston, TX 77030, 713–793–6080.
Jewish Hospital of Cincinnati, Inc., 3200 Burnet Avenue, Cincinnati, OH 45229, 513–569–2051.
Laboratory of Pathology of Seattle, Inc., 1229 Madison St., suite 500, Nordstrom Medical Tower, Seattle, WA 98104, 206–386–2672.
Laboratory Specialists, Inc., 113 Jarrell Drive, Belle Chasse, LA 70037, 504–392–7961.
Marshfield Laboratories, 1000 North Oak Avenue, Marshfield, WI 54449, 715–389–3734/800–222–5835.
Med-Chek/Damon, 4900 Perry Highway, Pittsburgh, PA 15229, 412–931–7200, (formerly: Med-Chek Laboratories, Inc.).
MedExpress/National Laboratory Center, 4022 Willow Lake Boulevard, Memphis, TN 38175, 901–795–1515.
Medical College Hospitals Toxicology Laboratory, Department of Pathology, 3000 Arlington Avenue, Toledo, OH 43699–0008, 419–381–5213.
Medical Science Laboratories, 11020 W. Plank Court, Wauwatosa, WI 53226, 414–476–3400.
MedTox Laboratories, Inc., 402 W. County Road D, St. Paul, MN 55112, 800–832–3244/612–636–7466.
Methodist Hospital of Indiana, Inc., Department of Pathology and Laboratory Medicine, 1701 N. Senate Boulevard, Indianapolis, IN 46202, 317–929–3587.
Methodist Medical Center Toxicology Laboratory, 221 N.E. Glen Oak Avenue, Peoria, IL 61636, 800–752–1835/309–671–5199.
MetPath, Inc., 1355 Mittel Boulevard, Wood Dale, IL 60191, 708–595–3888.
MetPath, Inc., One Malcolm Avenue, Teterboro, NJ 07608, 201–393–5000.
Metropolitan Reference Laboratories, Inc., 2320 Schuetz Road, St. Louis, MO 63146, 800–288–7293.
National Center for Forensic Science, 1901 Sulphur Spring Road, Baltimore, MD 21227, 410–536–1485, (formerly: Maryland Medical Laboratory, Inc.).
National Drug Assessment Corporation, 5419 South Western, Oklahoma City, OK 73109, 800–749–3784, (formerly: Med Arts Lab).
National Health Laboratories Incorporated, 5601 Oberlin Drive, suite 100, San Diego, CA 92121, 619–455–1221.
National Health Laboratories Incorporated, 2540 Empire Drive, Winston-Salem, NC 27103–6710, Outside NC: 919–760–4620/800–334–8627 / Inside NC: 800–642–0894.
National Health Laboratories Incorporated, 75 Rod Smith Place, Cranford, NJ 07016–2843, 908–272–2511.
National Health Laboratories Incorporated, d.b.a. National Reference Laboratory, Substance Abuse Division, 1400 Donelson Pike, suite A–15, Nashville, TN 37217, 615–360–3992/800–800–4522.
National Health Laboratories Incorporated, 13900 Park Center Road, Herndon, VA 22071, 703–742–3100.
National Psychopharmacology Laboratory, Inc., 9320 Park W. Boulevard, Knoxville, TN 37923, 800–251–9492.
National Toxicology Laboratories, Inc., 1100 California Avenue, Bakersfield, CA 93304, 805–322–4250.
Nichols Institute Substance Abuse Testing (NISAT), 7470–A Mission Valley Road, San Diego, CA 92108–4406, 800–446–4728/619–686–3200, (formerly: Nichols Institute).
Northwest Toxicology, Inc., 1141 E. 3900 South, Salt Lake City, UT 84124, 800–322–3361.
Occupational Toxicology Laboratories, Inc., 2002 20th Street, suite 204A, Kenner, LA 70062, 504–465–0751.
Oregon Medical Laboratories, P.O. Box 972, 722 East 11th Avenue, Eugene, OR 97440–0972, 503–687–2134.
Pathology Associates Medical Laboratories, East 11604 Indiana, Spokane, WA 99206, 509–926–2400.
PDLA, Inc. (Princeton), 100 Corporate Court, So. Plainfield, NJ 07080, 908–769–8500/800–237–7352.
PharmChem Laboratories, Inc., 1505–A O'Brien Drive, Menlo Park, CA 94025, 415–328–6200/800–446–5177.
PharmChem Laboratories, Inc., Texas Division, 7606 Pebble Drive, Fort Worth, TX 76118, 817–595–0294, (formerly: Harris Medical Laboratory).
Physicians Reference Laboratory, 7800 West 110th Street, Overland Park, KS 66210, 913–338–4070/800–821–3627, (formerly: Physicians Reference Laboratory Toxicology Laboratory).
Poisonlab, Inc., 7272 Clairemont Mesa Road, San Diego, CA 92111, 619–279–2600/800–882–7272.
Precision Analytical Laboratories, Inc., 13300 Blanco Road, suite #150, San Antonio, TX 78216, 210–493–3211.

Puckett Laboratory, 4200 Mamie Street, Hattiesburgh, MS 39402, 601–264–3856/800–844–8378.
Regional Toxicology Services, 15305 N.E. 40th Street, Redmond, WA 98052, 206–882–3400.
Roche Biomedical Laboratories, Inc., 1120 Stateline Road, Southaven, MS 38671, 601–342–1286.
Roche Biomedical Laboratories, Inc., 69 First Avenue, Raritan, NJ 08869, 800–437–4986.
Saint Joseph Hospital Toxicology Laboratory, 601 N. 30th Street, Omaha, NE 68131–2197, 402–449–4940.
Scott & White Drug Testing Laboratory, 600 S. 25th Street, Temple, TX 76504, 800–749–3788.
S.E.D. Medical Laboratories, 500 Walter NE, suite 500, Albuquerque, NM 87102, 505–848–8800.
Sierra Nevada Laboratories, Inc., 888 Willow Street, Reno, NV 89502, 800–648–5472.
SmithKline Beecham Clinical Laboratories, 7600 Tyrone Avenue, Van Nuys, CA 91045, 818–376–2520.
SmithKline Beecham Clinical Laboratories, 801 East Dixie Avenue, Leesburg, FL 32748, 904–787–9006, (formerly: Doctors & Physicians Laboratory).
SmithKline Beecham Clinical Laboratories, 3175 Presidential Drive, Atlanta, GA 30340, 404–934–9205, (formerly: SmithKline Bio-Science Laboratories).
SmithKline Beecham Clinical Laboratories, 506 E. State Parkway, Schaumburg, IL 60173, 708–885–2010, (formerly: International Toxicology Laboratories).
SmithKline Beecham Clinical Laboratories, 11636 Administration Drive, St. Louis, MO 63146, 314–567–3905.
SmithKline Beecham Clinical Laboratories, 400 Egypt Road, Norristown, PA 19403, 800–523–5447, (formerly: SmithKline Bio-Science Laboratories).
SmithKline Beecham Clinical Laboratories, 8000 Sovereign Row, Dallas, TX 75247, 214–638–1301, (formerly: SmithKline Bio-Science Laboratories).
South Bend Medical Foundation, Inc., 530 N. Lafayette Boulevard, South Bend, IN 46601, 219–234–4176.
Southwest Laboratories, 2727 W. Baseline Road, suite 6, Tempe, AZ 85283, 602–438–8507.
St. Anthony Hospital (Toxicology Laboratory), P.O. Box 205, 1000 N. Lee Street, Oklahoma City, OK 73102, 405–272–7052.
St. Louis University Forensic Toxicology Laboratory, 1205 Carr Lane, St. Louis, MO 63104, 314–577–8628.
Toxicology & Drug Monitoring Laboratory, University of Missouri Hospital & Clinics, 301 Business Loop 70 West, suite 208, Columbia, MO 65203, 314–882–1273.
Toxicology Testing Service, Inc., 5426 N.W. 79th Avenue, Miami, FL 33166, 305–593–2260.
TOXWORX Laboratories, Inc., 6160 Variel Avenue, Woodland Hills, CA 91367, 818–226–4373, (formerly: Laboratory Specialists, Inc.; Abused Drug Laboratories; MedTox Bio-Analytical, a Division of MedTox Laboratories, Inc.; moved 12/21/92).
UNILAB, 18408 Oxnard Street, Tarzana, CA 91356, 800–492–0800/818–343–8191, (formerly: MetWest-BPL Toxicology Laboratory).

The following laboratory is voluntarily withdrawing from the Program on April 15, 1994:

Mayo Medical Laboratories, 200 S.W. First Street, Rochester, MN 55905, 507–284–3631.

Richard Kopanda,

Acting Executive Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 94–7622 Filed 4–1–94; 8:45 am]

BILLING CODE 4160–20–U

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N–94–3736; FR–3624–N–02]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this notice. Comments should refer to the proposal by name and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The notice lists the following information:

(1) The title of the information collection proposal;

(2) The office of the agency to collect the information;

(3) The description of the need for the information and its proposed use;

(4) The agency form number, if applicable;

(5) What members of the public will be affected by the proposal;

(6) How frequently information submissions will be required;

(7) An estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response;

(8) Whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and

(9) The names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 8, 1994.

Kay Weaver,

Acting Director, IRM Policy and Management Division.

Submission of Proposed Information Collection to OMB

Proposal: Application for Indian Housing Authorities (IHAs) for Indian Low Income Housing Program (FR–3624).

Office: Public and Indian Housing.

Description of the Need for the Information and Its Proposed Use: Form HUD–52730 is required by Departmental regulation in order that IHAs obtain assistance for Indian housing projects. IHAs will use the form to apply for financial and technical assistance to develop Indian housing projects.

Form Number: HUD–52730.

Respondents: Non-Profit Institutions.

Frequency of Submission: On Occasion.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Annual Reporting	120		1		4		480

Total Estimated Burden Hours: 480.

Status: Reinstatement with changes.

Contact: Dominic Nessi, HUD, (202) 708–1015. Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Dated: March 8, 1994.

[FR Doc. 94–8010 Filed 4–1–94; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–94–3747]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this notice. Comments should refer to the proposal by name and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The notice lists the following information:

(1) The title of the information collection proposal;

(2) The Office of the agency to collect the information;

(3) The description of the need for the information and its proposed use;

(4) The agency form number, if applicable;

(5) What members of the public will be affected by the proposal;

(6) How frequently information submissions will be required;

(7) An estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response;

(8) Whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and

(9) The names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 4, 1994.

John T. Murphy,

Director, IRM Policy and Management Division.

Submission of Proposed Information Collection to OMB

Proposal: Good Faith Estimate and Special Information Booklet.

Office: Housing.

Description of the Need for the Information and Its Proposed Use: Section 5 of the Real Estate Settlement Procedures Act (RESPA) requires lenders to provide borrowers the Special Information Booklet and the Good Faith Estimate of Settlement Costs that informs them of the nature and costs of real estate settlement services. Section 4 of RESPA requires settlement agents to provide the borrowers and the sellers a HUD–1 which sets forth all settlement costs.

Form Number: HUD–1.

Respondents: Businesses or Other For-Profit.

Frequency of Submission: On Occasion.

Reporting Burden:

	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
Good Faith Estimate and HUD–1	20,000		173.5		.25		867,501

Total Estimated Burden Hours: 867,501.

Status: Reinstatement.

Contact: Ivy M. Jackson, HUD, (202) 708–4560. Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Dated: March 4, 1994.

[FR Doc. 94–8011 Filed 4–1–94; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–94–3746]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this notice. Comments should refer to the proposal by name and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410,

telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The notice lists the following information:

(1) The title of the information collection proposal;

(2) The office of the agency to collect the information;

(3) The description of the need for the information and its proposed use;

(4) The agency form number, if applicable;

(5) What members of the public will be affected by the proposal;

(6) How frequently information submissions will be required;

(7) An estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response;

(8) Whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and

(9) The names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 8, 1994.

Kay Weaver,

Acting Director, IRM Policy and Management Division.

Submission of Proposed Information Collection to OMB

Proposal: Community Development Block Grant Entitlement Program (24 CFR part 570).

Office: Community Planning and Development.

Description of the Need for the Information and Its Proposed Use: The information is needed for the submission of the Final Statement and Grantee Performance Report. The report is required by Section 104(b) of the Housing and Community Development Act and is necessary for HUD to perform an annual review of grantees' performance. The information is also used to prepare the Annual Report to Congress on the Community Development Block Grant program.

Form Number: SF–424 and HUD–4949.1 thru 4949.6.

Respondents: State or Local Government.

Frequency of Submission: Annually and Recordkeeping.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Report Forms	898		2		105		188,580
Recordkeeping	898		1		120		107,760

Total Estimated Burden Hours: 296,340.

Status: Extension.

Contact: James R. Broughman, HUD, (202) 708–1577. Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Dated: March 8, 1994.

[FR Doc. 94–8012 Filed 4–1–94; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–94–3745]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this notice. Comments should refer to the proposal by name and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The notice lists the following information:

(1) The title of the information collection proposal;

(2) The office of the agency to collect the information;

(3) The description of the need for the information and its proposed use;

(4) The agency form number, if applicable;

(5) What members of the public will be affected by the proposal;

(6) How frequently information submissions will be required;

(7) An estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response;

(8) Whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and

(9) The names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 15, 1994.

David Christy,

Acting Director, IRM Policy and Management Division.

Submission of Proposed Information Collection to OMB

Proposal: Public Housing Drug Elimination Program Outcome Monitoring System.

Office: Public and Indian Housing.

Description of the Need for the Information and Its Proposed Use: The purpose of this information collection is to monitor the progress of grantees of the Public Housing Drug Elimination

Program in the elimination of drugs from public housing.

Form Number: None.

Respondents: State or Local Governments.

Frequency of Submission: Semi-Annually.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Information collection	650		1		40		26,000

Total Estimated Burden Hours: 26,000.

Status: New.

Contact: Elizabeth Cocke, HUD, (202) 708–1197. Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Dated: March 15, 1994.

[FR Doc. 94–8013 Filed 4–1–94; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–94–3744]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The notice lists the following information:

(1) The title of the information collection proposal;

(2) The office of the agency to collect the information;

(3) The description of the need for the information and its proposed use;

(4) The agency form number, if applicable;

(5) What members of the public will be affected by the proposal;

(6) How frequently information submissions will be required;

(7) An estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response;

(8) Whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and

(9) The names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 28, 1994.

David Christy,

Acting Director, IRM Policy and Management Division.

Submission of Proposed Information Collection to OMB

Proposal: Congregate Housing Services Program.

Office: Housing.

Description of the Need for the Information and Its Proposed Use: Congregate Housing Services Program provides assistance in the form of supportive services to elderly persons with disabilities. Applications will be submitted by owners applying for funding under the new legislation. HUD will use the information to monitor contracts, grants, and tenant eligibility in existing projects. Owners will submit regular reports and as appropriate, renewals, updates, and narratives to meet grant terms.

Form Number: None.

Respondents: Individuals or Households, State or Local Governments, and Non-Profit Institutions.

Frequency of Submission: On Occasion, Monthly, Quarterly, and Annually.

Reporting Burden:

	Number of respondents	×	Frequency of response	X	Hours per response	=	Burden hours
Existing Applicants	92		30.21		2.58		7,164
New Applicants	100		31.00		3.85		11,985

Total Estimated Burden Hours: 19,149.

Status: Revision.

Contact: Jerold S. Nachinson, HUD, (202) 708–3291. Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Dated: February 28, 1994.

[FR Doc. 94–8014 Filed 4–1–94; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. R–94–1671; FR–3122–N–02]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The notice lists the following information:

(1) The title of the information collection proposal;

(2) The office of the agency to collect the information;

(3) The description of the need for the information and its proposed use;

(4) The agency form number, if applicable;

(5) What members of the public will be affected by the proposal;

(6) How frequently information submissions will be required;

(7) An estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response;

(8) Whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and

(9) The names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 28, 1994.

John T. Murphy,

Director, IRM Policy and Management Division.

Submission of Proposed Information Collection to OMB

Proposal: Preferences for Admission to Assisted Housing (FR–3122).

Office: Housing.

Description of the Need for the Information and Its Proposed Use: The information will be used by owners and PHAs to determine whether prospective tenants are eligible for preference in obtaining housing because they are occupying substandard housing, involuntarily displaced, or paying more than 50 percent of income for rent; and will be used by HUD to determine if owners and PHAs are properly administering the program.

Form Number: None.

Respondents: Individuals or Households, State or Local Governments, and Businesses or Other For-Profit.

Frequency of Submission: On Occasion.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Information Collection	1,221,186		1		Varies		573,178

Total Estimated Burden Hours: 573,178.

Status: Revision.

Contact: James J. Tahash, HUD, (202) 708–4162. Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Dated: February 28, 1994.

[FR Doc. 94–8015 Filed 4–1–94; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–050–334A–05; IDI–29260; 4–00156]

Management Framework Plan Amendment; Idaho

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of action: Amendment of the Bennett Hills/Timmerman Hills Management Framework Plan (MFP).

SUMMARY: Pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), the Bennett Hills/Timmerman Hills MFP is hereby amended by designating the following described Big Wood River segments for withdrawal from the operation of the mining laws.

Each river segment is tied to the True Point of Beginning which is the corner common to sections 32 and 33, T. 2S., R. 18 E., Boise Meridian, and sections 4 and 5, T. 3S., R. 18 E., Boise Meridian. All bearings and distances are approximate and define the 200 to 300-foot-wide segment centerlines. Only public land is intended to be included.

From the True Point of Beginning, N 88°15′51″ E., 1088.05 ft. to the point of beginning of segment no. 1.

Thence: S 43°59′19″ E., 683.93 ft.; S 69°51′30″ E., 407.84 ft.; S 13°27′17″ E., 744.43 ft.; S 88°59′17″ E., 735.49 ft.; S 22°59′45″ E., 470.45 ft.; S 08°24′20″ W., 404.92 ft.; S 55°26′40″ E., 429.74 ft.; S 23°56′56″ E., 491.71 ft.; S 27°56′04″ E., 556.80 ft.; S 27°39′57″ E., 365,96 ft.; S 38°30′53″ E., 371.51 ft.; S 21°32′11″ E., 295.66 ft.; N 83°11′03″ E., 647.91 ft.; S 71°32′45″ E., 387.64 ft.; S 05°27′59″ E., 866.34 ft.; S 23°44′04″ E., 536.87 ft.; S 49°27′34″ E., 425.93 ft.; S 13°08′00″ W., 535.89 ft.; S 15°13′25″ W., 578.48 ft.; S 30°16′31″ W., 426.33 ft.; S 28°12′50″ W., 421.32 ft.; from which the True Point of Beginning bears N 33°58′06″ W., 9349.74 feet distant.

From the True Point of Beginning, S 30°37′11″ E., 10,442.10 feet to the point of beginning of segment no. 2.

Thence: S 07°31′22″ W., 551.58 ft.; S 48°12′40″ W., 908.45 ft.; S 46°14′41″ W., 404.50 ft.; from which the True Point of Beginning bears N 21°47′54″ W., 11,208.77 ft. distant.

From the True Point of Beginning, S 20°35′09″ E., 16,508.89 feet to point of beginning of segment no. 3.

Thence: S 07°44′43″ E.,.251.55 ft.; S 03°51′33″E., 249.90 ft.; from which the True Point of Beginning bears N 19°55′41″ W., 16,994.28 feet distant.

From the True Point of Beginning, S 04°35′14″ E., 23,660.56 feet to the point of beginning of segment no. 4.

Thence: S 26°37′12″ E., 593.24 ft.; S 05°23′08″ W., 548.57 ft.; S 24°30′21″ W., 509.82 ft.; S 03°43′11″ E., 532.53 ft.; S 10°22′30″ W., 624.26 ft.; S 46°42′22″ E., 476.70 ft.; S 29°45′27″ E., 399.96.ft.; S 30°54′21″ E., 385.95 ft.; from which the True Point of Beginning bears N 04°56′39″ W., 27,368.43 feet distant.

From the True Point of Beginning, S 08°54′35″ E., 32,444.82 feet to the point of beginning of segment no. 5.

Thence: S 84°59′22″ E., 675.19 ft.; N 74°25′54″ E., 697.25 ft.; N 65°32′30″ E., 1205.49 ft.; S 86°44′40″ E., 1041.29 ft.; S 66°51′26″ E., 465.63 ft.; from which the True Point of Beginning bears N 15°49′05″ W., 32,915.05 feet distant.

From the True Point of Beginning, S 16°56′04″ E., 36,970.31 feet to the point of beginning of segment no. 6.

Thence: S 28°41'46"E., 769.01 ft.; S 08°03'39"W., 868.29 ft.; S 44°41'51"E., 262.17 ft.; N 81°25'25"E., 432.36 ft.; S 05°48'32"E., 616.57 ft.; S 30°50'46"E., 358.83 ft.; S 13°33'15"W., 507.06 ft.; S 07°26'41"E., 495.92 ft.; S 11°33'16"E., 628.92 ft.; from which the True Point of Beginning bears N 16°50'49"W., 41,313.36 feet distant.

From the True Point of Beginning, S 17°38'22"E., 42,514.59 feet to the point of beginning of segment no. 7a.

Thence: S 25°19'17"W., 818.16 ft.; S 10°38'18"E., 406.96 ft.; S 25°26'56"E., 311.54 ft.; S 47°35'28"W., 573.54 ft.; S 04°35'37"W., 339.23 ft.; S 51°35'25"W., 410.21 ft.; S 57°21'48"W., 330.74 ft.; S 04°27'18"W., 533.36 ft.; S 60°20'02"W., 574.09 ft.; S 81°02'43"W., 952.34 ft.; S 14°13'23"W., 1005.95 ft.; S 20°29'33"W., 744.18 ft.; S 53°05'46"W., 514.46 ft.; S 02°52'29"E., 607.70 ft.; S 10°05'41"W., 583.33 ft.; S 55°25'33"W., 658.18 ft.; S 16°45'53"E., 462.20 ft.; S 66°32'33"W., 527.00 ft.; S 77°24'38"W., 692.24 ft.; S 51°07'32"W., 471.41 ft.; S 67°22'31"W., 508.67 ft.; S 48°21'43"W., 783.98 ft.; S 42°33'53"W., 582.70 ft.; from which the True Point of Beginning bears N 06°39'56"W., 50,181.07 feet distant.

From the True Point of Beginning, S 12°32'21"E., 46,124.70 feet to the point of beginning of segment no. 7b.

Thence: S 12°57'51"E., 393.87 ft.; S 49°34'36"E., 135.82 ft.; S 17°46'05"E., 388.98 ft.; S 02°35'03"E., 367.77 ft.; S 65°14'45"W., 323.55 ft.; S 42°37'11"E., 239.80 ft.; S 18°37'34"E., 373.38 ft.; S 60°29'42"W., 302.93 ft.; S 41°02'32"W., 313.36 ft.; S 54°32'06"W., 359.45 ft.; S 68°34'28"W., 456.99 ft.; S 11°35'07"W., 211.31 ft.; S 13°41'48"E., 377.90 ft.; S 08°03'06"W., 314.83 ft.; S 54°30'46"W., 359.10 ft.; N 77°39'24"W., 542.47 ft.; S 80°01'31"W., 417.66 ft.; S 38°03'01"W., 262.61 ft.; S 78°02'02"W., 285.49 ft.; S 66°14'09"W., 368.79 ft.; S 08°03'06"W., 314.83 ft.; S 19°21'03"W., 612.92 ft.; N 44°56'06"W., 291.74 ft.; S 48°25'32"W., 313.28 ft.; N 32°45'55"W., 299.89 ft.; S 81°19'19"W., 401.37 ft.; from which the True Point of Beginning bears N 06°39'56"W., 50,181.07 feet distant, containing approximately 309 acres.

SUPPLEMENTARY INFORMATION: The purpose of this action is to allow the Bureau to proceed to withdraw the land, pursuant to section 204 of the *Federal Land Policy and Management Act of 1976* (43 U.S.C. 1714), to protect a unique geologic resource from exploitation under the mining laws. Detailed information concerning the plan amendment can be obtained by contacting Shoshone District Realty Specialist Harold Brown at (208) 886–7267.

PLANNING PROTEST: Any party that participated in the plan amendment and is adversely affected by the amendment may protest this action only as it affects issues submitted for the record during the planning process. The protest shall be in writing and filed with the Director (760), Bureau of Land Management, 1800 C Street NW., Washington, DC 20420, within 30 days of this notice.

Dated: March 22, 1994.

Mary C. Gaylord,

District Manager.

[FR Doc. 94–7596 Filed 4–1–94; 8:45 am]

BILLING CODE 4310–GG–M

INTERSTATE COMMERCE COMMISSION

Availability of Environmental Assessments

Pursuant to 42 U.S.C. 4332, the Commission has prepared and made available environmental assessments for the proceedings listed below. Dates environmental assessments are available are listed below for each individual proceeding.

To obtain copies of these environmental assessments contact Ms. Tawanna Glover-Sanders or Ms. Judith Groves, Interstate Commerce Commission, Section of Environmental Analysis, room 3219, Washington, DC 20423, (202) 927–6212 or (202) 927–6245.

Comments on the following assessment are due 15 days after the date of availability:

AB–290 (Sub-No. 139X), Norfolk and Western Railway Company—Abandonment—Between Wanda and Bluffs, Junction, Illinois; Troy and Bridge Junction, Illinois; Branch Street Yard, Missouri, and Venice, Illinois; Venice and McKinley Junction, Illinois. EA available 4/1/94.

Comments on the following assessments are due 30 days after the date of availability: None.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 94–7958 Filed 4–1–94; 8:45 am]

BILLING CODE 7035–01–P–M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Southdown, Inc., 1200 Smith Street, suite 2400, Houston, Texas 77002.

2. Wholly-owned subsidiaries which will participate in the operations and their states of incorporation:

a. Allworth, Inc.
Incorporated in: Alabama
b. Allworth of Tennessee, Inc.
Incorporated in: Tennessee
c. Southdown Environmental Systems, Inc.
Incorporated in: Delaware
d. Rho-Chem Corporation
Incorporated in: California

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 94–7959 Filed 4–1–94; 8:45 am]

BILLING CODE 7035–01–M

JUDICIAL CONFERENCE OF THE UNITED STATES

Hearing of the Judicial Conference Advisory Committee on Rules of Civil Procedure

AGENCY: Judicial Conference of the United States, Advisory Committee on Rules of Civil Procedure.

ACTION: Notice of change of open hearing location, date, and time.

SUMMARY: In the **Federal Register** of December 21, 1993 (58 FR 67419), a public hearing was originally scheduled to be held in Dallas, Texas on April 6, 1994. The hearing location, date, and time have been changed to Washington, DC, on April 28, 1994, at 8:30 a.m. It will take place at the Thurgood Marshall Federal Judiciary Building, Fourth Floor Agency Conference Room, One Columbus Circle, NE.

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC, telephone (202) 273–1820.

Dated: March 28, 1994.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 94–8027 Filed 4–1–94; 8:45 am]

BILLING CODE 2210–01–M

Hearing of the Judicial Conference Advisory Committee on Appellate Rules

AGENCY: Judicial Conference of the United States, Advisory Committee on Appellate Rules.

ACTION: Notice of change of open hearing location, date, and time.

SUMMARY: In the **Federal Register** of December 21, 1993 (58 FR 67419), a public hearing was originally scheduled to be held at the United States

Courthouse in Denver, Colorado on March 14, 1994, at 2 p.m. The hearing location, date, and time have been changed to the Hyatt Regency Downtown, 1750 Welton Street, Denver on April 25, 1994, at 8:30 a.m.

FOR FURTHER INFORMATION CONTACT: John K. Rabiej, Chief, Rules Committee Support Office, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 273/1820.

Dated: March 28, 1994.

John K. Rabiej,

Chief, Rules Committee Support Office.

[FR Doc. 94-8026 Filed 4-01-94; 8:45 am]

BILLING CODE 2210-01-M

MARTIN LUTHER KING, JR., FEDERAL HOLIDAY COMMISSION

Meeting

AGENCY: Martin Luther King, Jr., Federal Holiday Commission.

ACTION: Notice of postponement of meeting.

SUMMARY: In accordance with the Federal Advisory Act, Public Law 92-463, as amended, the Martin Luther King, Jr., Federal Holiday Commission announces the postponement of the Commission's Quarterly Meeting.

The Commission's Quarterly meeting originally scheduled for April 22, 1994, at the Westin Bonaventure Hotel in Los Angeles, California has been postponed. This meeting will be rescheduled for late Spring, 1994.

FOR FURTHER INFORMATION CONTACT: Gerrie MacCannon, Executive Officer, Washington Office (202) 708-1005.

Dated: March 28, 1994.

Gerrie MacCannon,

Executive Officer.

[FR Doc. 94-8009 Filed 4-1-94; 8:45 am]

BILLING CODE 4210-01-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 USC 3303a(a).

DATES: Request for copies must be received in writing on or before May 19, 1994. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in the parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester

Schedules Pending

1. Department of Agriculture, Foreign Agricultural Service (N1-166-94-1). Data collected to support subsidy payment programs.

2. Department of the Interior, U.S. Geological Survey (N1-57-93-5). Comprehensive schedule for National Mapping Division records. Preprint materials and routine housekeeping and administrative records.

3. Department of Labor, Office of Worker's Competition Programs (N1-271-92-1). Comprehensive schedule.

4. Department of Labor, Office of Federal Contract Compliance Programs (N1-448-93-1). Policy correspondence files, and working papers, internal memos, and drafts of new and revisions policy statements.

5. Department of State (N1-59-94-10). Facilitative records relating to fraud prevention programs. Policy records are scheduled as permanent.

6. Department of State (N1-84-94-1). Tax exemption files maintained at Foreign Service Posts.

7. Department of State (N1-84-94-3). Safety, health, and environmental safety records maintained at Foreign Service Posts.

8. ACTION, Office Management and Budget (N1-362-94-6). Working papers relating to program evaluations.

9. Bureau of Labor Statistics, Office of Publications and Special Studies (N1-257-93-2). Survey of employer provided training.

10. Farm Credit Administration (N1-103-94-1). Personnel Database containing information duplicated in permanent records of the Office of Personnel Management.

11. National Archives and Records Administration (N1-64-93-2). Regulation review case files.

12. National Council on Disability (N1-220-94-4). Transcripts and audiotapes of meetings for which minutes have been compiled, drafts of reports, and citizen mail.

13. National Foundation on the Arts and the Humanities, National Endowment for the Arts (N1-228-93-2). Update to Comprehensive Records Schedule.

14. National Science Foundation (N1-307-93-1). Textual and electronic records of science and engineering surveys.

15. Panama Canal Commission (N1–185–94–1). Marine Licensing Examination Records.

Dated: March 19, 1994.

Trudy Huskamp Peterson,

Acting Archivist of the United States.

[FR Doc. 94–7994 Filed 4–1–94; 8:45 am]

BILLING CODE 7515–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–331]

IES Utilities Inc.; Partial Denial of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) has partially denied a request by IES Utilities Inc. (licensee), for an amendment to Facility Operating License No. DRP–49 issued to the licensee for operation of the Duane Arnold Energy Center, located in Palo, Iowa. Notice of Consideration of Issuance of this amendment was published in the **Federal Register** on September 15, 1993 (58 FR 48384).

The purpose of the licensee's amendment request was to revise the Technical Specifications (TS) by changing the reporting frequency of the Radioactive Material Release Report and the 10 CFR 50.59 reporting of facility changes, tests and experiments. This is to reflect the new requirements of 10 CFR part 50. The Offsite Dose Assessment Manual (ODAM) will remain part of the Radioactive Material Release Report and will be submitted annually.

In lieu of the current annual reporting requirement, the licensee's request would extend the reporting to six months after a refueling outage. In contrast, the Improved Standard Technical Specifications (NUREG 1433) places the safety and relief valve challenge information in the Monthly Operating Report.

The NRC staff has concluded that the licensee's request concerning the reporting of safety and relief valve challenges cannot be granted. The licensee was notified of the Commission's denial of the proposed change by a letter dated March 22, 1994.

By May 4, 1994, the licensee may demand a hearing with respect to the denial described above. Any person whose interest may be affected by this proceeding may file a written petition for leave to intervene.

A request for hearing or petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 by the above date.

A copy of any petitions should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Jack Newman, Esquire, Kathleen H. Shea, Esquire, Newman and Holtzinger, 1615 L Street, NW., Washington, DC 20036, attorney for the licensee.

For further details with respect to this action, see: (1) The application for amendment dated July 28, 1993, and (2) the Commission's letter to the licensee dated March 22, 1994.

These documents 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 in the Cedar Rapids Library, 500 First Street, SE., Cedar Rapids, Iowa 52401. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Document Control Desk.

Dated at Rockville, Maryland, this 23d day of March 1994.

For the Nuclear Regulatory Commission.

John N. Hannon,

Director, Project Directorate III–3, Division of Reactor Projects—III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 94–7950 Filed 4–1–94; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–338 and 50–339]

Virginia Electric and Power Co.; Withdrawal of Application for Amendment to Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) has granted the request of Virginia Electric and Power Company (the licensee) to withdraw its July 2, 1993, application for proposed amendments to Facility Operating License Nos. NPF–4 and NPF–7 for the North Anna Power Station, Unit Nos. 1 and 2, located in Louisa County, Virginia.

The proposed amendments would have revised the Technical Specifications pertaining to the steam generator inspection reduction after steam generator replacement.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on August 4, 1993 (58 FR 41518). However, by letter dated March 1, 1994, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated July 2, 1993, and the licensee's letter dated March 1, 1994, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and the Alderman Library, Special Collections Department, University of Virginia, Charlottesville, Virginia 22903–2498.

Dated at Rockville, Maryland this 28th day of March, 1994.

For the Nuclear Regulatory Commission.

Leon B. Engle,

Project Manager, Project Directorate II–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 94–7951 Filed 4–1–94; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–33830; File No. SR–NASD–93–76]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change to Article II, Sections 10 and 11 of the Code of Procedure Relating to the Procedures of the National Business Conduct Committee

March 29, 1994.

On February 14, 1994, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("SEC" or "Commission") a proposed rule change[1] pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[2] and rule 19b–4 thereunder.[3] The rule change amends Article II, sections 10 and 11 of the Code of Procedure ("Code") to allow the National Business Conduct Committee ("NBCC") to designate a Subcommittee to approve or reject Acceptance, Waiver, and Consents ("AWCs"), Minor Rule Violations Letters, and Offers of Settlement.

[1] The NASD originally filed the proposed rule change on December 16, 1993. On February 14, 1994, the NASD filed Amendment No. 1 changing the text of the proposed rule change.

[2] 15 U.S.C. 78s(b)(1) (1988).

[3] 17 CFR 240.19b–4 (1993).

Notice of the proposed rule change together with its terms of substance was provided by issuance of a Commission release and by publication in the Federal Register.[4] No comments were received in response to the Commission release. This order approves the proposed rule change.

I. Introduction

The NBCC is composed of participating members of the first year class of the NASD Board of Governors ("Board") plus an elected Chair and Vice-Chair from the Board's second year class. The NASD's Code applies to proceedings relating to disciplinary actions, eligibility requirements, limiting or denying access to services, and to any other proceeding the NASD deems appropriate.[5] Articles II through IV set forth the procedures concerning disciplinary actions. Sections 10 and 11 of Articles II are entitled "Acceptance, Waiver and Consent, Minor Rule Violations, and Summary Complaint Procedures" and "Settlement Procedure" respectively.

The members of the NBCC are sent a weekly package for review on proposed AWCs, Minor Rule Violations Letters, and Offers of Settlement. The NBCC also reviews, on a weekly basis, all disciplinary decisions of the District Business Conduct Committees and the Market Surveillance Committee. All matters are first reviewed by the Chair and Vice-Chair of the NBCC and then reviewed by the other members of the NBCC along with the recommendations of the Chair and Vice-Chair.

II. Description of the Rule Change

The NASD has determined that the weekly package to the NBCC requires a substantial commitment of time of NBCC members and that the review by all NBCC members of all the foregoing matters is unnecessary and unduly burdensome. In order to reduce the amount of materials which must be read by NBCC members, the NASD is proposing to allow the NBCC to designate a Subcommittee composed of members of the NBCC to review AWCs, Minor Rule Violations Letters, and Offers of Settlement in all instances other than matters that are outside the NASD Sanction Guidelines[6] or where the designated Subcommittee, in its discretion, otherwise believes full NBCC review is appropriate.

The NASD is also proposing to amend Article II, section 11(e) of the Code to allow acceptances and rejections of Offers of Settlement to be made by a Subcommittee designated by the NBCC as an alternative to full NBCC review. The NASD is also proposing to delete the phrase "by a majority vote" from Article II, section 11(e) of the Code. The NASD considers the phrase "by a majority vote" to be confusing since a majority vote is always required by an NASD review body acting pursuant to the Code.

Section 10 sets forth the circumstances under which a District Business Conduct Committee, Market Surveillance Committee or an Extended Hearing Committee (collectively referred to as the "Committee") may impose disciplinary penalties prior to issuance of a complaint.[7]

The procedures under subsection 10(a) provide that an NASD member may submit to the Committee a letter accepting a finding of a violation, waiving all rights of appeal, and consenting to the imposition of sanctions. If the committee finds the letter acceptable, it submits it to the NBCC. As currently drafted, this subsection provides that the terms of the letter shall become final and constitute the complaint, answer, and decision in the matter "[i]f the letter is accepted by the NBCC."

The rule change provides that the NBCC can designate a Subcommittee to perform the function of reviewing and either accepting or rejecting the terms of the letter. Although not expressly provided for in the NASD's proposal, the NASD has represented that it intends that, initially, the Subcommittee designated by the NBCC will consist of the NBCC Committee Chair and Vice-Chair, but that the NBCC may modify the composition of the Subcommittee in the future.

Similarly, the NASD's rule change provides that the NBCC can establish a Subcommittee for the purposes of reviewing and either accepting or rejecting letters submitted by members concerning minor rule violations or settlements of complaints.

III. Discussion

The Commission finds that the rule change is consistent with the requirements of sections 15A(b) (2), (7) and (8) of the Act and the rules and regulations thereunder applicable to the NASD and, therefore, has determined to approve it. Section 15A(b)(2) requires the NASD to be organized and have the capacity to enforce compliance by its members of the requirements under the Act, rules and regulations promulgated pursuant to the Act, and the rules of the NASD. Sections 15A(b) (7) and (8) require that the NASD's rules provide for appropriate disciplining and for fair disciplinary procedures.

The rule change enhances the NASD's disciplinary procedures with respect to AWCs, Minor Rule Violations Letters, and Offers of Settlement. The rule change will facilitate the review of these matters by providing the NBCC with more efficient procedures. No longer will each NBCC be required to review every letter submitted to the NBCC. Thus, the NBCC will be able to expedite review of these letters.[8]

IV. Conclusion

In conclusion, for the reasons stated above, the Commission finds that the proposed rule change is consistent with the requirements of the Act.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change, SR–NASD–93–76 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–7977 Filed 4–1–94; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–33827; File No. SR–BSE–94–4]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Boston Stock Exchange, Inc. Relating to Its Listing Requirements

March 28, 1994.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] notice is hereby given that on February 25, 1994, the Boston Stock Exchange, Inc. ("BSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which items have been prepared by the self-regulatory organization. The

[4] Securities Exchange Act Release No. 33627 (Feb. 15, 1994), 59 FR 9008 (Feb. 24, 1994).

[5] *NASD Manual*, Code of Procedure, Art. I, Sec. 1(a), (CCH) ¶ 3001.

[6] The NASD Sanction Guidelines were published in May 1993 and sent to all NASD members. See NASD Regulatory & Compliance ALERT, Volume 7, No. 2 (June 1993).

[7] *Id.* at Art. II, Sec. 10, (CCH) ¶ 3030.

[8] The Commission further notes that submission of a letter and a rejection of the terms of that letter do not diminish the due process rights of the member provided under the Code. Indeed, if the letter is rejected, the NASD is prohibited from considering the contents of the letter in subsequent action. NASD Manual, Code of Procedure, Art. II, Secs. 10(a), 10(b)(3) and 11(i), (CCH) ¶¶ 3030 and 3031.

[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The BSE proposes to amend its listing requirements to impose more stringent criteria for initial listing of securities on the Exchange.[2]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to amend the listing requirements of the Exchange to establish minimum quantitative and qualitative requirements where practicable, to modernize and clarify the language of the rule, and to begin to respond to the Commission's concerns regarding certain issuers and promoters seeking listing solely as a means to avoid the requirements of SEC Rule 15c2–6.

The statutory basis for the proposed rule change is Section 6(b)(5) of the Act in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received comments on the proposed rule change, except from the Stock List Committee.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such other period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the BSE. All submissions should refer to File No. SR–BSE–94–4 and should be submitted by April 25, 1994.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–7968 Filed 4–1–94; 8:45 am]

BILLING CODE 8010–01–M

[2] The BSE proposes to amend Chapter XXVII—Listing Securities—Requirements ¶ 2260, Sec. 1, which outlines mandatory listing requirements for common stock. The Exchange generally proposes the following changes:

A. The proposal would increase the company's tangible asset requirement to $2 million (up from $1.5 million) of $3 million in total assets. It would also specify that intangible assets shall include, inter alia, goodwill, patents, licenses, and trademarks and other assets as the Exchange shall deem intangible.

B. The proposal would increase the required outstanding public float requirement to 750,000 shares (up from 500,000). It would also provide that the public float requirement shall be exclusive of shares held by directors, officers or other concentrated holdings of 5% (down from 10%) or more.

C. The proposal would increase the minimum number of beneficial stock holders required for listing to 750 (up from 500) beneficial stockholders exclusive of the holdings of directors, officers or other concentrated holdings of 5% (down from 10%) or more. Currently, with respect to companies seeking to list following an initial public offering, the Exchange must receive assurances from the company or its representatives that the minimum beneficial stockholder requirement be met following the distribution of the shares. If not met within six months of listing, the Exchange shall take immediate action to suspend dealings until the stockholder requirement is met. The Exchange proposes to add the following sentence to this section: Should the company fail to meet the requirement within 90 days of suspension, the Exchange shall file an application for delisting.

D. The proposal would increase the minimum bid price per share to $2.00 per share (up from $1.00 per share) at the time of listing in the case of an initial public offering. It would also require a bid price of $2.00 (up from $1.00) to be maintained for 45 days (up from 30) prior to listing in the case of a company not involved in an initial public offering.

E. The proposal would increase the net tangible asset requirement to $2 million (up from $500,000). The proposal would, therefore, provide that the company must have either net income of $100,000 in two of the past three years or net tangible assets in the amount of $2 million.

[Release No. IC–20171; 812–8752]

AUSA Life Insurance Company, Inc. et al.

March 28, 1994.

AGENCY: Securities and Exchange Commission (the "SEC" or "Commission").

ACTION: Notice of application for exemptions under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: AUSA Life Insurance Company, Inc. ("AUSA"), Diversified Investors Variable Funds (the "Account"), and Diversified Investors Securities Corp. ("DISC").

RELEVANT 1940 ACT SECTIONS: Order requested under section 6(c) for exemptions from sections 26(a)(2) and 27(c)(2) of the 1940 Act.

SUMMARY OF APPLICATION: Applicants seek an order to permit them to deduct a mortality and expense risk charge from the assets of the Account, which funds group variable annuity contracts (the "Contracts").

FILING DATES: The application was filed on January 3, 1994 and amended on March 10, 1994.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be

issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the SEC by 5:30 p.m. on April 22, 1994, and must be accompanied by proof of service on the Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests must state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, 4 Manhattanville Road, Purchase, New York 10577.

FOR FURTHER INFORMATION CONTACT: C. Christopher Sprague, Senior Staff Attorney, at (202) 504–2802, or Michael V. Wible, Special Counsel, at (202) 272–2060, Office of Insurance Products, Division of Investment Management.

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application is available for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. AUSA is a stock life insurance company that was incorporated under New York law, and it is an indirect, wholly-owned subsidiary of AEGON USA, Inc. On November 30, 1993, AUSA established the Account as a separate account under New York insurance law. Although AUSA is the legal holder of the Account's assets, such assets will be segregated from AUSA's other assets, and will not be chargeable with liabilities arising out of any other business that AUSA may conduct. AUSA will at all times maintain assets in the Account with a total market value that is at least equal to the reserve and other Contract liabilities of the Account. The Account's assets may include accumulations of the charges that AUSA assesses against the Contracts participating in the Account. The Account consists of ten subaccounts, each of which invests in a series of one of the following open-end, diversified management investment companies: Diversified Investors Portfolios, the Calvert Socially Responsible Series of Acacia Capital Corporation, and the Managed International Portfolio of Scudder Variable Life Investment Fund.

2. DISC will be the principal underwriter and distributor of the Contracts. DISC is registered as a broker-dealer under the Securities Exchange Act of 1934, and is a member of the National Association of Securities Dealers, Inc.

3. The Contracts may be purchased as a funding vehicle for retirement plans maintained by state educational organizations and certain tax-exempt organizations, IRA programs for employees of taxed and tax-exempt organizations and members of associations, Internal Revenue Code section 401(a) and 401(k) plans, and corporate non-qualified deferred compensation plans. During the period prior to the annuity purchase date, the Contractholder may allocate purchase payments among the Account's ten subaccounts. The Contractholder also may surrender all or part of the Contract at any time prior to the annuity purchase date subject, however, to restrictions that may be imposed by the applicable retirement plan. No surrender charge is imposed under the Contract. On the annuity purchase date, subject to certain limitations, the Contractholder may apply the accumulation value to one of several payment options, including a fixed annuity.

4. On each Contract anniversary prior to the annuity purchase date, AUSA may deduct a contract charge from the Contractholder's accumulation account to reimburse AUSA for administrative expenses relating to the maintenance of the Contracts. Initially, this charge will not be imposed, but any such charge that AUSA does assess would not exceed $50. AUSA does not anticipate that it would receive any profit from this charge. Deductions may be made from purchase payments for premium or similar taxes.

5. Applicants seek to impose a charge to compensate AUSA for bearing certain mortality and expense risks under the Contracts. The charge is equal to a maximum effective annual rate of 1.25% of the value of the net assets in the Account. Of that amount, approximately 0.80% is attributable to mortality risks and approximately 0.45% is attributable to expense risks. If the mortality and expense risk charge is insufficient to cover actual costs and assumed risks, the loss will be borne by AUSA. Conversely, if the charge is more than sufficient to cover costs, any excess will be profit to AUSA. AUSA does not anticipate making a profit from this charge. The mortality risk borne by AUSA arises from its obligation to make monthly annuity payments regardless of how long all annuitants may live. The expense risk borne by AUSA is that the annual contract charge AUSA may impose under the Contracts may be insufficient to cover the actual administrative costs incurred by AUSA. The cost of distributing the Contracts will be paid from AUSA's general account funds, which may include amounts derived from the mortality and expense risk charge.

Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the 1940 Act granting exemptions from sections 26(a)(2) and 27(c)(2) of the 1940 Act to the extent necessary to permit the deduction of the mortality and expense risk charge. Sections 26(a)(2) and 27(c)(2) prohibit a registered unit investment trust and any depositor or underwriter thereof from selling periodic payment plan certificates unless the proceeds of all payments are deposited with a trustee or custodian having the qualifications prescribed by section 26(a)(1) of the 1940 Act and are held under an agreement that provides that no payment to the depositor or principal underwriter shall be allowed except as a fee, not exceeding such reasonable amount as the Commission may prescribe, for bookkeeping and other administrative services. Applicants' proposed mortality and expense risk charge would not be considered a bookkeeping and administrative expense.

2. Applicants represent that the mortality and expense risk charge is a reasonable and proper insurance charge to compensate AUSA for assuming the risk that annuitants under the Contracts will live longer as a group than has been anticipated in setting the annuity rates guaranteed in the Contracts and for the risk that the administrative expense will be greater than amounts that may be derived from any annual Contract charge imposed.

3. AUSA represents that the charge of 1.25% for mortality and expense risks is within the range of industry practice with respect to comparable annuity products. This representation is based upon AUSA's analysis of publicly available information about similar industry products, taking into consideration such factors as current charge levels, the existence of charge level guarantees, and guaranteed annuity rates. AUSA will maintain at its administrative offices, available to the Commission, a memorandum setting forth in detail the products analyzed in the course of, and the methodology and results of, its comparative survey.

4. Applicants acknowledge that if a profit is realized from the mortality and expense risk charge, all or a portion of such profit may be viewed as being offset by distribution expenses not reimbursed by a sales charge. AUSA has

concluded that there is a reasonable likelihood that the proposed distribution financing arrangements will benefit the Account and the Contract-holders. The basis for such conclusion is set forth in a memorandum which will be maintained by AUSA at its administrative offices and will be available to the Commission.

5. AUSA also represents that the Account will only invest in management investment companies which undertake, in the event such company adopts a plan under Rule 12b-1 to finance distribution expenses, to have a board of directors or trustees, a majority of whom are not interested persons of the company, formulate and approve any such plan under Rule 12b-1.

Applicants' Conclusion

Applicants submit that, for all of the reasons stated herein, the requested exemptions from sections 26(a)(2) and 27(c)(2) of the 1940 Act meet the standards set out in section 6(c) of the 1940 Act. Applicants assert that the requested exemptions are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94-7910 Filed 4-1-94; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-20170; 812-8776]

Providentmutual Life and Annuity Company of America

March 28, 1994.

AGENCY: Securities and Exchange Commission (the "SEC").

ACTION: Notice of application for an order under the Investment Company Act of 1940 (the "1940 Act").

APPLICANTS: Providentmutual Life and Annuity Company of America ("PLACA"), Providentmutual Variable Annuity Separate Account A (the "PLACA Account"), Provident Mutual Life Insurance Company of Philadelphia ("PMLIC"), Provident Mutual Variable Annuity Separate Account A (the "PMLIC Account"), and PML Securities Company ("PML Securities"), collectively, the "Applicants."

RELEVANT 1940 ACT SECTIONS: Order requested under section 6(c) of the 1940 Act for exemptions for sections 26(a)(2) and 27(c)(2) thereof.

SUMMARY OF APPLICATION: Applicants seek an order permitting the assessment of a mortality and expense risk charge from the assets of: The PLACA Account, which serves as a funding medium for certain variable annuity contracts issued by PLACA; the PMLIC Account, which serves as a funding medium for certain variable annuity contracts issued by PMLIC; and other separate accounts established in the future by PLACA or PMLIC, which will serve as funding media for variable annuity contracts substantially identical to those funded through the PLACA and PMLIC Accounts. (All such variable annuity contracts issued by PLACA and by PMLIC shall be referred to collectively as the "Contracts.")

FILING DATE: The application was filed on January 13, 1994.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the Secretary of the SEC and serving Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the SEC by 5:30 p.m. on April 22, 1994, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, by certificate. Hearing requests should state the nature of the interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, c/o Linda E. Senker, Esq., Providentmutual Life and Annuity Company of America, 1600 Market Street, Philadelphia, PA 19103.

FOR FURTHER INFORMATION CONTACT: Patrice M. Pitts, Attorney, or Michael V. Wible, Special Counsel, Office of Insurance Products, Division of Investment Management, at (202) 272-2060.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. PMLIC is a mutual life insurance company chartered under Pennsylvania law and authorized to transact life and annuity business in all states and the District of Columbia. PLACA, a stock life insurance company chartered under Delaware law and authorized to transact life insurance and annuity business in the District of Columbia and all states other than New York and Maine, is a wholly-owned subsidiary of PMLIC.

2. PML Securities, a wholly-owned indirect subsidiary of PMLIC, is registered with the Commission under the Securities Exchange Act of 1934 as a broker-dealer, and is a member of the National Association of Securities Dealers, Inc. PML Securities will serve as the distributor and principal underwriter for the Contracts.

3. The PLACA Account was established by PLACA as a separate investment account under Delaware insurance law on January 6, 1994, as a funding medium for variable annuity contracts. The PMLIC Account was established by PMLIC as a separate investment account under Pennsylvania insurance law on January 4, 1994, as a funding vehicle for variable annuity contracts. Initially, the PLACA and PMLIC Accounts each will consist of five subaccounts: Equity, Small Cap, Managed, Bond, and Money Market (collectively, the "Subaccounts," individually, the "Subaccount"). The PLACA Account and the PMLIC Account each will be registered under the 1940 Act as a unit investment trust.

4. Each Subaccount will invest exclusively in the shares of a designated investment portfolio of the Quest for Value Accumulation Trust (the "Fund"). In the future, PMLIC and PLACA may establish other subaccounts which will invest in specified portfolios of the Fund or other investment funds.

5. The Contracts may be purchased on a non-tax qualified basis ("Nonqualified Contracts") or they may be purchased and used in connection with qualified retirement plans or as individual retirement annuities that quality for favorable federal income tax treatment ("Qualified Contracts"). The Contracts require a minimum initial premium payment of at least $2,000. Subsequent premium payments must be a least $100 for Nonqualified Contracts, and $50 for Qualified Contracts. The Contract owner may allocate premium payments to one or more Subaccounts, each of which will invest in a corresponding portfolio of the Fund. Premium payments will be credited with the investment experience of the appropriate Subaccount(s). The Contract owner also may allocate premium payments to the PLACA guaranteed account or the PMLIC guaranteed account, depending upon which company issues the Contract, and such payments will be credited with interest as provided for in the Contracts. (The guaranteed accounts of PLACA and PMLIC are part of those companies' respective general accounts.)

6. Prior to the earlier of the maturity date or the death of the annuitant, a

Contract owner may transfer Contract account values between the Subaccounts. The Contract owner also may surrender all or withdraw a portion of the Contract account value before the earlier of the maturity date or the death of the annuitant.

7. Each of the Contracts provides for a series of annuity payments beginning on the maturity date. The Contract owner may select from three fixed annuity payment options.

8. In the event that the Contract owner or—if the Contract owner is not the annuitant—the annuitant dies prior to the maturity date, a guaranteed death benefit is payable upon receipt of due proof of death as well as proof that the Contract owner or the annuitant (as appropriate) died prior to the maturity date. On the date the Contract is issued, the guaranteed death benefit will equal the amount of the initial premium. After the date of issue through the first Contract anniversary, the death benefit will equal the greater of:

(1) The Contract account value on the date of receipt of due proof of death; or

(2) The sum of all the premiums paid through the date of death, less withdrawals (including applicable surrender charges).

During each Contract year after the first Contract anniversary, through (and including) the Contract anniversary immediately following the Contract owner's or—if the Contract owner is not the annuitant—the annuitant's 80th birthday, the death benefit will equal the greater of:

(1) The Contract account value on the date of receipt of due proof of death; or

(2) The product of 1.05 and the sum of (A) the guaranteed death benefit as of the previous Contract anniversary and (B) any premiums paid during the previous Contract year, less any withdrawals (including any surrender charges applicable through the sixth Contract anniversary).

After the Contract anniversary immediately following the Contract owner's or—if the Contract owner is not the annuitant—the annuitant's 80th birthday, the death benefit will equal the greater of:

(1) The Contract account value on the date of receipt of due proof of death; or

(2) The sum of (A) the guaranteed death benefit as of the Contract anniversary immediately preceeding the Contract owner's or annuitant's (as applicable) 80th birthday and (B) the premiums paid during the previous Contract year, less any withdrawals.

9. Contracts funded through separate accounts established in the future by PLACA and PMLIC may have the following guaranteed death benefit: In the event that an annuitant dies prior to the end of the sixth Contract year, a death benefit is payable upon receipt of due proof of death as well as proof that the annuitant died prior to the maturity date. The death benefit is equal to the greater of:

(1) The Contract account value on the date of receipt of due proof of death; or

(2) The premiums paid, less withdrawals (including applicable surrender charges).

In the event that the annuitant dies after the end of the sixth Contract year, but before the maturity date, the death benefit is the greatest of:

(a) The Contract account value as of the end of the sixth Contract year, less any subsequent withdrawals;

(b) The Contract account value on the date of receipt of due proof of death; or

(c) The premiums paid, less withdrawals (including any applicable surrender charges).

10. For Contracts issued by PMLIC to residents of New York state, premium taxes may be deducted from any death benefit.

11. PLACA and PMLIC each will deduct an annual contract maintenance fee of $30 from the Contract account value on each Contract anniversary prior to and including the maturity date (and upon a full surrender or on the maturity date, if other than a Contract anniversary) to compensate them for administrative services provided to Contract owners. This fee is guaranteed not to increase for the duration of the Contract, and is applicable only prior to and on the maturity date.

12. PLACA and PMLIC each will assess a daily charge equal to an effective annual rate of 0.15% of the value of the net assets in the PLACA Account and the PMLIC Account, respectively. This charge is designed to compensate each company for certain administrative services provided to Contract owners, is guaranteed not to increase for the duration of the Contract, and is applicable only prior to the maturity date.

13. Applicants represent that these administrative charges will be deducted in reliance on Rule 26a–1 under the Act, and will represent reimbursement only for administration costs expected to be incurred over the life of the Contract. PLACA and PMLIC neither anticipate nor intend to make any profit from these administrative charges.

14. In the future, PLACA and PMLIC each may assess a transfer charge under the Contracts. For instance, prior to the maturity date, a $25 charge under the Contracts may be assessed for the thirteenth and each subsequent transfer request made by the Contract owner during a single Contract year. Applicants represent that the transfer charge, if assessed, will be deducted in reliance upon Rule 26a–1 of the 1940 Act, and that such charge represents reimbursement for administrative costs expected to be incurred over the life of the Contract.

15. A contingent deferred sales charge ("CDSC") of up to 6% of the amount withdrawn is assessed on certain full surrenders or partial withdrawals of Contract account value during the first six Contract years. The CDSC is designed to cover expenses relating to the sales of the Contracts, including commissions to registered representatives and other promotional expenses. The aggregate CDSCs are guaranteed never to exceed 8.5% of the premium payments. During the first Contract year, any amounts surrendered or withdrawn are subject to the CDSC. After the first Contract year, the portion of the first and second withdrawals in a Contract year equal to 10% or less of the Contract account value as of the beginning of the Contract year is not subject to the sales charge.

16. Neither PLACA nor PMLIC anticipates that the CDSCs will generate sufficient revenues to pay the cost of distributing the Contracts. If these charges are insufficient to cover PLACA's or PMLIC's expenses, the deficiency will be met from each company's general account assets, which may include amounts derived from the charge for mortality and expense risks discussed below.

17. PLACA will deduct the aggregate premium taxes paid on behalf of a particular Contract either:

(i) From premiums as they are received; or

(ii) From the Contract proceeds upon (A) a withdrawal from or full surrender of a Contract, or (B) application of the proceeds to a payment option. Premium taxes currently range up to 3.5%. For Contracts issued by PMLIC to Maine residents, an aggregate premium tax of 2% of premiums paid will be deducted from Contract proceeds upon (i) a withdrawal from or full surrender of a Contract, or

(ii) Application of the proceeds to a payment option. For Contracts issued by PMLIC to New York residents, any premium tax assessed will be 2% of any amounts surrendered, withdrawn, paid as a death benefit, or applied to a payment option.

18. PLACA and PMLIC each assess a daily charge to compensate it for bearing certain mortality and expense risks in connection with the Contracts. This charge is equal to an effective annual rate of 1.25% of the value of the net

assets in the Account, and applies only prior to and on the maturity date. Of that amount, approximately 0.70% is attributable to mortality risk, and approximately 0.55% is attributable to expense risk. PLACA and PMLIC each guarantee that the mortality and expense risk charge will never exceed 1.25%. If the mortality and expense risk charge is insufficient to cover PLACA's or PMLIC's actual costs and assumed risks, the loss will fall on PLACA and PMLIC. Conversely, if the charge is more than sufficient to cover costs, any excess will be profit to either PLACA or PMLIC. PLACA and PMLIC each currently anticipate a profit from the mortality and expense risk charge.

19. The mortality risks borne by PLACA and PMLIC arise from their respective contractual obligations to make annuity payments (determined in accordance with the annuity tables and other provisions contained in the Contract), regardless of how long all annuitants or any individual annuitant may live. This undertaking assures that neither an annuitant's own longevity, nor an improvement in general life expectancy, will adversely affect the monthly annuity payments that the payee will receive under the Contract. PLACA and PMLIC each assume the risk that its actual administrative costs will exceed the amount recovered through the Contract administrative charges.

20. PLACA and PMLIC each also incur a risk in connection with the death benefit guarantee. There is no extra charge for this guarantee.

Applicants' Legal Analysis

1. Applicants request that the Commission, pursuant to section 6(c) of the 1940 Act, grant exemptions from sections 26(a)(2)(C) and 27(c)(2) thereof to the extent necessary to permit the assessment of a daily charge for mortality and expense risks under the Contracts.

2. Applicants represent that the terms of the class relief requested with respect to any future Contracts funded by the PLACA Account, by the PMLIC Account, or other separate accounts established by PLACA or PMLIC are consistent with the standards enumerated in section 6(c) of the 1940 Act. Without the requested relief, PLACA and PMLIC each would have to request and obtain exemptive relief for each new separate account it establishes to fund any future Contracts. Such additional requests for exemptive relief would present no issues under the 1940 Act that have not already been addressed in this application.

3. The Applicants represent that the requested class relief is appropriate in the public interest because it would promote competitiveness in the variable annuity market by eliminating the need for PLACA and PMLIC to file redundant exemptive applications, thereby reducing their administrative expenses and maximizing the efficient use of their resources. The delay and expense involved in having to seek exemptive relief repeatedly would impair each company's ability to effectively take advantage of business opportunities that arise.

4. The Applicants represent that, for the same reasons, the requested relief is consistent with the purposes of the 1940 Act and the protection of investors. If PLACA and PMLIC each were required to seek exemptive relief repeatedly with respect to the same issues addressed in this application, investors would not receive any benefit or additional protection thereby. Indeed, they might be disadvantaged as a result of each company's increased overhead expenses.

5. Sections 26(a)(2)(C) and 27(c)(2), as herein pertinent, prohibit a registered unit investment trust and any depositor thereof or underwriter therefor from selling periodic payment plan certificates unless the proceeds of all payments (other than sales load) are deposited with a qualified bank as trustee or custodian and held under arrangements which prohibit any payment to the depositor or principal underwriter except a fee, not exceeding such reasonable amounts as the SEC may prescribe, for performing bookkeeping and other administrative services.

6. Applicants submit that both PLACA and PMLIC are entitled to reasonable compensation for their respective assumption of mortality and expense risks. Applicants represent that the 1.25% mortality and expense risk charge assessed under the Contracts is consistent with the protection of investors because it is a reasonable and proper insurance charge. Applicants further submit that the mortality and expense risk charge is a reasonable charge to compensate PLACA and PMLIC for the risk that annuitants under the Contracts will live longer than has been anticipated in setting the annuity rates guaranteed in the Contracts, for the risk that the Contract account value will be less than the death benefit, and for the risk that administrative expenses will be greater than amounts derived from the Contract administrative charges.

7. PLACA and PMLIC each represent that the charge of 1.25% for mortality and expense risks assumed by PLACA and PMLIC is within the range of industry practice with respect to comparable variable annuity products. This representation is based upon PLACA's and PMLIC's analysis of publicly available information about similar industry products, taking into consideration such factors as current charge levels, the existence of charge level guarantees, and guaranteed annuity rates. PLACA and PMLIC each will maintain at its administrative offices, and have available to the Commission, a memorandum setting forth in detail the products analyzed in the course of, and the methodology and results of, its comparative survey.

8. Applicants acknowledge that the proceeds of CDSCs may be insufficient to cover all costs relating to the distribution of the Contracts. Applicants also acknowledge that if a profit is realized from the mortality and expense risk charge, all or a portion of such profit may be viewed by the Commission as being offset by distribution expenses not reimbursed by the sales charge. PLACA and PMLIC each have concluded that there is a reasonable likelihood that the proposed distribution financing arrangements will benefit the PLACA and PMLIC Accounts and the Contract owners. The basis for such conclusion is set forth in a memorandum which will be maintained by PLACA and PMLIC at their respective administrative offices and will be available to the Commission.

9. PLACA and PMLIC each represent that the PLACA and PMLIC Accounts will invest only in management investment companies which undertake, in the event such companies adopt plans to finance distribution expenses under Rule 12b–1 under the 1940 Act, to have a board of directors or trustees, a majority of whom are not interested persons of the company, formulate and approve any such plan under Rule 12b–1.

Conclusion

Applicants assert that, for the reasons set forth above, the requested exemptions from section 26(a)(2) and 27(c)(2) of the 1940 Act to the extent necessary to permit the deduction of a mortality and expense risk charge under the Contracts meet the standards in section 6(c) of the 1940 Act. Applicants assert that the requested exemptions are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–7911 Filed 4–1–94; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–26013]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

March 28, 1994.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested person are referred to the application(s) and/or declaration(s) for complete statements of the proposed transactions(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by April 21, 1994 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Penn Fuel Gas, Inc., et al. (70–8068)

Penn Fuel Gas, Inc., ("PFG"), 55 South Third Street, Oxford, Pennsylvania, 19363, a Pennsylvania holding company exempt from registration under section 3(a)(1) of the Act pursuant to rule 2, and Carol Ware Gates, Oxford, Pennsylvania, Marilyn Ware Lewis, Strasburg, Pennsylvania, John H. Ware, IV, Oxford, Pennsylvania, and Paul W. Ware, Strasburg, Pennsylvania (collectively, "Ware siblings") have filed an application under sections 9(a)(2) and 10 of the Act in connection with acquisitions of common shares of PFG and related transactions, pursuant to certain trust and voting agreements. Applicants also request an order under section 3(a)(1) exempting PFG from all provisions of the Act, except section 9(a)(2).

PFG, through eight wholly owned Pennsylvania gas utility subsidiary companies, provides gas utility service to approximately 65,725 customers, 99.7% of which are located in Pennsylvania.[1] PFG has outstanding 717,583 shares of its common stock, par value $1.00 per share ("PFG Common Stock"), of which John H. Ware, III and his wife Marian S. Ware own 572,847.25 shares.[2]

John and Marian Ware have established sixteen *inter vivos* trusts ("Trusts") for the benefit of their four children and their issue. The Trusts are grouped into four interest groups ("Trust Groups"). Each Trust Group contains four Trusts, each of which benefits one of the four Ware siblings and his or her issue. Each Trust has its situs in Pennsylvania and has two trustees: CoreStates Bank, N.A. ("CoreStates"), a national banking association, as corporate trustee, and the Ware sibling for whose principal benefit the trust has been established, as individual trustee.

Upon the granting of the requested order, applicants state that John and Marian Ware, or their respective estates, will make gifts of PFG Common Stock to at least one of the Trusts in each Trust Group in amounts which will result, initially, in each individual trustee having (in conjunction with CoreStates as corporate trustee) power to vote more than 5%, but less than 10%, of the PFG Common Stock.[3] Applicants anticipate that John and Marian Ware will ultimately transfer, by *inter vivos* or testamentary disposition, a sufficient number of shares to each Trust Group so that each individual trustee will have (in conjunction with CoreStates as corporate trustee) power to vote more than 10% of the PFG Common Stock.[4]

The applicants and CoreStates intend to enter into a shareholders' voting agreement ("Voting Agreement") which provides, among other things, that the power to vote all PFG Common Stock then held and thereafter acquired by the Trusts, the individual trustees and corporate trustee, and the Ware siblings in their individual capacities will be delegated to Marilyn Ware Lewis, effective upon the granting of the requested order.[5] Applicants state that the delegation of voting power will facilitate a smooth transition of voting control to Ms. Lewis, whose general business experience is expected to promote the efficient and economic operation of the PFG system.

Applicants request authorization under sections 9(a)(2) and 10 for each of the four Trust Groups and each individual trustee, as a co-trustee with CoreStates, to acquire an initial amount of 5% or more of the PFG Common Stock.[6] Applicants further request any authorization that may be necessary for Ms. Lewis, in her individual capacity, to obtain the delegated power to vote the PFG Common Stock pursuant to the Voting Agreement.[7]

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[1] The utility subsidiaries are Allied Gas Company, Central Penn Gas Company, Counties Gas Company, Interboro Gas Company, Lewistown Gas Company, Union Gas Company, North Penn Gas Company and South Penn Gas Company ("South Penn") (collectively, "PFG system companies"). South Penn is the only company that engages in gas operations outside of Pennsylvania. In addition to its customers in that state, South Penn serves 230 customers in Frederick County, Maryland. Its Maryland utility assets represent 4.4% of South Penn's total net utility property, plant and equipment.

For the twelve months ended June 30, 1993, South Penn had non-Pennsylvania operating revenues of $433,748, representing 3.3% of its total operating revenues, and net operating income from non-Pennsylvania sales of approximately $40,000. During that period, 0.4% of the total volume of gas sold by PFG system companies was sold to customers outside of Pennsylvania; the system obtained less than 1% of its gas utility gross operating revenues and net gas utility income from sales to customers outside of Pennsylvania; and the system had $544,316 or 0.4%, of its net utility property, plant and equipment located outside of Pennsylvania.

[2] The Ware siblings, in their individual capacity, each own less than 5% of the PFG Common Stock.

[3] Under the terms of each Trust, the concurrence of the corporate trustee and the individual trustee is necessary to vote the shares of PFG Common Stock held by the Trust. Under the Pennsylvania Business Corporation Law of 1988, however, if the trustees disagree on how to vote the PFG Common Stock and, thereafter, only one of the trustees attends the shareholder meeting at which the vote is to be taken, PFG is generally required to recognize the action of the attending trustee as the action of both trustees. Each trustee thus has the potential power to vote all of the shares of PFG Common Stock held by the Trust.

[4] The applicants state that all of the shares of PFG Common Stock that are now held or may hereafter be acquired by the Trusts, the trustees and the Ware siblings in their individual capacities are subject to restrictions on transfer by a Shareholder's Agreement dated November 19, 1992.

[5] As noted previously, each Ware sibling currently holds, in an individual capacity, less than 5% of the PFG Common Stock. Applicants do not anticipate that the Ware siblings will acquire any additional PFG Common Stock in their individual capacities. Additional authorization of the Commission will be obtained before any Ware sibling acquires an amount that would result in that individual's owning, controlling or holding with power to vote 5% or more of the PFG Common Stock.

[6] The individual trustees will rely on the exemption from section 9(a)(2) provided by rule 11(d) with regard to any acquisition of PFG Common Stock made subsequent to the initial acquisition. CoreStates will rely on the exemption from section 9(a)(2) provided by rule 3(b) with respect to its acquisitions of PFG Common Stock.

[7] Specifically, applicants request any necessary authorization for Ms. Lewis, in her individual capacity, to obtain a delegation of the right to vote

Applicants also request an order under section 3(a)(1) exempting PFG from all provisions of the Act, except section 9(a)(2). Applicants state that PFG and all of its public-utility subsidiary companies are incorporated in Pennsylvania, and that the utility business of PFG and each of its public-utility subsidiary companies is predominantly intrastate in character and carried on substantially in Pennsylvania.

Applicants state that none of the trustees, Trusts or Trust Groups will be a holding company within the meaning of the Act as a result of the proposed transactions. CoreStates, as a bank-fiduciary, will rely on rule 3(a) to exempt it from any obligation, duty, or liability imposed upon it as a holding company.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–7909 Filed 4–1–94; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2703]

New Jersey; Declaration of Disaster Loan Area

Cape May County and the contiguous counties of Atlantic and Cumberland in the State of New Jersey constitute a disaster area as a result of damages caused by a severe Northeastern Coastal Storm which occurred on March 2 and 3, 1994. Applications for loans for physical damage may be filed until the close of business on May 26, 1994 and for economic injury until the close of business on December 27, 1994 at the address listed below: U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Boulevard South, 3rd Floor, Niagara Falls, NY 14303; or other locally announced locations.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	7.250
Homeowners without credit available elsewhere	3.625
Business with credit available elsewhere	7.700
Business and non-profit organizations without credit available elsewhere	4.000
Other (including non-profit organizations) with credit available elsewhere	7.125
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster in New Jersey for physical damage is 270311 and for economic injury the number is 821300.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: March 25, 1994.

Erskine B. Bowles,

Administrator.

[FR Doc. 94–7961 Filed 4–1–94; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2704 & 2705]

New Jersey (With a Contiguous County in New York); Declaration of Disaster Loan Area

Middlesex County and the contiguous counties of Mercer, Monmouth, Somerset, and Union in the State of New Jersey and Richmond County in the State of New York constitute a disaster area as a result of damages caused by an explosion and resultant fire at the Durham Woods Apartment Complex on Talmadge Road in Edison Township, Middlesex County, which occurred on March 24, 1994. Applications for loans for physical damage may be filed until the close of business on May 26, 1994, and for economic injury until the close of business on December 27, 1994, at the address listed below: U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Boulevard South, 3rd Floor, Niagara Falls, NY 14303; or other locally announced locations.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	7.250
Homeowners without credit available elsewhere	3.625
Businesses with credit available elsewhere	7.700
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.125
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster in New Jersey for physical damage is 270404 and for economic injury the number is 821400 and in New York the numbers are 270504 and 821500.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: March 25, 1994.

Erskine B. Bowles,

Administrator.

[FR Doc. 94–7966 Filed 4–1–94; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Economic Injury Disaster Loan Area #8210]

New York; Declaration of Disaster Loan Area

Westchester County and the contiguous counties of Bronx, Putnam, and Rockland in the State of New York; Fairfield County, Connecticut; and Bergen County in the State of New Jersey constitute an economic injury disaster area as a result of a fire at 20–28 South Fourth Avenue in the City of Mt. Vernon which occurred on December 30. Eligible small businesses without credit available elsewhere and small agricultural cooperatives without credit available elsewhere may file applications for economic injury assistance until the close of business on December 27, 1994 at the address listed below: U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd. South, 3rd Floor, Niagara Falls, NY 14303, or other locally announced locations. The interest rate for eligible small businesses and small agricultural cooperatives is 4 percent.

The economic injury number assigned to this disaster for the State of New York is 821000, for Connecticut the number is 821100, and for New Jersey the number is 821200.

(Catalog of Federal Domestic Assistance Program No. 59002.)

Dated: March 25, 1994.

Erskine B. Bowles,

Administrator.

[FR Doc. 94–7962 Filed 4–1–94; 8:45 am]

BILLING CODE 8025–01–M

5% of the PFG Common Stock. Ms. Lewis will rely on the exemption from section 9(a)(2) provided by rule 11(d) with regard to any delegation under the Voting Agreement that results in the power to vote, in her individual capacity, more than 5% of PFG Common Stock.

[License No. 06/06–0304]

Applications, Hearings, Determinations, et al.; AMT Capital, Ltd.

Notice is hereby given that AMT Capital, Ltd. (AMT), 8204 Elmbrook, suite 103, Dallas, TX 75427, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act), has financed a small concern in violation of section 312 of the Act and § 107.903 of the SBA Rules and Regulations (the Regulations) governing Small Business Investment Companies (13 CFR 107.903 (1993)). An exemption may not be granted by SBA until Notices of this transaction have been published. AMT provided financing to Advanced Chemical Systems International, Inc. (ACSI), 510 Alder Drive, Milpitas, CA 95035.

The financing is brought within the purview of § 107.903(b)(1) of the Regulations because AMT Venture Partners Ltd., an Associate of AMT, owns more than 10% of ACSI. The financing provided expansion capital for ACSI.

Notice is further given that any person may, not later than 15 days from the date of the publication of the Notice, submit written comments on the transaction to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

A copy of this Notice shall be published, in accordance with § 107.903(e) of the Regulations, in a newspaper of general circulation in San Jose, CA.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: March 24, 1994.

Robert D. Stillman,

Associate Administrator for Investment.

[FR Doc. 94–7965 Filed 4–1–94; 8:45 am]

BILLING CODE 8025–01–M

[Application No. 99000106]

Hanifen Imhoff Mezzanine Fund, L.P.; Notice of Filing of an Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1993)) by Hanifen Imhoff Mezzanine Fund, L.P., 1125 17th Street, suite 1600, Denver, Colorado 80202 for a license to operate as a small business investment company (SBIC) under the Small Business Investment Act of 1958, as amended, (15 U.S.C. *et. seq.*), and the Rules and Regulations promulgated thereunder. Hanifen Imhoff Mezzanine Fund, L.P. is a limited partnership formed under Colorado law. Its principal area of operation is Rocky Mountain region of the United States. Hanifen Imhoff Mezzanine Fund, L.P. will be managed by Hanifen Imhoff Investments LLC, a Colorado limited liability company located at the same address. The following limited partner will own 10 percent or more of the proposed SBIC:

Name	Percentage of ownership
Lincoln National Life Insur. Co., 1300 S. Clinton Street, Ft. Wayne, Indiana 46801	33.3
Hartford Life Insurance Companies, P.O. Box 2999, Hartford, Connecticut 06104	33.3
Northern Life Insurance Company, Third at Spring Street, Seattle, Washington 98111	20

The applicant will begin operations with a minimum capitalization of $15 million. Investments will be a made in mezzanine securities of later stage companies which have annual revenues of between $5 million and $100 million and which have been profitable for the preceding two years. The applicant will invest primarily in the Rocky Mountain region of the United States.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Associate Administrator for Investment, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416.

A copy of this Notice will be published in a newspaper of general circulation in Denver, Colorado.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies.)

Dated: March 25, 1994.

Robert D. Stillman,

Associate Administrator for Investment.

[FR Doc. 94–7963 Filed 4–1–94; 8:45 am]

BILLING CODE 8025–01–M

[Application No. 99000105]

Maine Capital Partners, L.P.; Notice of Filing of an Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1993)) by Maine Capital Partners, L.P., 70 Center Street, Portland, Maine 04101 for a license to operate as a small business investment company (SBIC) under the Small Business Investment Act of 1958, as amended, (15 U.S.C. *et. seq.*), and the Rules and Regulations promulgated thereunder. Maine Capital Partners, L.P. is a limited partnership formed under Delaware law. Its principal area of operation is the State of Maine.

Maine Capital Partners, L.P. will be managed by North Atlantic Capital Corporation, located at 70 Center Street, Portland, Maine 04101. The following limited partners will own 10 percent or more of the proposed SBIC:

Name	Percentage of ownership
Fleet Bank of Maine, 511 Congress Street, P.O. Box 1280, Portland, Maine 04104	25.0
Casco Northern Bank, One Monument Square, P.O. Box 678, Portland, Maine 04104	16.7
Shawmut National Ventures Corp., 777 Main Street MSN 397, Hartford, CT 06115	16.7
State Street Bank & Trust, 225 Franklin Street, Boston, MA 02110	16.7

The applicant will begin operations with a minimum capitalization of approximately $6.0 million and will be a source of later stage investments, mezzanine financings, and re-capitalizations for qualified small business concerns. The applicant will invest primarily in the state of Maine, and may make investments in neighboring states.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including profitability and financial soundness in accordance with the Act and Regulations.

Notice is hereby given that any person may, not later than 30 days from the date of publication of this Notice,

submit written comments on the proposed SBIC to the Associate Administrator for Investment, Small Business Administration, 409 3rd Street, SW., Washington, DC 20416.

A copy of this Notice will be published in a newspaper of general circulation in Portland, Maine.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies.)

Dated: March 25, 1994.

Robert D. Stillman,

Associate Administrator for Investment.

[FR Doc. 94–7964 Filed 4–1–94; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

[Public Notice 1975]

Participation of Private-Sector Representatives on U.S. Delegations

As announced in Public Notice No. 655 (44 FR 17846), March 23, 1979, the Department is submitting its June 1992 through December 1993 list of U.S. accredited Delegations which included private-sector representatives.

Publication of this list is required by Article III(c) of the guidelines published in the **Federal Register** on March 23, 1979.

Dated: March 21, 1994.

Frank R. Provyn,

Managing Director, Office of International Conferences.

United States Delegation to the Maritime Transport Committee (MTC), June 1 and 3–4 and Informal Meeting Between Members of the Maritime Transport Committee and Representatives of the Central and Eastern European Countries (June 1–3), Organization for Economic Cooperation and Development (OECD), Paris, June 1–4, 1992

Representative

Geoffrey Ogden, Director, Office of Maritime and Land Transport, Bureau of Economic and Business Affairs, Department of State

Alternate Representative

Ralph Edwards, Office of International Affairs, Maritime Administration, Department of Transportation

Adviser

Appropriate USOECD, Mission Officer, Paris

Private Sector Advisers

Philip J. Loree, Chairman, Federation of American Controlled Shipping, New York, New York

Donald L. O'Hare, Sea-Land Corporation, Iselin, New Jersey

Peter Prowitt, American President Corporation, Washington, DC

United States Delegation to the Inter-American Telecommunications Conference (CITEL), Permanent Technical Committee II and Permanent Technical Committee III, Organization of American States (OAS), Mexico City, Mexico, August 24–28, 1992

Representative

Warren G. Richards, Director, Radio Spectrum Policy, Bureau of International Communications and Information Policy, Department of State

Advisers

Giselle Gomez, Electronics Engineer, Office of Regulatory Affairs, United States Information Agency

Cecily Holiday, Branch Chief, Satellite Radio, Federal Communications Commission

H. Donald Messer, Broadcast Satellite Program Manager, United States Information Agency

Lawrence Palmer, Telecommunication Policy Specialist, National Telecommunications and Information Administration, Department of Commerce

Thomas Walsh, Senior International Engineer, Federal Communications Commission

Private Sector Advisers

William Borman, Vice President, Global Spectrum Management, Motorola Corporation, Washington, DC

Alan L. Box, President, EZ Communications, Fairfax, Virginia

Robert D. Briskman, President, Satellite CD Radio, Washington, DC

Martin Deckett, Director, Business Development, ORBCOM Incorporated, Fairfax, Virginia

David Fine, Assistant Vice President, Government and International Relations, Southwest Bell, Washington, DC

Mario Florian, Consultant, ORBCOM Incorporated, Fairfax, Virginia

Richard G. Gould, Consultant, Telecommunications Systems, Washington, DC

Ronald Lepkowski, Consultant, Alexandria, Virginia

Alireza Mahmoodshahi, Technical Staff, AT&T Bell Laboratories, Holmdel, New Jersey

Edward E. Reinhardt, Consultant, McLean, Virginia

Allan Renshaw, Program Manager, Starsys Global Positioning Incorporated, London, Maryland

Glenn S. Richards, Attorney, American Mobile Satellite Corporation, Washington, DC

Paul Rinaldo, Technical Director, American Radio Relay League, Washington, DC

Kenneth Springer, Staff Engineer, National Association of Broadcasters, Washington, DC

Valerie Schulte, Senior Associate General Council, National Association of Broadcasters, Washington, DC

United States Delegation to the Committee on Human Settlements, 53rd Session, Economic Commission for Europe (ECE), Lisbon, September 15–17, 1992

Representative

James McGlinchey, Counselor for Economic Affairs, United States Embassy, Lisbon

Private Sector Advisers

Cushing N. Dolbeare, Consultant in Housing and Urban Policy, Washington, DC

Kate Griffin, Amherst, Massachusetts

Mary E. Paumen, Urban Planner, Anthony J. Dunleavy Associates, Inc., Upper Darby, Pennsylvania

United States Delegation to the Study Group II/1 and II/3 Working Parties and Rapporteur Groups International Telegraph and Telephone Consultative Committee (CCITT), International Telecommunication Union (ITU), Geneva, Switzerland, September 15–18, 1992

Representative

Kathryn A. Martin, Engineer, Bureau of International Communications and Information Policy, Department of State

Private Sector Advisers

Stephen Engleman, Senior Staff member, MCI, Richardson, Texas

Fred Gaechter, Member Technical Staff, North American Numbering Plan Administration, Bellcore, Livingston, New Jersey

Ben Levitan, Principal Engineer, ARINC, Annapolis, Maryland

James Longua, Ameritech Services, Hoffman Estates, Illinois

Robert W. Madden, Manager, American Telephone and Telegraph Company, Morristown, New Jersey

Gayle Murdock, Manager, U.S. West Communications, Seattle, Washington

United States Delegation to the 36th Session of the General Conference of the International Atomic Energy Agency (IAEA), Vienna, September 21–25, 1992

Representative

The Honorable Richard T. Kennedy, Ambassador-at-Large, United States Representative to the IAEA, Department of State

Alternate Representative

The Honorable Jane E. Becker, Ambassador, Deputy United States Representative to the IAEA, U.S. Mission, Vienna

Advisers

Victor Alessi, Director, Office of Arms Control and Non-Proliferation Policy, Department of Energy
Kevin Burke, International Programs, Nuclear Regulatory Commission
Susan Burk, International Nuclear Affairs, Nuclear Weapons Control Bureau, Arms Control and Disarmament Agency
Salvador N. Ceja, Acting Director, Office on Non-Proliferation Policy, Department of Energy
G. Frank Cole III, Deputy Assistant Secretary for Policy and Management, Office of Nuclear Energy, Department of Energy
Bruce Cooper, Counselor for Nuclear Technology, U.S. Mission, Vienna
Gail de Planque, Commissioner, Nuclear Regulatory Commission
Harold Denton, Director, Office of International Programs, Nuclear Regulatory Commission
Linda Gallini, Special Assistant to the Ambassador-at-Large, Department of State
The Honorable Bradley Gordon, Assistant Director, Bureau of Non-Proliferation Policy, Arms Control and Disarmament Agency
Richard W. Hoover, Political Adviser, U.S. Mission, Vienna
Michael Lawrence, IAEA Counselor for Nuclear Policy, U.S. Mission, Vienna
Janice Dunn Lee, Special Assistant to Commissioner de Planque, Nuclear Regulatory Commission
Joel Lubenau, Technical Assistant to Commissioner de Planque, Nuclear Regulatory Commission
Thomas G. Martin, Deputy Chief of Mission, U.S. Mission, Vienna
John P. McGuinness, Office of Scientific Programs, Bureau of International Organization Affairs, Department of State
Antonio F. Perez, Attorney Adviser, Office of the Legal Adviser to Nuclear Affairs, Department of State
Marvin Peterson, Senior Science Attache, Safeguards Affairs, U.S. Mission, Vienna
Geraldine Schuetze, Personal Assistant to the Chairman, Nuclear Regulatory Commission
Theodore S. Sherr, Assistant to Ambassador-at-Large, Department of State
Carlton Stoiber, Office of Nuclear Technology and Safeguards, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Richard J.K. Stratford, Deputy Assistant Secretary, Nuclear Energy and Energy Technology Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Michael von Grey, Adviser, U.S. Mission, Vienna
William H. Young, Assistant Secretary for Nuclear Energy, Department of Energy

Private Sector Adviser

L. Manning Muntzing, Doub, Muntzing and Glasgow, Washington, DC

United States Delegation to the Working Party on the Facilitation of International Trade Procedures, 36th Session, and Its Subgroups Economic Commission for Europe (ECE), Geneva, September 21–26, 1992

Representative

Clifford W. Woodward, Jr., Division Chief, Trade, Facilitation and Technical Issues Division, Office of International Transportation and Trade, Department of Transportation

Advisers

Vicki Hodziewich, Customs Attache, United States Mission to the European Communities, Brussels
William H. Kenworthy, Jr., Data Systems Manager, Office of the Deputy Assistant Secretary for Defense for Management Systems, Department of Defense

Private Sector Advisers

Irwin Chmielewski, Electronic Data Systems, Troy, Michigan
Thomas P. Colberg, Principal, Price Waterhouse, Washington, DC
Robert Gillen, Chairman, ASC–X12 Transportation Subcommittee, United Parcel Service, Atlanta, Georgia
Robert Howell, PAEB Vice Chairman, IBM Corporation, Owego, New York
Robert Hurd, Pan American EDIFACT, Data Interchange Standards Association, Alexandria, Virginia
Jeffrey B. Ritter, Legal Adviser and Co-Rapporteur on Legal Questions, Vorys, Sater, Seymour and Pease, Columbus, Ohio
Carrie L. Spencer, PAEB Database, Publications and Maintenance Administrator, EDIFACT Technical Assessment Group Secretary/ Secretariat, Alexandria, Virginia
Robert K. Windsor, Association Executive, NCITD—The International Trade, Facilitation Council, Alexandria, Virginia

United States Delegation to the Study Group XI and Its Working Parties International Telegraph and Telephone Consultative Committee (CCITT), International Telecommunication Union (ITU), Geneva, Switzerland, September 21–October 2, 1992

Representative

Otto J. Gusella, Executive Director, Exchange Carrier Standards Association, Bethesda, Maryland

Alternate Representative

Kathryn A. Martin, Engineer, Bureau of International Communications and Information Policy, Department of State

Adviser

Leslie A. Collica, Computer Scientist, National Institute of Standards and Technology, Department of Commerce
Wendell Harris, Assistant Chief/ International, Common Carrier Bureau, Federal Communications Commission

Private Sector Advisers

Elmer R. Hapeman, Technical Staff Member, Bellcore, Red Bank, New Jersey
Harry A. Hetz, Standards Manager, Bell Atlantic Corporation, Arlington, Virginia
Jay R. Hilton, Manager, Technical Standards, GTE Telephone Operations, Irving, Texas
Doris S. Lebovits, Manager, AT&T, Bedminster, New Jersey
Anthony Toubassi, Standards Engineer, MCI International Incorporated, Richardson, Texas

United States Delegation to the Permanent Technical Committee–1 (PTC –1), the Special Committee to Strengthen CITEL and Ad Hoc Groups Organization of American States (OAS), Inter-American Telecommunication Conference (CITEL), Montevideo, Uruguay, September 21–October 2, 1992

Representative

Gary M. Fereno, Director for CITEL and CCITT Standards Policy, Bureau of International Communications and Information Policy, Department of State

Alternate Representative

William F. Moran, Policy Specialist, Office of International Affairs, National Telecommunications and Information Administration, Department of Commerce

Advisers

Doreen Bogdan, Telecommunications Policy Specialist, National Telecommunications and Information Administration, Department of Commerce
Douglas V. Davis, Attorney/Advisor, Federal Communications Commission
Harold G. Kimball, Director, International Technology & Regulation Division, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

Raymond Crowell, Director, Strategic Planning, Comsat Corporation, Washington, DC
Cecil Crump, Manager, International Development, AT&T, Morristown, New Jersey
David Fine, Manager, Standards & Development, Southwest Bell Corporation, Washington, DC
Thomas J. Plevyak, Manager, International Standards, Bell Atlantic Corporation, Arlington, Virginia

United States Delegation to the Study Group III Working Parties 3 & 6 of the International Telegraph and Telephone Consultative Committee (CCITT), International Telecommunication Union (ITU), Geneva, Switzerland, September 28–October 2, 1992

Representative

Earl S. Barbely, Director, Telecommunications and Information Standards, Bureau of International Communications and Information Policy, Department of State

Advisers

Wendell Harris, Assistant Chief/ International Common Carrier Bureau, Federal Communications Commission
William Kirsch, Deputy Assistant Bureau Chief/International, Federal Communications Commission
Victor Muller, Consultant, Bureau of International Communications and Information Policy, U.S. Department of State

Private Sector Advisers

Donald P. Casey, Director, Regulatory, AT&T Easy Link, Parsippany, New Jersey
Robert Madden, Manager, American Telephone and Telegraph Co., Morristown, New Jersey
Mark Niebert, Manager, COMSAT, Washington, DC
Philip Onstad, Consultant, International Communications Association, Washington, DC
Marcel E. Scheidegger, MCI International, Rye Brook, New York
Richard W. Stone, Cable and Wireless Communications, Vienna, Virginia

United States Delegation to the Group of Experts on the Periodic Survey of the Chemical Industry 18th Meeting and the Working Party on the Chemical Industry, 2nd Session, Economic Commission for Europe (ECE), Geneva, October 6–9, 1992

Representative

Christina Bolton, Deputy Assistant Secretary, Basic Industries, Department of Commerce

Alternate Representative

Vincent J. Kamenicky, Senior Chemical Adviser, Office of Materials, Machinery and Chemicals, Department of Commerce

Adviser

Michael T. Barry, U.S. Mission, Geneva

Private Sector Adviser

James K. O'Connor, Jr., Assistant Director of International Trade, Chemical Manufacturers Association, Washington, DC

United States Delegation to the Study Group 1 Working Parties 1, 2, and 3 of the International Telegraph and Telephone Consultative Committee (CCITT), International Telecommunication Union (ITU), Geneva, Switzerland, October 12–16, 1992

Representative

Douglas V. Davis, Attorney Advisor, Common Carrier Bureau, Federal Communications Commission

Adviser

Granger Kelly, Electrical Engineer, Interoperability and Standards Office, Defense Communication Agency, Department of Defense

Private Sector Advisers

Sandra J. Burns, District Manager, Bellcore, Morristown, New Jersey
Anita F. Kaufman, Senior Staff Specialist, MCI International, Rye Brook, New York
Thanos Kiprios, Senior Standards Engineer, COMSAT, Washington, DC
Ben C. Levitan, Engineer, Aeronautical Radio, Incorporated, Annapolis, Maryland
Robert Madden, Manager, AT&T, Morristown, New Jersey
Robert J. Smith, Director, International Standards, NYNEX Corporation, White Plains, New York
Blake Wattenbarger, Engineering Supervisor, AT&T Bell Laboratories, Holmdel, New Jersey

United States Delegation to the International Lead and Zinc Study Group (ILZSG), 37th Session, Vienna, October 15–21, 1992

Representative

David A. Larrabee, Lead and Zinc Industry Specialist, Metals Branch, Department of Commerce

Alternate Representative

Robert J. McSwain, International Economist, Office of International Commodities, Bureau of Economic and Business Affairs, Department of State

Government Adviser

James H. Jolly, Commodity Specialist, Bureau of Mines, Department of the Interior

Private Sector Advisers

Richard Bauer, Jr., Vice President, Eastern Alloys, Maybrook, New York
Salvatore P. Ciccolella, Vice President, Commercial, Big River Minerals Corporation, St. Louis, Missouri
James M. Cowley, Director, Concentrate Sales, Kennecott Corporation, Salt Lake City, Utah
Michael L. Deelo, National Accounts Manager, Zinc Corporation of America, Monaca, Pennsylvania
Robert A. Flake, President, Metal Operations, Dresser Industries, Houston, Texas
James P. Monaghan, Alcan Aluminum Corporation, Washington, District of Columbia
Stanley Neomonitis, Clarendon Limited, Stamford, Connecticut
Larry Stoehr, Sales Manager, The Doe Run Company, St. Louis, Missouri

United States Delegation to the Standing Committee on Commodities, First Session, United Nations Conference on Trade and Development (UNCTAD), Geneva, October 19–23, 1992

Representative

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Robert Konrath, Economics Officer, United States Mission, Geneva

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United States Delegation to the Intergovernmental Group on Hard Fibers, 26th Session, Committee on Commodity Problems, Food and Agriculture Organization (FAO), Rome, October 20–23, 1992

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United States Delegation to the Regional Telecommunications Development Conference for Arab States, International Telecommunication Union (ITU), Cairo, Egypt, October 25–29, 1992

Representative

The Honorable Bradley P. Holmes, United States Coordinator and Director, Bureau of International Communications and Information Policy, Department of State

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United States Delegation to the Interim Meeting of Study Group VII of the International Telegraph and Telephone Consultative Committee (CCITT), International Telecommunication Union (ITU), Geneva, Switzerland, October 26–30, 1992

Representative

Gary M. Fereno, Director for Citel and CCITT Standards Policy, Bureau of International Communications and Information Policy, Department of State

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Ben C. Levitan, Engineer, ARINC, Annapolis, Maryland
James R. Moulton, President, Open Network Solutions, Inc., Sterling, Virginia
Mark W. Neibert, Manager, International Standards, COMSAT, Washington, DC

United States Delegation to the Technical Sub-Group on Controls, International Coffee Organization (ICO), London, October 26–30, 1992

Representative

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William Slyne, Director, Trade Programs Division, Office of Commercial Operations, United States Customs Service

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Michael Glover, Economics Officer, United States Embassy, London

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Dale Christensen, Cargill Coffee PLC, Surrey, United Kingdom
Robert F. Phillips, Operations Manager, Louis Dreyfus Coffee Company, Wilton, Connecticut

United States Delegation to the 11th Annual Meeting of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) and the Scientific Committee, Hobart, Tasmania, October 26–November 6, 1992

Representative

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Kevin Chu, Office of Oceans and Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Rennie Holt, Southwest Fisheries Center, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
John McGruder, Director, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Robert Otto, Alaska Fisheries Center, National Marine Fisheries Service, Kodiak, Alaska
Polly Penhale, Program Manager, Polar Biology Program, Division of Polar Programs, National Science Foundation
Robin Tuttle, Office of International Affairs, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

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Beth Marks, Sierra Club, Washington, DC

United States Delegation to the Twelfth Regular Session of the Inter-American Drug Abuse Control Commission (CICAD), Organization of American States, Washington, October 27–30, 1992

Representative

The Honorable Paula F. Hawkins, U.S. Principal Representative to CICAD, Inter-American Drug Abuse Control Commission, Winterpark, Florida

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Carolyn Hoffman, Chief, Statistical Analysis Unit, Drug Enforcement Administration
Arthur Houghton, Office of the Deputy Director for Demand Reduction, Office of National Drug Control Policy
Michael Houlahan, Office of Policy Guidance, United States Information Agency
John A. Hughes, Office of International Programs, Drug Enforcement Administration
Lester Joseph, Money Laundering Section, Department of Justice
Helene Kaufman, Bureau for Program and Policy Coordination, Agency for International Development
Moira O'Brien, Office of International Programs, National Institute of Drug Abuse
Juan Marrero, Asset Forfeiture Office, Department of Justice
Harry Matz, Narcotics and Dangerous Drugs Section, Department of Justice
Keri Parham, United States Permanent Mission, Organization of American States
Geoffrey Roehm, Special Agent in Charge, International Enforcement Branch, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury
Dennis Skocz, United States Permanent Mission, Organization of American States
David Van Valkenberg, Office of Policy Planning Coordination, Bureau of Inter-American Affairs, Department of State
Elizabeth Ward, Office of International Affairs, Department of Education
Mary Lee Warren, Chief, Narcotics and Dangerous Drugs Section, Department of Justice

United States Delegation to the Steel Committee, 41st Meeting, Organization for Economic Cooperation and Development (OECD), Paris, October 28–29, 1992

Representative

Joseph S. Papovich, Director for Steel Trade Policy, Office of the United States Trade Representative, Executive Office of the President

Alternate Representative

Robert C. Reiley, Director, Office of Materials, Machinery, and Chemicals, Department of Commerce

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Margaret Jones, Deputy Chief, Office of Special Trade Activities, Bureau of Economic and Business Affairs, Department of State
Holly Kuga, Director, Office of Agreements and Compliance, Department of Commerce
Jane Richards, International Economist, Office of International Labor, Department of Labor

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Peter Mulloney, Vice President and Assistant to the Chairman, USX Corporation, Pittsburgh, Pennsylvania
John J. Sheehan, Director of Legislative Affairs, United Steel Workers of America, Washington, District of Columbia

United States Delegation to the 20th Annual Meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT), Madrid, Spain, October 28–November 13, 1992

Commissioners

The Honorable Carmen J. Blondin, United States Commissioner (Head of Delegation), Deputy Assistant Secretary for International Interests, National Oceanic and Atmospheric Administration, Department of Commerce
The Honorable Michael B. Montgomery, United States Commissioner, M.B. Montgomery Law Corporation, City of Industry, California
The Honorable Lee Weddig, United States Commissioner, National Fisheries Institute, Washington, DC

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Richard Schaefer, Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Richard B. Stone, Fishery Management Specialist, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

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Richard Ruais, Executive Director, East Coast Tuna Association, Boston, Massachusetts

Steven Sloan, Confederation of Associations of Atlantic Charterboats and Captains, New York, New York
Michael Sutton, World Wildlife Fund, Washington, DC

United States Delegation to the Working Party on Coal, Second Session, Economic Commission for Europe (ECE), Geneva, November 2–4, 1992

Representative

Miles Greenbaum, International Programs Manager, Office of Fossil Energy, Department of Energy

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Thomas Hite, President, Hite Operations, Inc., Evansville, Indiana
Moya Phelleps, Executive Director, Coal Exporters Association, Washington, DC
Susan Wingfield, Louisiana Task Force of Maritime Industry, Baton Rouge, LA

United States Delegation to Fostering Competitive Services Sectors in Developing Countries: Shipping, First Session, Standing Committee on Developing Services Sectors, Trade and Development Board, United Nations Conference on Trade and Development (UNCTAD), Geneva, November 2–6, 1992

Representative

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United States Delegation to the Eighteenth Assembly of Parties of the International Telecommunication Satellite Organization (INTELSAT), Sydney, Australia, November 3–6, 1992

Representative

The Honorable Bradley P. Holmes, United States Coordinator and Director, Bureau of International Communications and Information Policy, Department of State

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Timothy S. Shea, Director, Intelsat Affairs, Comsat World Systems, Communications Satellite Corporation

United States Delegation to the Limited North Atlantic Regional Air Navigation Conference, International Civil Aviation Organization (ICAO), Cascais, Portugal, November 3–18, 1992

Representative

Daniel C. Beaudette, Deputy Associate Administrator for Regulation and Certification, Federal Aviation Administration, Department of Transportation

Alternate Representative

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Advisers

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Robert R. Grimes, Manager, Reduced Vertical Separation Implementation Program, Federal Aviation Administration, Department of Transportation
Peter A. Kacerquis, Advisor on International Research and Development, Federal Aviation Administration, Department of Transportation
Daniel Lemon, Director, International Search and Rescue Programs, Commandant, United States Coast Guard, Department of Defense
Michael Pumphrey, Advisor on International Air Traffic Services, Federal Aviation Administration, Department of Transportation
Gerald L. Richard, Section Supervisor, Atlantic/European Section, Federal Aviation Administration, Department of Transportation
Jerald Uecker, Program Leader, International Aviation, National Weather Service, National Oceanic and Atmospheric Administration, Department of Commerce

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United States Delegation to Non-Debt-Creating Finance for Development: New Mechanisms for Increasing Investment and Financial Flows, First Session, Ad Hoc Working Group on Investment and Financial Flows, Trade and Development Board, United Nations Conference on Trade and Development (UNCTAD), Geneva, November 9–13, 1992

Representative

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United States Delegation to the Seventeenth Antarctic Treaty Consultative Meeting, Venice, Italy, November 9–20, 1992

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Robert J. Hofman, Marine Mammal Commission
James Hughes, Director of Congressional Affairs, Department of the Interior
Jeffrey D. Kovar, Office of the Legal Adviser, Department of State
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Brian Muehling, Office of International Activities, Environmental Protection Agency

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Susan Sabella, Greenpeace, Washington, DC
Darrell Schoeling, Travel Dynamics, New York, New York
Jack Talmadge, Division of Polar Programs, National Science Foundation, Washington, DC

United States Delegation to the Chemicals Group and Management Committee, 19th Joint Meeting, Environment Policy Committee (EPOC), Organization for Economic Cooperation and Development (OECD), Paris, November 10–13, 1992

Representative

Linda J. Fisher, Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances, Environmental Protection Agency

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Mark A. Greenwood, Director, Office of Toxic Substances, Environmental Protection Agency
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David A. Ogden, Office of International Activities, Environmental Protection Agency

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United States Delegation to the Tenth Meeting of the Monitoring Committee on the Action Plan for the Caribbean Environment Program (CEP) and Special Meeting of the Bureau of the Contracting Parties to the Convention for the Protection and Development of the Wider Caribbean Region (Cartagena), United Nations Environment Program (UNEP), Kingston, Jamaica, November 11–13, 1992

Representative

Robert C. Blumberg, Office of Oceans Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

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United States Delegation to the Inter-American Conference of Ministers of Labor, Organization of American States (OAS), Guatemala City, Guatemala, November 11–13, 1992

Representative

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John Ferch, Ambassador, Director, Office of Foreign Relations, Department of Labor
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United States Delegation to the International Rubber Study Group, 34th Assembly, Singapore, November 12–21, 1992

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Stanley M. Schultz, Operations Director, Bridgestone/Firestone Inc., Singapore
Richard A. Stauffer, Manager, World Rubber Operations, Cargill, Inc., Singapore
Peter Tan, Purchasing Director, Goodyear Orient Company, Singapore
Kip Tobin, E.P. Lambert, Akron, Ohio
Tom Will, Goodyear Tire and Rubber Company, Akron, Ohio
Hoyt M. Wells, President and Chief Operating Officer, Goodyear Tire and Rubber Company, Akron, Ohio

United States Delegation of the Sixth Intergovernmental Meeting on the Action Plan for the Caribbean Environment Program (CEP) and Third Meeting of the Contracting Parties to the Cartagena Convention, United Nations Environment Program (UNEP), Kingston, Jamaica, November 16–18, 1992

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United States Delegation to the 29th Meeting of the Pan American Institute of Geography and History (PAIGH), Organization of American States (OAS), Santo Domingo, Dominican Republic, November 16–20, 1992

Representative

Clarence W. Minkel, President, PAIGH, Chairman, United States National Section, PAIGH, University of Tennessee, Knoxville, Tennessee

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Margarita Riva-Geoghegan, United States Alternate Representative to the Organization of American States, Department of State
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John F. Schwaller, University of Florida, Gainesville, Florida

United States Delegation to the Ad Hoc Working Group on Trade Efficiency, First Session, Trade and Development Board, United Nations Conference on Trade and Development (UNCTAD), Geneva, November 16–20, 1992

Representatives

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Jeffrey Ritter, Attorney, Vorys, Sater, Seymour and Pease, Columbus, Ohio

United States Delegation to the Maritime Transport Committee, Organization for Economic Cooperation and Development (OECD), Paris, November 23–24, 1992

Representative

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United States Delegation to the Working Group on Insurance Statistics, 19th Session, November 23, and Insurance Committee, 50th Session, November 24–25, Organization for Economic Cooperation and Development (OECD), Paris, November 23–25, 1992

Representative

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Hans Miller, Vice President for International Development, Hartford Fire International, Hartford, Connecticut
David Walsh, Director, Insurance Division, Department of Commerce, State of Alaska, Anchorage, Alaska

United States Delegation to the Diplomatic Conference to Consider Draft Protocols to the International Convention on Civil Liability for Oil Pollution Damage, 1969, and the International Fund for Compensation for Oil Pollution Damage, 1971, International Maritime Organization (IMO), London, November 23–27, 1992

Representative

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United States Delegation to the International Copper Study Group (ICSG), First Special Session, Santiago, November 23–27, 1992

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Robert M. Payne, President, Copper Development Association, New York, New York

United States Delegation to the Second Meeting of the Aeronautical Mobile Communications Panel, International Civil Aviation Organization (ICAO), Montreal, November 23–December 4, 1992

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United States Delegation to the Study Group 4 and Joint Study Groups 4 and 9 Meetings, International Radio Consultative Committee (CCIR), International Telecommunication Union (ITU), Geneva, Switzerland, November 25–27, 1992

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Study Group 9 Delegation to the Joint Meetings of Study Groups 4 and 9

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United States Delegation to the Working Party on Telecommunication and Information Services Policies (TISP), 10th Session, Committee for Information, Computer and Communications Policy (ICCP), Organization for Economic Cooperation and Development (OECD), Paris, November 30–December 1, 1992

Representative

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United States Delegation to the Ad Hoc Working Group on Comparative Experiences With Privatization, First Session, Trade and Development Board, United Nations Conference on Trade and Development (UNCTAD), Geneva, November 30–December 4, 1992

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United States Delegation to the Fourteenth Session of the International Oceanographic Data Exchange (IODE), Intergovernmental Oceanographic Commission (IOC), United Nations Educational, Scientific and Cultural Organization (UNESCO), Paris, France, November 30–December 9, 1992

Representative

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United States Delegation to the 61st Session of the Maritime Safety Committee (MSC), International Maritime Organization (IMO), London, England, December 7–11, 1992

Representative

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United States Delegation to the Additional Plenipotentiary Conference of the International Telecommunication Union (ITU), Geneva, Switzerland, December 7–22, 1992

Representative

The Honorable Bradley P. Holmes, Ambassador, United States Coordinator and Director, Bureau of International Communications and Information Policy, Department of State

Alternate Representatives

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United States Delegation to the Ministerial Meetings of the North Atlantic Council and North Atlantic Cooperation Council, Brussels, December 17–18, 1992

Representative

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Permanent Representative

The Honorable Reginald Bartholomew, Ambassador Extraordinary and Plenipotentiary, United States Permanent Representative to the North Atlantic Treaty Organization, Brussels

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Henry M. Reed, II, Administrative Adviser, United States Mission to NATO, Brussels
Robert Simmons, Deputy Political Adviser, United States Mission to NATO, Brussels
Sandra Ulmer, Special Assistant to the Secretary, Department of State
Alexander Vershbow, Deputy Chief of Mission, United States Mission to NATO, Brussels
Kurt Volker, Special Assistant to the Counselor, Department of State
Richard Wallace, Colonel USA, Special Assistant to the Assistant to the Chairman of the Joint Chiefs of Staff, Department of Defense
Ross Wilson, Deputy Executive Secretary, Department of State

United States Delegation to the Thirty-Seventh Session of the Sub-Committee on Stability and Load Lines and on Fishing Vessels Safety (SLF), International Maritime Organization (IMO), London, England, January 11–15, 1993

Representative

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Alternate Representative

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United States Delegation to the Interim Meeting of the Working Parties of Study Group XVII, International Telegraph and Telephone Consultative Committee (CCITT), International Telecommunication Union (ITU), Geneva, Switzerland, January 12–15, 1993

Representative

Gary M. Fereno, Director, CITEL and CCITT, Standards Policy, Bureau of International Communications and Information Policy, Department of State

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United States Delegation to the Group of Rapporteurs on Pollution and Energy, Twenty-Fifth Session, Economic Cooperation for Europe (ECE), Geneva, January 18–20, 1993

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United States Delegation to the 38th Session of the Sub-Committee on Radio Communications, International Maritime Organization (IMO), London, England, January 18–22, 1993

Representative

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Walter Pappas, Chairman, RTCM SC115, Falls Church, Virginia

United States Delegation to the All Weather Operations Panel, Fourteenth Meeting, International Civil Aviation Organization (ICAO), Montreal, Canada, January 25–February 5, 1993

Representative

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United States Delegation to the 32nd Session of the Subcommittee on Containers and Cargoes, International Maritime Organization (IMO), London, England, February 8–12, 1993

Representative

Joseph J. Angelo, Assistant Chief, Merchant Vessel Inspection and Documentation Division, Office of Marine Safety, Security, and Environmental Protection, United States Coast Guard, Department of Transportation

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S. Fraser Sammis, President, National Cargo Bureau, One World Trade Center, New York, New York

United States Delegation to the 24th Session of the Subcommittee on Lifesaving, Search and Rescue (LSR), International Maritime Organization (IMO), London, England, February 15–19, 1993

Representative

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United States Delegation to the 36th Session, Subcommittee on Ship Design and Equipment (DE), International Maritime Organization (IMO), London, England, February 22–26, 1993

Representative

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Alternate Representative

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United States Delegation to the 26th Session of the Executive Council of the Intergovernmental Oceanographic Commission (IOC), United Nations Educational, Scientific and Cultural Organization (UNESCO), Paris, February 23–24, 1993

Representative

Stanley Wilson, Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce

Alternate Representative

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United States Delegation to the World Telecommunications Standardization Conference (WTSC), International Telegraph and Telephone Consultative Committee (CCITT), International Telecommunication Union (ITU), Helinski, Finland, March 1–12, 1993

Representative

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United States Delegation to the Organizational Session of the Preparatory Committee for the United Nations Conference on Human Settlements (Habitat II), New York, March 3–5, 1993

Representative

The Honorable Edward Marks, Acting Representative on the Economic and Social Council of the United Nations, United States Mission, New York

Alternate Representative

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United States Observer Delegation to the Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting (ISAAR), United Nations Economic and Social Council (ECOSOC), New York, March 4–12, 1993

Principal Observer

Cathy J. Cole, Assistant Chief Accountant, Office of the Chief Accountant, Securities and Exchange Commission

Alternate Principal Observer

The Honorable Edward Marks, Acting Representative on the Economic and Social Council of the United Nations, United States Mission, New York

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Marilyn E. Harrington, United States Mission to the United Nations, New York

John V. Hurley, United States Mission to the United Nations, New York

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Michael A. Diamond, Dean of the School of Accounting, University of Southern California, Los Angeles, California

United States Delegation to the 24th Session of the Subcommittee on Standards of Training and Watchkeeping (STW), International Maritime Organization (IMO), London, March 8–12, 1993

Representative

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United States Delegation to the Working Group Meeting of the Group of Rapporteurs on Pollution and Energy, Economic Commission for Europe (ECE), Rome/Naples, March 15–18 1993

Representative

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United States Delegation to the Working Party on the Facilitation of International Trade Procedures, 37th Session and Its Subgroups, Economic Commission on Europe (ECE), Geneva, March 15–19, 1993

Representative

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United States Delegation to the 68th Session of the Legal Committee, International Maritime Organization (IMO), London, March 15–19, 1993

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Michael P. Walls, Assistant General Counsel, Chemical Manufacturers Association, Washington, DC

United States Delegation to the Seventh Session of the United Nations' Intergovernmental Negotiating Committee (INC) for a Framework Convention on Climate Change, New York, March 15–20, 1993

Representative

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Richard Grundy, Senior Professional Staff Member, Committee on Energy and Natural Resources, United States Senate
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United States Delegation to the Eighth Meeting of the Review of the General Concept of Separation Panel, Montreal, Canada, March 17–April 2, 1993

Representative

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United States Delegation to the International Coffee Organization Council and Negotiating Session, International Coffee Organization (ICO), London, March 22–31, 1993

Representative

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Howard C. Katz, J. Aron and Company, New York, New York
James P. McCrea, Louis Dreyfus Coffee Company, Wilton, Connecticut
John Sutherland, Continental Coffee Products, Chicago, Illinois
Richard L. Thompson, Nestle Beverages, San Francisco, California

United States Delegation to the Conference to Consider a Draft Protocol to the International Convention for the Safety of Fishing Vessels, International Maritime Organization (IMO), Torremolinos, Spain, March 22–April 2, 1993

Representative

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United States Delegation to the United Nations Conference for the Negotiation of a Successor Agreement to the International Tropical Timber Agreement, 1983, First Session, United Nations Conference on Trade and Development (UNCTAD), Geneva, April 13–16, 1993

Representative

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Private Sector Adviser

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United States Delegation to the First Session of the Intergovernmental Meeting of the World Climate Program (IGM/WCP)), World Meteorological Organization (WMO), Geneva, April 14–16, 1993

Representative

Elbert W. Friday, Jr., Assistant Administrator for Weather Services, National Weather Service, National Oceanic and Atmospheric Administration, Department of Commerce

Alternate Representative

Robert W. Corell, Assistant Director for Geosciences, National Science Foundation

Advisers

Howard L. April, Chief, International Affairs Branch, National Weather Service, National Oceanic and Atmospheric Administration, Department of Commerce

Louis B. Brown, International Science Associate, Directorate for Geosciences, National Science Foundation

Michael Allen Fosberg, Research Meteorologist, Forest Service, Department of Agriculture

J. Michael Hall, Director, Office of Global Programs, National Oceanic and Atmospheric Administration, Department of Commerce

Ari Patrinos, Director, Environmental Sciences Division, Department of Energy

Jonathan C. Pershing, Science Officer, Office of Global Change, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

David R. Rodenhuis, Director, Climate Analysis Center, National Oceanic and Atmospheric Administration, Department of Commerce

Lowell Smith, Global Change Research Program Manager, Environmental Protection Agency

John Weiss, Environment, Science and Technology Officer, United States Mission to the United Nations, Geneva

Gregory W. Withee, Acting Assistant Administrator for Satellite and Information Services, National Oceanic and Atmospheric Administration, Department of Commerce

Public Member

John Stephen Perry, Director, Board on Global Change, National Research Council, Washington, DC

United States Delegation to the Working Group of the Commission on Plant Genetic Resources, Eighth Session, Commission on Plant Genetic Resources, Food and Agriculture Organization (FAO), Rome, April 15–16, 1993

Representative

Henry L. Shands, Associate Deputy Administrator for Genetic Resources, Agricultural Research Service, Department of Agriculture

Adviser

Harry C. Mussman, Agricultural Attache, United States Mission to the United Nations, Agencies for Food and Agriculture, Rome

United States Delegation to the Intergovernmental Tropical Ocean and Global Atmosphere (TOGA) Board, Sixth Session, Geneva, April 19–21, 1993

Representative

Kenneth Mooney, Director, United States TOGA Project Office, Office of Global Programs, National Oceanic and Atmospheric Administration, Department of Commerce

Alternate Representative

Donna Blake, Associate Program Director for Climate Dynamics, Division of Atmospheric Sciences, National Science Foundation

Advisers

James L. Buizer, Head of International Activities, Office of Global Programs, National Oceanic and Atmospheric Administration, Department of Commerce

Michael W. Patterson, Assistant Program Director for TOGA, Office of Global Programs, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Adviser

Edward S. Sarachik, Research Professor of Atmospheric Sciences, Department of Atmospheric Sciences, University of Washington, Seattle, Washington

United States Delegation to the 51st Plenary Session (April 19–20), Working Group on Statistics, 20th Session (April 21), and Group of Governmental Experts on Insurance Solvency, 1st Session (April 22–23), Insurance Committee, Organization for Economic Cooperation and Development (OECD), Paris, April 19–23, 1993

Representative

M. Bruce McAdam, Industry Specialist, Office of Finance, International Trade Administration, Department of Commerce

Adviser

Kathleen Reddy, United States Mission to the Organization for Economic Cooperation and Development, Paris

Private Sector Advisers

Gordon J. Cloney, President, International Insurance Council, Washington, DC

Kevin T. Cronin, Washington Counsel, National Association of Insurance Commissioners, Washington, DC

Hans Miller, Vice President for International Development, Hartford Fire International, Hartford, Connecticut

David Walsh, Director, Insurance Division, Department of Commerce, State of Alaska, Anchorage, Alaska

Michael D. White, Professor, The American College, Radnor, Pennsylvania

United States Delegation to the Subcommittee on Flag State Implementation (FSI), First Session, International Maritime Organization (IMO), London, April 19–23, 1993

Representative

Robert C. North, Captain, United States Coast Guard, Deputy Chief, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Alternate Representative

Larry Gibson, Captain, United States Coast Guard, Chief, Marine Investigation Division, United States Coast Guard, Department of Transportation

Advisers

James K. Dabney, Lieutenant Commander, United States Coast Guard, Chief, Stability and Subdivision Section, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation

John M. Holmes, Lieutenant Commander, United States Coast Guard, Chief, Compliance and Enforcement Branch, Merchant Vessel Inspection and Documentation Division, United States Coast Guard, Department of Transportation

Private Sector Adviser

Gregory Shark, American Bureau of Shipping, New York, New York

United States Delegation to the Commission on Plant Genetic Resources, Fifth Plenary Session, Food and Agriculture Organization (FAO), Rome, April 19–23, 1993

Representative

Henry L. Shands, Associate Deputy Administrator for Genetic Resources, Agricultural Research Service, Department of Agriculture

Alternate Representative

E. Wayne Denney, International Relations Adviser, International Organizations Division, Office of International Cooperation and Development, Department of Agriculture

Adviser

Harry C. Mussman, Agricultural Attache, United States Mission to the United Nations Agencies for Food and Agriculture, Rome

Private Sector Adviser

Donald N. Duvick, American Seed Trade Association, Johnston, Iowa

United States Delegation to the IMO/UNCTAD Diplomatic Conference on Maritime Liens and Mortgages, International Maritime Organization (IMO), and United Nations Conference on Trade and Development (UNCTAD), Geneva, April 19–May 7, 1993

Representative

David J. Kantor, Captain, Chief, Maritime and International Law Division, Office of Chief Counsel, United States Coast Guard, Department of Transportation

Alternate Representative

Mark J. Yost, Lieutenant Commander, Staff Attorney, Maritime and International Law Division, Office of Chief Counsel, United States Coast Guard, Department of Transportation

Advisers

David V. Hutchinson, Assistant Director, Office of Aviation/Admiralty, Torts Branch, Civil Division, Department of Justice

Francis Mardula, Attorney Adviser, Maritime Administration, Department of Transportation

Thomas L. Willis, Chief, Vessel Inspection and Documentation Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Private Sector Adviser

Emergy W. Harper, Partner, Lord Day & Lord, Barrett Smith, New York, New York

United States Delegation to the Third Asia/Pacific Regional Air Navigation Meeting of the International Civil Aviation Organization (ICAO), Bangkok, Thailand, April 19–May 7, 1993

Representative

Stanley Rivers, Deputy Associate Administrator for Airway Facilities, Federal Aviation Administration, Department of Transportation

Alternate Representatives

M. Craig Beard, Acting Deputy Associate Administrator for Regulation and Certification, Federal Aviation Administration, Department of Transportation

Anthony Frank Fazio, Manager, International Operations and Organizations Division, Federal Aviation Administration, Department of Transportation

Advisers

Robert Cook, Alternate United States Representative, United States Mission to the International Civil Aviation Organization (ICAO), Montreal

Melvin Roger Culli, Network Manager, International Telecommunications Branch, Federal Aviation Administration, Department of Transportation

David Edward Hodge, Section Supervisor, Asia/Pacific Region, Federal Aviation Administration, Department of Transportation

Daniel Lemon, Director, International Search and Rescue Programs, Commandant, United States Coast Guard, Department of Transportation

Leslie Sommer McCormick, Air Traffic Procedures Branch, Federal Aviation Administration, Department of Transportation

Robert Nathan, Advisor on Civil-Military Coordination, United States Air Force, Department of Defense

Jerald Uecker, Program Leader, International Aviation, National Weather Service, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Adviser

Eugene White, Vice President, Network Management Services, Inc., Annapolis, Maryland

United States Delegation to the First Meeting of the Telecommunication Standardization Sector (TSS) of Study Group 1, International Telecommunication Union (ITU), Geneva, Switzerland, April 20–30, 1993

Representative

Douglas V. Davis, Attorney Advisor, Common Carrier Bureau, Federal Communications Commission

Adviser

Granger Kelly, Electrical Engineer, Interoperability and Standards Office, Defense Communication Agency, Department of Defense

Thomas Wasilewsky, Telecommunications Policy Specialist, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

Rolyn E. Callahan, Electrical Engineer, Bellcore, Morristown, New Jersey

Anita F. Kaufman, Senior Staff Specialist, MCI International, Rye Brook, New York

Thanos Kiprios, Senior Standards Engineer, COMSAT, Washington, DC

Ben C. Levitan, Engineer, Aeronautical Radio, Incorporated, Annapolis, Maryland

Robert J. Smith, Director, International Standards, NYNEX Corporation, White Plains, New York

Blake Wattenbarger, Engineering Supervisor, AT&T Bell Laboratories, Holmdel, New Jersey

United States Delegation to the 32nd Session of the Administrative and Legal Committee, (April 21–22), and the 45th Session of the Consultative Committee, (April 23), International Union for the Protection of New Varieties of Plants (UPOV), Geneva, April 21–23, 1993

Representative

H. Dieter Hoinkes, Office of Legislation and International Affairs, Patent and Trademark Office, Department of Commerce

Adviser

Alan A. Atchley, Examiner, Plant Variety Protection Office, Department of Agriculture

Private Sector Adviser (to Administrative and Legal Committee Meeting only)

Michael Roth, Chief Patent Counsel, Pioneer Hi-Bred International, Inc., Des Moines, Iowa

United States Delegation to the Permanent Technical Committee (PIC) III, Radio Communications, Inter-American Telecommunications Conference (CITEL), Organization of American States (OAS), Mexico City, Mexico, April 26–30, 1993

Representative

John Gilsenan, Director for Telecommunications Policy, Bureau of International Communications and Information Policy, Department of State

Advisers

Cecily Holiday, Branch Chief, Satellite Radio, Federal Communications Commission

Lawrence Palmer, Telecommunication Policy Specialist, National Telecommunications and Information Administration, Department of Commerce

James Vorhies, Telecommunications Policy Specialist, National Telecommunications and Information Administration, Department of Commerce

Richard Wright, Engineer, National Aeronautical and Space Administration, Goddard Space Flight Center

Private Sector Advisers

Steven Clark, Radio Engineer, Motorola Corporation, Washington, DC

Mario Florian, Consultant, ORBCOM Incorporated, Fairfax, Virginia

Lon Levin, Vice President, American Mobile Satellite Corporation, Washington, DC

Alireza Mahmoodshahi, Member Technical Staff, AT&T Bell Laboratories, Holmdel, New Jersey

Paul Rinaldo, Technical Director, American Radio Relay League, Washington, DC

Leslie Taylor, President, LTA, Bethesda, Maryland

Michael Ward, Senior Scientist, American Mobile Satellite Corporation, Washington, DC

United States Delegation to the Fourteenth Session of the United Nations Commission on Human Settlements, Economic and Social Council (ECOSOC), Nairobi, April 26–May 5, 1993

Representative

Peter M. Kimm, Director, Office of Housing and Urban Programs, Bureau for Private Enterprise, Agency for International Development

Alternate Representatives

John K. Atchley, United States Permanent Representative to Habitat, Nairobi

Howard Sumka, Regional Economic Development Services Offices, Agency for International Development, Nairobi

Advisers

Lindsay Elmendorf, Program Officer, Office of Housing and Urban Programs, Bureau for Private Enterprise, Agency for International Development

Michael Lippe, Deputy Director, Office of Housing and Urban Programs, Bureau for Private Enterprise, Agency for International Development

Private Sector Advisers

Jake Kuitwaard, Legislative Director, National Association of Realtors, Washington, DC

Nestor R. Weigand, Jr., Past President, National Association of Realtors, Washington, DC

United States Delegation to the Annual Meeting of the Executive Board of the United Nations Children's Fund (UNICEF), New York, April 26–May 7, 1993

Representative

Marian Wright Edelman, United States Representative to the United Nations Children's Fund, Washington, DC

Alternate Representative

William H. Foege, M.D., United States Alternate Representative to the United Nations Children's Fund, Atlanta, Georgia

Senior Advisers

Audrey F. Manley, M.D., Acting Assistant Secretary for Health, Department of Health and Human Services

The Honorable Edward Marks, Minister-Counselor, Deputy United States Representative on the United Nations Economic and Social Council, New York

Advisers

Thomas G. Beck, Office of International Donor Programs, Policy Directorate, Agency for International Development

Robert M. Clay, Office of Health, Bureau for Research and Development, Agency for International Development

Kimberly J. DeBlauw, Office of International Development Assistance, Bureau of International Organization Affairs, Department of State

Robert H. Dodson, Office of International Donor Programs, Policy Directorate, Agency for International Development

Teresa D. Hobgood, Office of United Nations System Budgets, Bureau of International Organization Affairs, Department of State

Margaret J. Pollack, Chief, Economic and Humanitarian Assistance, Office of International Development Assistance, Bureau of International Organization Affairs, Department of State

David L. Schiele, United States Mission to the United Nations, New York

Susan Shearouse, United States Mission to the United Nations, New York

Linda S. Shenwick, Counselor, United States Mission to the United Nations, New York

Linda Vogel, Office of International Health, Department of Health and Human Services

Private Sector Advisers

Alejandro J. Palacios, Director, Office of Public Policy and Government Relations, United States Committee for UNICEF, Washington, DC

James D. Weill, General Counsel, Children's Defense Fund, Washington, DC

United States Delegation to the Statistical Committee, 45th Session, (April 27), and Standing Committee, 76th Session, (April 28), International Lead and Zinc Study Group, London, April 27–28, 1993

Representative

Michael Glover, Economic Officer, United States Embassy, London

Private Sector Adviser

Richard Bauer, Jr., Vice President, Eastern Alloys, Maybrook, New York

United States Delegation to the First Meeting of the Telecommunication Standardization Sector (TSS) of Study Group 8, International Telecommunication Union (ITU), Geneva, April 27–May 6, 1993

Representative

Dennis Bodson, Deputy Director, National Communications System

Alternate Representative

Gary Fereno, Director for CITEL and CCITT, Standards and Policy, Bureau of International Communications and Information Policy, Department of State

Advisers

Douglas V. Davis, Attorney Advisor, Federal Communications Commission

Steven Perschau, Senior Engineer, National Communications System

Private Sector Advisers

Elaine J. Baskin, Technical Writer, Palo Alto, California
Bruce J. DeGrasse, Consultant, B.J. Communications, Dallas, Texas
Kenneth R. Krechmer, Action Consulting, Palo Alto, California
Andrew Mutz, Research Scientist, Eastman Kodak Company, Rochester, New York
Herman R. Silbiger, Communications Consultant, APPLICOM, Tinton Falls, New Jersey
Cornelius J. Starkey, Vice President, Data Beam Corporation, Lexington, Kentucky
Charles Touchton, Standards Engineer, IBM Corporation, Tampa, Florida
Steven Urban, Senior Engineer, Delta Information Systems, Horsham, Pennsylvania

United States Delegation to the World Health Assembly, 46th Session, World Health Organization (WHO), Geneva, May 3–14, 1993

Delegates

Walter D. Broadnax (Chief Delegate), Deputy Secretary Designate, Department of Health and Human Services
Audrey F. Manley, M.D., Acting Assistant Secretary for Health, Department of Health and Human Services
H. Clarke Rodgers, Jr., Charge d'Affaires, United States Permanent Mission to the European Office of the United Nations and Other International Organizations, Geneva

Alternate Delegates

Neil A. Boyer, Director for Health and Transportation Programs, Bureau of International Organization Affairs, Department of State
Donald A. Henderson, M.D., Expert Consultant for Science and Immunization, Office of the Assistant Secretary for Health, United States Public Health Service, Department of Health and Human Services
Melinda L. Kimble, Deputy Assistant Secretary for International Development and Technical Specialized Agency Affairs, Bureau of International Organization Affairs, Department of State
The Honorable Antonia C. Novello, M.D., Surgeon General, United States Public Health Service, Department of Health and Human Services
James E. Sarn, M.D., Deputy Assistant Secretary for International Health, United States Public Health Service, Department of Health and Human Services

Advisers

Rose Belmont, Associate Director for Multilateral Programs, Office of International Health, United States Public Health Service, Department of Health and Human Services
Kenneth Bernard, M.D., Associate Director for Medical and Scientific Affairs, Office of International Health, United States Public Health Service, Department of Health and Human Services
John R. Crook, Counselor for Legal Affairs, United States Mission, Geneva
Joe H. Davis, M.D., Assistant Director for International Health, Centers for Disease Control, United States Public Health Service, Department of Health and Human Services, Atlanta
Peter D. Eicher, Counselor for Political Affairs, United States Mission, Geneva
Philip Schambra, Director, Fogarty International Center, National Institutes of Health, United States Public Health Service, Department of Health and Human Services
Harold P. Thompson, International Health Attache, United States Mission, Geneva
Robert Wrin, Acting Director, Office of Health, Bureau for Research and Development, Agency for International Development

Private Sector Advisers

Virginia Betts, President, American Nurses Association, Washington, District of Columbia
Helen Rodriguez-Trias, President, American Public Health Association, Washington, DC
David Satcher, President, Meharry Medical College, Nashville, Tennessee
Terry Yamauchi, Professor and Vice-Chairman, Department of Pediatrics, Infectious Diseases Division, University of Arkansas for Medical Sciences and Arkansas Children's Hospital, Little Rock, Arkansas

United States Delegation to the First Meeting of the Telecommunications Standardization Sector (TSS), Study Group 11, Signalling and Switching, International Telecommunication Union (ITU), Geneva, May 3–19, 1993

Representative

Otto J. Gusella, Executive Director, Exchange Carrier Standards Association, Washington, DC

Advisers

Donald Choi, Electronics Engineer, Defense Information Systems Agency
Leslie A. Collica, Computer Scientist, National Institute of Standards Technology, Department of Commerce
Wendell R. Harris, Assistant Bureau Chief, International Common Carrier Bureau, Federal Communications Commission

Private Sector Advisers

Edward Chien, President, Personal Telecommunication Technologies, Inc., San Jose, California
Elmer R. Hapeman, Switching Engineer, BELLCORE, Red Bank, New Jersey
Harry Hetz, Manager, Standards Management, Bell Atlantic, Arlington, Virginia
Jay R. Hilton, Manager, Technical Standards, GTE Telephone Operations, Irving, Texas
Doris Lebovits, Staff Manager, AT&T, Bedminster, New Jersey
Anthony Toubassi, Advisory Engineer, MCI Corporation, Richardson, Texas
Lawrence A. Young, Director, Technical Standards, Ameritech Services, Hoffman Estates, Illinois

United States Delegation to the 45th Annual Meeting of the International Whaling Commission (IWC), Kyoto, Japan, May 5–14, 1993

Representative

Michael Tillman, Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

Congressional Staff Advisers

Jill Brady, Professional Staff Member, Merchant Marine and Fisheries Committee, United States House of Representatives
Earl W. Comstock, Legislative Director, Office of Senator Stevens, United States Senate
Karen L. Steuer, Professional Staff Member, Merchant Marine and Fisheries Committee, United States House of Representatives

Advisers

Douglas M. Ancoma, Fisheries Attache, United States Embassy, Tokyo
Raymond V. Arnaudo, Office of Oceans Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Robert Brownell, Office of Oceans Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Kevin Chu, Office of International Affairs, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Anne Crichton, Office of the Solicitor, Department of the Interior

Margaret Hayes, Assistant General Counsel for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce
James Kilbourne, Division of Land and Natural Resources, Department of Justice
Rebecca Rootes, Assistant to the Under Secretary, National Oceanic and Atmospheric Administration, Department of Commerce
Kurt Tong, Office of Japanese Affairs, Bureau of East Asian and Pacific Affairs, Department of State
Paul Williams, Attorney-Adviser, Office of the Legal Adviser, Department of State

Private Sector Advisers

Marie P. Adams, Alaska and Inuvialuit Beluga Whale Committee, Barrow, Alaska
Nancy Azzam, Windstar Foundation, Golden Valley, Minnesota
Patricia A. Forkan, Executive Vice President, Humane Society of the United States, Washington, DC
Burton Rexford, Chairman, Alaska Eskimo Whaling Commission, Barrow, Alaska
Michael Sutton, World Wildlife Fund, Washington, DC

United States Delegation to the Permanent Technical Committee (PTC–1) of the Organization of American States (OAS), Inter-American Telecommunication Conference (CITEL), Tegucigalpa, Honduras, May 10–14, 1993

Representative

Gary M. Fereno, Director for CITEL and CCITT Standards Policy, Bureau of International Communications and Information Policy, Department of State

Advisers

Douglas V. Davis, Attorney/Advisor, Federal Communications Commission
Jack Gleason, Director, Development Planning, National Telecommunications and Information Policy, Department of Commerce
William F. Moran, Policy Specialist, Office of International and Information Administration, Department of Commerce

Private Sector Advisers

Raymond Crowell, Director, Strategic Planning, COMSAT Corporation, Washington, DC
David Fine, Manager, Standards & Development, Southwest Bell Corporation, Washington, DC
Ileana Fleites-LaSalle, Senior Market Planner, AT&T, Holmdel, New Jersey
Thomas J. Plevyak, Manager, International Standards, Bell Atlantic Corporation, Arlington, Virginia

United States Delegation to the Asia-Pacific Regional Telecommunications Development Conference, International Telecommunication Union (ITU), Singapore, May 10–15, 1993

Representatives

Richard C. Beaird, Acting United States Coordinator and Director, Bureau of International Communications and Information Policy, Department of State
Jean Prewitt, Associate Administrator, Office of International Affairs, National Telecommunications and Information Administration, Department of Commerce

Advisers

Rudolfo Lujan Baca, Senior Attorney Advisor, Office of International Communications, Federal Communications Commission
Doreen Bogdan, Telecommunications Policy Specialist, Office of International Affairs, National Telecommunications and Information Administration, Department of Commerce
Brian F. Fontes, Acting Chief of Staff to the Interim Chairman, Federal Communications Commission
Jane Hurd, Consultant, Office of International Affairs, National Telecommunications and Information Administration, Department of Commerce
Walter H. Manger, International Relations Officer, Bureau of International Communications and Information Policy Department of State
Doreen McGirr, Executive Director of the United States Delegation to the World Telecommunications Development Conference, Bureau of International Communications and Information Policy, Department of State
Robert Pollard, First Secretary, American Embassy, Singapore

Private Sector Advisers

Beverly W. Andrews, Director, Regulatory Policy, COMSAT, Washington, DC
Gregg Daffner, Vice President of Market Development and Regional Affairs, PanAmSat, Greenwich, Connecticut
Stephen J. Dutton, Director, International Affairs, NYNEX, Washington, DC
Oliver Dziggel, President, Enterprise Development International, Inc., Bethesda, Maryland
W. Kenneth Lindhorst, Vice President, International Services, AT&T, Basking Ridge, New Jersey,
C. Travis Marshall, Deputy for Telecommunications to the Chief Executive Officer, Motorola, Inc., Washington, DC
Eric G. Nelson, Director of International Affairs, Telecommunications Industry Association, Washington, DC
Richard Ramlall, Director, Strategy Investments, Bell Atlantic International, Arlington, Virginia
Walda Roseman, President, CompassRose International, Inc., Washington, DC

United States Delegation to the United Nations, International Conference on Population and Development (ICPD), First Meeting of the Preparatory Committee, New York, May 10–21, 1993

Representative

The Honorable Timothy E. Wirth, Counselor of the Department, Department of State

Alternative Representative

The Honorable Edward Marks, Minister-Counselor, Deputy United States Representative on the United Nations Economic and Social Council, New York
The Honorable Warren Zimmerman, Director, Bureau for Refugee Programs, Department of State

Advisers

Wendy Baldwin, Deputy Director, National Institute of Child Health and Human Development, National Institutes of Health, U.S. Public Health Service, Department of Health and Human Services
Nancy O'Neal Carter, Coordinator for Population Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
David M. Cohen, United States Mission to the United Nations, New York
Richard Cornelius, Deputy Chief, Police and Evaluation Division, Office of Population, Bureau for Research and Development, Agency for International Development
Barbara Crane, International Population Fellow, Bureau of Refugee Programs, Department of State
Sandra A. Dembski, Director, Office of International Economic Policy, Bureau of International Organization Affairs, Department of State
Duff G. Gillespie, Acting Deputy Assistant Administrator, Bureau for Research and Development, Agency for International Development
Nan E. Kennelly, Office of Multilateral Organizations and Migration Policy,

Bureau for Refugee Programs, Department of State
Sarah Kovner, Special Assistant to the Secretary, Department of Health and Human Services
Roger G. Kramer, Acting Director, Division of Immigration Policy and Research, Department of Labor
Elizabeth Maguire, Acting Director, Office of Population, Bureau for Research and Development, Agency for International Development
Ellen Marshall, Population Policy Consultant, Bureau for Refugee Programs, Department of State
David Ogden, International Activities Specialist, Environmental Protection Agency
David L. Schiele, United States Mission to the United Nations, New York

Private Sector Advisers

Bella Abzug, President, Women's Environment and Development Organization, New York, New York
Byllye Avery, Visiting Fellow, Harvard School of Public Health, Swarthmore, Pennsylvania
Peggy Curlin, President, Center for Development and Population Activities, Washington, DC
Robin Duke, Chairman, Board of Directors, Population Action International, Washington, DC
Adrienne Germain, Vice President, International Women's Health Coalition, New York, New York
Mary Faith Mitchell, Population Program Officer, Hewlett Foundation, Menlo Park, California
Helen Rodriguiz-Trias, President, American Public Health Association, Brookdale, California
Jeane Rosoff, President, Alan Guttmacher Institute, Washington, DC
Susan Sechler, Director, Pew Global Stewardship Initiative, Washington, DC
Steven Sinding, Director, Population Sciences, The Rockefeller Foundation, New York, New York
Patricia Waak, Director, Population Program, National Audubon Society, Washington, DC

United States Delegation to the 17th Session of the Hague Conference on Intercountry Adoption, Hague Conference on Private International Law (HCOPIL), The Hague, The Netherlands, May 10–29, 1993

Representative

Peter H. Pfund, Assistant Legal Adviser for Private International Law, Department of State

Alternate Representative

James L. Ward, Principal Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State

Public Members

Gloria F. DeHart, Deputy Attorney General—California, American Bar Association, Washington, DC
Connie Fails, Adoptive Mother, Little Rock, Arkansas
Susan Freivalds, Executive Director, Adoptive Families of America, Inc., Minneapolis, Minnesota
Steven M. Kirsh, President, American Academy of Adoptive Attorneys, Indianapolis, Indiana
Arthur T. von Mehren, Harvard Law School, Cambridge, Massachusetts
William Pierce, President, National Council For Adoption, Washington, DC
Betsey Rosenbaum, Director, Family & Child Welfare Services, American Public Welfare Association, Washington, DC
Sheri Sweitzer, Secretary to Senator Howard M. Metzenbaum, Member, Board of Directors, Adoption Service Information Agency, Washington, DC
Peter D. Trooboff, Covington & Burling, Washington, DC

Advisers

Rita Boie, Senior Immigration Examiner, Immigration and Naturalization Service
Beth Cooper, Office of Citizens Consular Services, Bureau of Consular Affairs, Department of State
Vanessa Laird, Office of the Assistant Legal Adviser for Consular Affairs, Department of State

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United States Delegation to the International Tropical Timber Council Fourteenth Session and Permanent Committees Twelfth Session International Tropical Timber Organization (ITTO), Kuala Lumpur, May 11–19, 1993

Representative

Milton Drucker, Deputy Director, Office of International Commodities, Bureau of Economic and Business Affairs, Department of State

Alternate Representatives

Stephanie Caswell, Office of the Environment, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Duane E. Sams, Director of Commodity Policy, Office of the United States Trade Representative, Executive Office of the President

Advisers

David Harcharik, United States Forest Service, Department of Agriculture
Michael Hicks, Foreign Agricultural Service, Department of Agriculture
Michael Martin, United States Forest Service, Department of Agriculture
Kathy McNamara, Office of Machinery, Machinery, and Chemicals, Department of Commerce

Private Sector Advisers

Mark Dillenbeck, World Conservation Union, Washington, DC
Frank Sheridan, International Hardwood Products Association, Mineola, New York

United States Delegation to the Working Group on Accounting Standards Committee on International Investment and Multinational Enterprises (CIME) Organization for Economic Cooperation and Development (OECD) Paris, May 18–19, 1993

Representative

Richard J. Reinhard, Assistant Chief Accountant, Securities and Exchange Commission

Private Sector Adviser

H. John Dirks, Partner, Price Waterhouse, San Francisco, California

United States Delegation to the Maritime Safety Committee (MSC) 62nd Session International Maritime Organization (IMO) London, May 24–28, 1993

Representative

A.E. Henn, Rear Admiral, Chief, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Alternate Representative

Joseph J. Angelo, Associate Program Director, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Congressional Staff Adviser

David K. Honness, Jr., Professional Staff, Subcommittee on Merchant Marine, Committee on Merchant Marine and Fisheries, United States House of Representatives

Advisers

Joseph E. Baggett, Captain, Deputy Department of Defense Representative for Ocean Policy Affairs, Office of the Judge Advocate General, Department of the Navy
John M. Holmes, Commander, Compliance and Enforcement Branch,

United States Coast Guard, Department of Transportation
Edward J. LaRue, Chief, Navigational Rules and Information Branch, United States Coast Guard, Department of Transportation
John F. McGowan, Captain, Chief, Marine Vessel Personnel Division, United States Coast Guard, Department of Transportation
Marjorie Murtagh, Chief, Fire Protection Section, Marine Technical and Hazardous Materials Division, United States Coast Guard, Department of Transportation
George Reagle, Office of Surface Transportation Safety, National Transportation Safety Board, Department of Transportation

Private Sector Advisers

Joseph J. Cox, Vice President, American Institute of Merchant Shipping, Washington, DC
Robert Somerville, President, American Bureau of Shipping, New York, New York

United States Delegation to the Council and Committees International Natural Rubber Organization (INRO), Kuala Lumpur, May 24–28, 1993

Representative

Duane E. Sams, Director of Commodity Policy, Office of the United States Trade Representative, Executive Office of the President

Alternate Representative

Daniel L. Holtzman, International Economist, Bureau of Economic and Business Affairs, Department of State

Adviser

Daniel Geisler, Second Secretary, American Embassy, Kuala Lumpur

Private Sector Advisers

Gary A. Miller, Vice President, The Goodyear Tire and Rubber Company, Akron, Ohio
Harold Ross Miller, Managing Director, Goodrich Company, Singapore

United States Delegation to the Maritime Transport Committee, Organization for Economic Cooperation and Development (OECD), Paris, May 25–27, 1993

Representative

Stephen M. Miller, Office of Maritime and Land Transport, Bureau of Economic and Business Affairs, Department of State

Alternate Representative

Ralph Edwards, Office of International Affairs, Maritime Administration, Department of Transportation

Private Sector Adviser

Donald L. O'Hare, Sea-Land Corporation, Iselin, New Jersey

United States Delegation to the Chemicals Group and Management Committee 20th Joint Meeting, Environment Policy Committee (EPOC), Organization for Economic Cooperation and Development (OECD), Paris, May 26–28, 1993

Representative

Victor J. Kimm, Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances, Environmental Protection Agency

Advisers

Charles Auer, Director, Existing Chemicals Assessment Division, Environmental Protection Agency
Douglas Campt, Director, Office of Pesticide Programs, Environmental Protection Agency
Mark A. Greenwood, Director, Office of Pollution Prevention and Toxics, Environmental Protection Agency
Breck Milroy, Office of Environmental Protection, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Appropriate Mission Officer, United States Mission to the Organization for Economic Cooperation and Development, Paris

Private Sector Advisers

Polly Hoppin, World Wildlife Fund/ Conservation Foundation, Washington DC
Kenneth Murray, Exxon Corporation, East Brunswick, New Jersey

United States Delegation to the Telecommunication Standardization Advisory Group (TSAG), International Telecommunication Union (ITU), Geneva, June 1–4, 1993

Representative

Earl S. Barbely, Director, Telecommunications and Information Standards, Bureau of International Communications and Information Policy, Department of State

Adviser

Douglas V. Davis, Attorney-Advisor, Common Carrier Bureau, Federal Communications Commission

Private Sector Advisers

Gary Fishmann, Technical Standards Director, AT&T, Bedminster, New Jersey
George Helder, Consultant, Picturetel Corporation, Moraga, California
Richard Holleman, Director, Standards Practices, IBM Corporation, Purchase, New York
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United States Delegation to the Study Group Two Telecommunication Standardization Sector (TSS), International Telecommunication Union (ITU), Geneva, June 1–11, 1993

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United States Delegation to the North Atlantic Systems Planning Group 29th Meeting (NATSPG/29), International Civil Aviation Organization (ICAO), Paris, June 2–18, 1993

Representative

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United States Delegation to Concurrent Meetings of the Ad Hoc Advisory Group on Strategic Review and Planning and the Working Party of the Plenary Assembly on Restructuring of Study Groups (RSSG), International Telecommunication Union (ITU), Geneva, June 3–10, 1993

Representative

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William Luther, Field Operations Bureau, Federal Communications Commission
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Edward E. Reinhart, McLean, Virginia
Hans Weiss, COMSAT, Washington, DC

United States Delegation to the WP on Telecommunication and Information Services Policies (TISP), 11th Session, Committee for Information, Computer and Communications Policy (ICCP), Organization for Economic Cooperation and Development (OECD), Paris, June 7–8, 1993

Representative

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Steve W. Lett, Director for Satellite and Cable Policy, Bureau of International Telecommunications and Information Policy, Department of State
Susan Settle, Office of International Affairs, National Telecommunications and Information Administration, Department of Commerce

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Richard W. Stone, Cable and Wireless, Vienna, Virginia

United States Delegation to the Tenth Annual Meeting of the North Atlantic Salmon Conservation Organization (NASCO), Edinburgh, Scotland, June 7–11, 1993

Representative

Allen E. Peterson, Jr., Head of the United States Delegation to NASCO, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

Commissioners

David F. Egan, United States Commissioner to NASCO, Guilford, Connecticut
Clinton B. Townsend, United States Commissioner to NASCO, Skowhegan, Maine

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Jane M. Cleaves, New England Regional Coordinator, Atlantic Salmon Federation, Bowdoinham, Maine
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Jamie Geiger, Assistant Regional Director, Fishery Resources and Federal Aid, Fish and Wildlife Service, Department of the Interior
Arthur William Neill, Fishery Biologist, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
John C. Phillips, Commissioner, Massachusetts Department of Fisheries, Wildlife Environmental and Law Enforcement, Boston, Massachusetts
Richard B. Roe, Regional Director, Northeast Region, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Dean Swanson, Office of International Affairs, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
H. Stetson Tinkham, Atlantic Fisheries Officer, Office of Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

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United States Delegation to the Fifth Conference of the Contracting Parties to the (RAMSAR) Convention on Wetlands of International Importance Kushiro, Hokkaido, Japan, June 8–16, 1993

Representative

Richard N. Smith, Acting Director, United States Fish and Wildlife Service, Department of the Interior

Alternate Representative

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Mary E. Kentula, Wetlands Research Center, Environmental Protection Agency
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John O. Willson, Office of Environment and Natural Resources, Agency for International Development

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United States Delegation to the Meeting of Study Group 3 Telecommunication Standardization (TS) International Telecommunication Union (ITU) Geneva, June 14–18, 1993

Representative

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Marcel Scheidegger, MCI International, Rye Brook, New York
Richard W. Stone, Cable and Wireless Communications, Vienna, Virginia

United States Delegation to the First Plenary Meeting of the United Nations Commission on Sustainable Development Economic and Social Council (ECOSOC), New York, June 14–25, 1993

Representatives

The Honorable Bruce Babbitt, Secretary of the Interior
The Honorable Elinor G. Constable, Assistant Secretary for Oceans and International Environmental and Scientific Affairs, Department of State
The Honorable Timothy E. Wirth, Counselor of the Department, Department of State

Alternate Representatives

The Honorable Victor Marrero, United States Representative to the Economic and Social Council of the United Nations, New York
Rafe Pomerance, Deputy Assistant Secretary for Environment, Health and Natural Resources, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Special Adviser

The Honorable Carol Browner, Administrator, Environmental Protection Agency

Congressional Staff Adviser

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Advisers

Dan Blank, Associate Director for International Trade and Development, Council on Environmental Quality, Executive Office of the President
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David Cohen, United States Mission to the United Nations, New York
Marilyn Harrington, United States Mission to the United Nations, New York
David Harwood, Special Adviser, Office of the Counselor, Department of State
George Herrfurth, Office of Environmental Protection, Bureau of Oceans and Environmental and Scientific Affairs, Department of State
Twig Johnson, Director, Office of Environment and Natural Resources, Bureau for Research and Development, Agency for International Development
Michael Kaplan, Office of Multilateral Development Banks, Department of the Treasury
Mark Kindall, Attorney/Adviser, Office of International Activities, Environmental Protection Agency
Stephanie Smith Kinney, Deputy Director, Office of Environmental Protection, Bureau of Oceans and Environmental and Scientific Affairs, Department of State
John Knox, Legal Adviser, Office of the Legal Adviser, Department of State
Tom Laughlin, Chief, International Liaison Staff, National Oceanic and Atmospheric Administration, Department of Commerce
The Honorable Edward Marks, Minister-Counselor, United States Deputy Representative to the Economic and Social Council of the United Nations, New York
Richard McCall, Chief-of-Staff to the Administrator, Agency for International Development
David McCauley, Bureau for Research and Development, Agency for International Development
Kathleen McGinty, Director, Council on Environmental Quality, Executive Office of the President
John P. McGuinness, Office of Technical Specialized Agencies, Bureau of International Organization Affairs, Department of State
Molly Olson, Special Assistant to the Director, Bureau of Land Management, Department of the Interior
Ted Russell, Deputy Assistant Secretary for International Activities, Environmental Protection Agency
David Schiele, United States Mission to the United Nations, New York
David Williams, Special Assistant to the Deputy Director, Bureau of Land Management, Department of the Interior
Ted Williams, Director, Office of Environmental Analysis, Office of Domestic and International Energy Policy, Department of Energy

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United States Delegation to the Joint WG of the CIME With the Committee on Capital Movements and Invisible Transactions (CMIT), (June 16); and WG on Investment Policies and the Guidelines (June 17), Committee for International Investment and Multinational Enterprises, Organization for Economic Cooperation and Development (OECD), Paris, June 16–17, 1993

Representative

Raymond G. McGrath, Office of Investment Affairs, Bureau of Economic and Business Affairs, Department of State

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Margaret S. Pickering, Office of the Legal Adviser, Department of State

Kathleen Reddy, Investment Adviser, United States Mission to the Organization for Economic Cooperation and Development, Paris

United States Delegation to the International Wheat Council (IWC), 119th Session, London, June 21–22, 1993

Representative

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Phil Jarrell, Agricultural Economist, Grain and Feed Division, Foreign Agricultural Service, Department of Agriculture

Jim Rudbeck, Agricultural Counselor, United States Embassy, London

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United States Delegation to the United Nations Conference for the Negotiation of a Successor Agreement to the International Tropical Timber Agreement, 1983, Second Part, United Nations Conference on Trade and Development (UNCTAD), Geneva, June 21–25, 1993

Representative

Duane E. Sams, Director of Commodity Policy, Office of the United Trade Representative, Executive Office of the President,

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Robert Johnson, International Hardwood Products Association, Alexandria, Virginia

United States Delegation to the Meeting of Study Group 7 of the Telecommunication Standardization Sector (TSS), International Telecommunications Union (ITU), Geneva, Switzerland, June 22–July 2, 1993

Representative

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James R. Moulton, President, Open Network Solutions, Inc., Sterling, Virginia

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United States Delegation to the Working Party on Migration, 16th Session, Employment, Labor and Social Affairs Committee (ELSA), Organization for Economic Cooperation and Development (OECD), Paris, June 23–25, 1993

Representative

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United States Delegation to the International Copper Study Group (ICSG), First General Session, Lisbon, June 23–29, 1993

Representative

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David B. Morris, Manager, Market Research, Kennecott Corporation, Salt Lake City, Utah
Robert M. Payne, President, Copper Development Association, New York, New York
Bernard Schilberg, Schilberg Iron and Metal Company, Willimantic, Connecticut
David Serls, President, Colonial Metals Company, Columbia, Pennsylvania
Allan B. Silber, Chairman, Recyclers of Copper Alloy Products, Nashua, New Hampshire

United State Delegation to Non-Debt-Creating Finance for Development: New Mechanisms for Increasing Investment and Financial Flows, Second Session, Ad Hoc Working Group on Investment and Financial Flaws, Trade and Development Board, United Nations Conference on Trade and Development (UNCTAD), Geneva, June 28–July 2, 1993

Representative

Raymond G. McGrath, Office of Investment Affairs, Bureau of Economic and Business Affairs, Department of State

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Robert Konrath, Economics Officer, United States Mission, Geneva

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United States Delegation to the Subcommittee on Fire Protection, 38th Session, International Maritime Organization (IMO), London, June 28–July 2, 1993

Representative

Marjorie Murtagh, Chief, Fire Protection Section, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Alternate Representative

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United States Delegation to the Codex Alimentarius Commission, Twentieth Session, Food and Agriculture Organization (FAO), the World Health Organization (WHO), Geneva, June 28–July 7, 1993

Representative

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United States Delegation to the Group of Rapporteurs on Pollution and Energy, Twenty-Sixth Session, Economic Cooperation for Europe (ECE), Geneva, July 5–8, 1993

Representative

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United States Delegation to the 34th Session of the Marine Environment Protection Committee (MEPC), International Maritime Organization (IMO), London, July 5–9, 1993

Representative

Rear Admiral Robert E. Kramek, USCG, Chief of Staff, U.S. Coast Guard, Department of Transportation

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Margo Jackson, Assistant General for Ocean Services, National Oceanic and Atmospheric Administration, Department of Commerce
Captain Michael J. Donohoe, USCG, Chief, Marine Environmental Protection Division, U.S. Coast Guard, Department of Transportation
Marian Mlay, Director for Oceans and Coastal Protection Division, Environmental Protection Agency
Commander Peter A. Popko, USCG, Assistant Chief, Merchant Vessel Inspection and Documentation Division, U.S. Coast Guard, Department of Transportation

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R. Keith Michel, President, Herbert Engineering Corp., San Francisco, California
Robert Somerville, President, American Bureau of Shipping, New York, New York

United State Delegation to the First Meeting of Study Group 13, Telecommunication Standardization Bureau (TSB), International Telecommunication Union (ITU), Geneva, Switzerland, July 5–16, 1993

Representative

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Victor Mueller, Standards Coordinator, Defense Information Systems Agency
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United States Delegation to the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, New York, July 12–30, 1993

Representatives

David A. Colson, Ambassador, Deputy Assistant Secretary, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Larry L. Snead, Director, Office of Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

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Deming Cowles, United Fishermen of Alaska, Washington, DC
Andrew C. Palmar, American Oceans Campaign, Washington, DC

United States Delegation to the United Nations Intergovernmental Negotiating Committee for a Framework Convention on Climate Change, Eighth Session, Geneva, August 16–27, 1993

Representative

Rafe Pomerance, Deputy Assistant Secretary, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

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Nancy M. Carmen, Committee on Foreign Affairs, United States House of Representatives
Leslie Black Cordes, Committee on Energy and Natural Resources, United States Senate
David B. Finnegan, Committee on Energy and Commerce, United States House of Representatives
Richard Grundy, Committee on Energy and Natural Resources, United States Senate
Catherine Van Way, Committee on Energy and Commerce, United States House of Representatives
Gregory S. Whetstone, Committee on Energy and Commerce, United States House of Representatives

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Dirk Forrister, Special Assistant for Environment, Office of the Secretary, Department of Energy
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Thomas F. Hourigan, International Environmental Policy Analyst, Office of International Donor Programs, Agency for International Development
Michael Kaplan, Office of Multilateral Development Banks, Department of the Treasury
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John Schick, Policy Analyst, Office of the Geographer, Bureau of Intelligence and Research, Department of State
Paul Stolpman, Director, Office of Atmospheric Programs, Office of Air and Radiation, Environmental Protection Agency
Dennis Tirpak, Director, Global Climate Change Division, Policy, Planning and Evaluation, Environmental Protection Agency
Jonathan Wiener, Council of Economic Advisers, Executive Office of the President
Edward R. Williams, Director, Office of Environmental Analysis, Policy, Planning and Analysis, Department of Energy

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Connie Holmes, Senior Vice President, Policy Analysis, National Coal Association, Chair, International Committee, Global Climate Coalition, Washington, DC

United States Delegation to the Extraordinary Meeting of the Executive Committee (COM/CITEL), Inter-American Telecommunications Commission (OAS/CITEL), Organization of American States (OAS), Washington, DC, August 17–18, 1993

Chairman Ex Officio

Richard C. Beaird, Acting Coordinator and Director, Bureau of International Communications and Information Policy, Department of State

Representative

Gary M. Fereno, Director for CITEL and ITU–TS Standard Policy, Bureau of International Communications and Information Policy, Department of State

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Robert Stephans, Policy Analyst, Common Carrier Bureau, Federal Communications Commission

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David Fine, Assistant Vice President, Southwestern Bell, Washington, DC
Steven Ganote, Communications Satellite Corporation, Bethesda, Maryland
Thomas Plevyak, Manager, International Standards, Bell Atlantic, Arlington, Virginian

United States Delegation to the Subcommittee on Safety of Navigation, 39th Session, International Maritime Organization (IMO), London, September 6–10, 1993

Representative

Leo J. Black, Captain, Chief, Short Range Aids to Navigation Division, Office of Navigation, United States Coast Guard, Department of Transportation

Alternate Representative

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Linda Sue Johnson, Attorney Adviser, Office of International Environmental Law, National Oceanic and Atmospheric Administration, Department of Commerce

James E. Ayres, Scientific Adviser for Hydrography, Defense Mapping Agency

Frederick K. Ganjon, Deputy Chief, Nautical Charting Division, Coast and Geodetic Survey, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce

John T. Oliver, Commander, Head, Law of the Sea Branch, International Law Division, Office of the Judge Advocate General, United States Navy

Christopher M. Young, Merchant Vessel Personnel Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Private Sector Adviser

Mortimer Rogoff, Digital Directions Corporation, Washington, District of Columbia

United States Delegation to the First Plenary Meeting of Telecommunication Standardization Study Group 15 (ITU–TS 15), International Telecommunication Union (ITU), Geneva, September 7–17, 1993

Representative

Gary M. Fereno, Director for CITEL and ITU–TS Standards Policy, Bureau of International Communications and Information Policy, Department of State

Advisers

Victor Muller, Standards Adviser, Department of Defense

Gary Rekstad, Electronics Engineer, National Communications System

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Fred W. Huffman, Standards Engineer, MCI Communications Corporation, Piscataway, New Jersey

William T. Kane, Manager, Standards, Corning Incorporated, Corning, New York

Bruce R. Kravitz, Standards Engineer, VTEL, Austin, Texas

Ronald R. Murphy, Member of Technical Staff, Bellcore, Red Bank, New Jersey

Marshall G. Schactman, Consultant, Kohl Group, Morristown, New Jersey

Richard Schaphorst, President, Delta Information Systems, Horsham, Pennsylvania

Anthony Schiano, Senior Engineer, AT&T, Bedminster, New Jersey

United States Delegation to the 23rd Session of the Subcommittee on Bulk Chemicals (BCH), International Maritime Organization (IMO), London, September 13–17, 1993

Representative

Kevin J. Eldridge, Commander, Chief, Hazardous Materials Branch, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Alternate Representative

Michael C. Parnarouskis, Chief, Bulk Cargo Section, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Advisers

Wayne Lundy, Marine Section, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Michael D. Morrissette, Chief, Hazard Evaluation Section, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, United States Coast Guard, Department of Transportation

Kenneth L. Zerafa, Certification Division, Environmental Protection Agency, Ann Arbor, Michigan

Private Sector Advisers

Paul Danyluk, Fairbanks Morse Engine Division, Colter Industries, Beloit, Wisconsin

Alfred E. Schultz, Scandanavian Marine Claims Office, Inc., Stamford, Connecticut

United States Delegation to the Special Committee for the Monitoring and Coordination of the Development of Transition Planning for the Future Air Navigation Systems (FANS), ICAO Council, International Civil Aviation Organization (ICAO), Montreal, September 15–October 1, 1993

Representative

Martin T. Pozesky, Associate Administrator for System Engineering and Development, Federal Aviation Administration, Department of Transportation

Alternate Representative

Norman Solat, Technical Adviser, Research and Development Service, Federal Aviation Administration, Department of Transportation

Advisers

Frank Colson, Associate Deputy Assistant Secretary for Transportation and Federal Aviation, Office of the Secretary, United States Air Force

Michael Jennison, Assistant Chief Counsel, International Affairs and Legal Policy Staff, Federal Aviation Administration, Department of Transportation

James C. Johns, Satellite Program, Research and Development Service, Federal Aviation Administration, Department of Transportation

Michael Shaw, System Manager for Satellite Systems, Research and Development Service, Federal Aviation Administration, Department of Transportation

Joseph C. Sturm, Acting Manager, International Research Programs Office, Federal Aviation Administration, Department of Transportation

Private Sector Advisers

Larry Chesto, Director, Telecommunications Systems, Aeronautical Radio, Inc. (ARINC), Annapolis, Maryland

Charlotte Laqui, Deputy Data Link Systems Manager, CAASD, McLean, Virginia

United States Delegation to the Fourth FY 1993 Senior Officials Meeting (SOM) of the Asia Pacific Economic Cooperation (APEC), Honolulu, Hawaii, September 19–24, 1993

Representative

The Honorable Winston Lord, Assistant Secretary for East Asian and Pacific Affairs, Department of State

Alternate Representative

Sandra J. Kristoff, Director of Asian Affairs, National Security Council, Executive Office of the President

Special Advisers

Charlene Barshefsky, Ambassador, Deputy United States Trade Representative, Office of the United States Trade Representative, Executive Office of the President
Robert Fauver, Special Assistant to the President for National Security Affairs and Economic Policy, National Security Council, Executive Office of the President
The Honorable Joan E. Spero, Under Secretary for Economic and Agricultural Affairs, Department of State

Advisers

Nancy Adams, Assistant Trade Representative for Asia and the Pacific, Office of the United States Trade Representative, Executive Office of the President
Richard C. Beaird, Acting United States Coordinator and Director, Bureau of International Communications and Information Policy, Department of State
Peter A. Cashman, Acting Deputy Assistant Secretary for East Asia and the Pacific, Department of Commerce
Robert B. Cassidy, Assistant Trade Representative for Asia and the Pacific, Office of the United States Trade Representative, Executive Office of the President
Raphael D.Q. Cung, International Trade Administration, Department of Commerce
Terry J. Daru, Office of Economic Policy, Bureau of East Asian and Pacific Affairs, Department of State
Anne Derse, Special Assistant to the Under Secretary for Economic and Agricultural Affairs, Department of State
Lawrence J. Ervin, Agency for International Development, United States Embassy, Bangkok
Joseph E. Hayes, Acting Director, Office of Economic Policy, Bureau of East Asian and Pacific Affairs, Department of State
Sarah E. Kemp, International Trade Specialist, Foreign Commercial Service, Department of Commerce
Philip T. Lincoln, Jr., Acting Deputy Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State
Diana L. Manifold, International Economist, United States International Trade Commission
Kathryn A. Martin, Bureau of International Communications and Information Policy, Department of State
Richard A. Morford, Senior Adviser for Asia, Bureau of Economic and Business Affairs, Department of State
David Clark Norton, Senior Counselor, Bureau of International Communications and Information Policy, Department of State
Sandra O'Leary, Director, Office of Planning and Economic Analysis, Bureau of Economic and Business Affairs, Department of State
Rebecca Mei Reese, Office of the General Counsel, Department of Commerce
Douglas Ryan, Office of Economic Policy, Bureau of East Asian and Pacific Affairs, Department of State
Mary E. Ryckman, Director, Regional Services and Investment, Office of the United States Trade Representative, Executive Office of the President
Kevin B. Sample, Senior Policy Analyst, Department of Transportation
Paul I. Schlamm, Deputy Director, Office of Aviation Programs and Policy, Bureau of Economic and Business Affairs, Department of State
Debbie Leilani Shon, Assistant United States Trade Representative, Office of the United States Trade Representative, Executive Office of the President
Pamela N. Smith, Office of Economic Policy, Bureau of East Asian and Pacific Affairs, Department of State
Priscilla B. Stowe, Office of Economic Policy, Bureau of East Asian and Pacific Affairs, Department of State
Jerrold O. Worley, Director, Office of International Policy, United States Customs Service, Department of the Treasury
Randolph Yamada, Bureau for Asia, Agency for International Development
Dennis Zvinakis, Representative-designate to ASEAN, Agency for International Development

Private Sector Adviser

Brenda Lei Foster, Director of International Relations, Office of the Governor, Honolulu, Hawaii

United States Delegation to the Meeting of Study Group 3, Working Party 5, Universal Personal Telecommunications, Telecommunication Standardization Bureau, International Telecommunication Union (ITU), Montreal, September 20–24, 1993

Representative

Earl S. Barbely, Director, Telecommunications and Information Standards, Bureau of International Communications and Information Policy, Department of State

Advisers

Wendell Harris, Assistant Chief/ International, Federal Communications Commission
Thoms Wasilweski, Policy Specialist, National Telecommunications and Information Administration, Department of Commerce

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Philip Onstad, Manager, International Public Policy, International Communications Policy, Edison, New Jersey
Marcel Scheidegger, MCI International, Rye Brook, New York

United States Delegation to the Working Party on the Facilitation of International Trade Procedures (WP4) and its Subgroups, Economic Commission for Europe (ECE), Geneva, September 20–24, 1993

Representative

Clifford W. Woodward, Jr., Division Chief, Trade, Facilitation and Technical Issues Division, Office of International Transportation and Trade, Department of Transportation

Advisers

Barbara Bissell, Chief, International Organizations, Office of International Affairs, U.S. Customs Service, Department of the Treasury
Bernadette Curry, Manager of Electronic Commerce, Department of the Treasury
Vicki Hodziewich, Customs Attache, United States Mission to the European Communities, Brussels
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Nicole Willenz-Gardner, Price Waterhouse, Washington, DC
Gregory D. Harter, President and Chief Operating Officer, Electronic Data Interchange Association, Alexandria, Virginia
Robert Hurd, Pan American EDIFACT, Data Interchange Standards Association, Alexandria, Virginia
Jeffrey B. Ritter, Legal Adviser and Co-Rapporteur on Legal Questions,

Vorys, Sater, Seymour and Pease, Columbus, Ohio
Carrie L. Spencer, PAEB Database, Publications and Maintenance Administrator, EDIFACT Technical Assessment Group Secretary/ Secretariat, Alexandria, Virginia
Jeffrey Sturrock, Ernst & Young, Irving, Texas
Robert K. Windsor, Executive Director, CITD—The International Trade Facilitation Council, Alexandria, Virginia

United States Delegation to the 81st Statutory Meeting of the International Council for the Exploration of the Sea, Dublin, September 23–October 1, 1993

Representatives

Michael P. Sissenwine, Senior Scientist for Fisheries, National Marine Fisheries Service, Department of Commerce
John H. Steele, President Emeritus, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts

Advisers

Vaughn Anthony, Chief, Conservation and Utilization Division, Northeast Fisheries Center, National Marine Fisheries Service, Department of Commerce, Woods Hole, Massachusetts
Michael Fogarty, Chief, Food Chain Dynamics Investigations, Northeast Fisheries Science Center, National Marine Fisheries Service, Department of Commerce, Woods Hole, Massachusetts
Kevin Friedland, Principal Investigator, Atlantic Salmon Program, Northeast Fisheries Science Center, National Marine Fisheries Service, Department of Commerce, Woods Hole, Massachusetts
James L. Ludke, Director, National Fisheries Research Center, Leetown, Fish and Wildlife Service, Department of Interior, Kearneysville, West Virginia
Ralph Mayo, Conservation and Utilization Division, Northeast Fisheries Science Center, National Marine Fisheries Service, Department of Commerce, Woods Hole, Massachusetts
Robert V. Miller, Deputy Director, National Marine Mammal Laboratory, National Marine Fisheries Service, Department of Commerce, Seattle, Washington
Michael Reeve, Section Head, Ocean Sciences Research Section, Division of Ocean Sciences, National Science Foundation
Frederick M. Serchuk, Chief, Northeast Offshore Fishery Resource Investigations, Northeast Fisheries Service Center, National Marine Fisheries Service, Department of Commerce, Woods Hole, Massachusetts
Tim Smith, Chief, Marine Mammals Investigations, Northeast Fisheries Science Center, National Marine Fisheries Service, Department of Commerce, Woods Hole, Massachusetts
Usha Varanasi, Director, Environmental Conservation Division, Northwest Fisheries Science Center, National Marine Fisheries Service, Department of Commerce, Seattle, Washington
Vincent Zdanowicz, Environmental Assessment Branch, Northeast Fisheries Science Center, National Marine Fisheries Service, Department of Commerce, Woods Hole, Massachusetts

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Judy McDowell, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts
Thomas Osborn, Chairman of Hydrography, Department of Earth and Planetary Sciences, The Johns Hopkins University, Baltimore, Maryland
Brian J. Rothschild, Chesapeake Biological Laboratory, University of Maryland, Solomons, Maryland
Herbert L. Windom, Skidaway Institute of Oceanography, Savannah, Georgia

United States Delegation to the First Meeting of the Permanent Consultative Committee II, Inter-American Telecommunications Commission (CITEL), Buenos Aires, September 27–October 1, 1993

Representative

John T. Gilsenan, Bureau of International Communications and Information Policy, Department of State

Advisers

Pedro Erviti, Telecommunications Attache, United States Embassy, Buenos Aires
Giselle Gomez, Office of Regulatory Affairs, United States Information Agency
Benito Gutierrez-Luaces, Tracking Data Applications, Jet Propulsion Laboratory, Washington, DC
Donald Messer, Voice of America, United States Information Agency
Larry Olson, Mass Media Bureau, Federal Communications Commission
Lawrence Palmer, Office of International Affairs, National Telecommunications and Information Administration, Department of Commerce
Henry Straube, Mass Media Bureau, Federal Communications Commission
Arvydas Vaisnys, Telecommunications Systems, Jet Propulsion Laboratory, Pasadena, California

Private Sector Advisers

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Edward E. Reinhart, Consultant, McLean, Virginia
Kenneth Springer, National Association of Broadcasters, Washington, DC
Michael Ward, Senior Scientist, American Mobile Satellite Corporation, Reston, Virginia

United States Delegation to the First Meeting of the Permanent Consultative Committee III, Inter-American Telecommunications Commission (CITEL), Buenos Aires, September 27–October 1, 1993

Representative

John T. Gilsenan, Bureau of International Communications and Information Policy, Department of State

Advisers

Pedro Erviti, Telecommunications Attache, United States Embassy, Buenos Aires
William Hatch, Office of Spectrum Management, National Telecommunications and Information Administration, Department of Commerce
Cecily Holiday, Common Carrier Bureau, Federal Communications Commission
Kathryn Hosford, Private Radio Bureau, Federal Communications Commission
Kristi Kendall, Common Carrier Bureau, Federal Communications Commission
Thomas Walsh, Office of International Affairs, Federal Communications Commission

Private Sector Advisers

William Borman, Vice President, Motorola, Washington, DC
Thomas O. Calvit, Assistant to the President, Loral Qualcomm Satellite Services, Seabrook, Maryland
James G. Ennis, Fletcher, Heald and Hildreth, Rosslyn, Virginia
Mario Florian, Director, Latin America, Orbital Communications Corporation, Dulles, Virginia
Kevin Kelley, Vice President, Qualcomm, Washington, DC
Lon Levin, Vice President, American Mobile Satellite Corporation, Reston, Virginia

Larry A. Morris, Associate Principal Engineer, AT&T Tridom Company, Marietta, Georgia

Walter Pappas, Consultant, Falls Church, Virginia

Allan Renshaw, Starsys Company, Lanham, Maryland

Paul Rinaldo, Manager, Technical Relations, American Radio Relay League, Washington, DC

Eric Schimmel, Vice President, Telecommunications Industry Association, Washington, DC

Richard Wright, Atlantic Research Corporation, Sterling, Virginia

United States Delegation to the 69th Session of the Legal Committee, International Maritime Organization (IMO), London, September 27–October 1, 1993

Representative

David J. Kantor, Captain, Chief, Maritime and International Law Division, Office of Chief Counsel, United States Coast Guard, Department of Transportation

Alternate Representative

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Private Sector Advisers

Ernest J. Corrado, President, American Institute of Merchant Shipping, Washington, DC

Neil D. Hobson, Chairman, Maritime Law Association Committee on Transportation of Hazardous Substances, Milling, Benson, Woodward, Hillyer, Pierson and Miller, New Orleans, Louisiana

Michael P. Walls, Assistant General Counsel, Chemical Manufacturers Association, Washington, DC

United States Delegation to the Fourth Meeting of the Working Group on International Protection of Cultural Property, International Institute for the Unification of Private Law (UNIDROIT), Rome, September 29–October 8, 1993

Representative

Harold S. Burman, Office of Private International Law, Office of the Legal Adviser, Department of State

Alternate Representatives

Maria Kouroupas, Cultural Property Advisory Committee, United States Information Agency

Ely Maurer, Assistant Legal Adviser for Educational, Cultural and Public Affairs, Office of the Legal Adviser, Department of State

Francis McManamon, Archeological Assistance Division, Department of the Interior

Private Sector Adviser

Linda Pinkerton, General Counsel, Getty Trust, Santa Monica, California

United States Delegation to the 10th Session of the General Assembly, World Tourism Organization, Bali, Indonesia, September 30–October 9, 1993

Representative

Richard Zorn, Director for Industrial and Communications Policy, Office of Technical and Specialized Agencies, Bureau of International Organization Affairs, Department of State

Alternate Representative

Terry Smith Labat, Acting Director, Office of Policy and Planning, United States Travel and Tourism Administration, Department of Commerce

Private Sector Advisers

Chuck Y. Gee, Dean, School of Travel Industry Management, University of Hawaii at Monoa, Monoa, Hawaii

Jafar Jafari, President, International Academy for the Study of Tourism, University of Wisconsin, Stout, Wisconsin

United States Delegation to the United Nations Conference for the Negotiation of a Successor Agreement to the International Tropical Timber Agreement (ITTA), 1983, Third Part, United Nations Conference on Trade and Development (UNCTAD), Geneva, October 4–15, 1993

Representative

Duane E. Sams, Director of Commodity Policy, Office of the United States Trade Representative, Executive Office of the President

Alternate Representative

Milton K. Drucker, Deputy Director, Office of International Commodities, Bureau of Economic and Business Affairs, Department of State

Advisers

Stephanie Caswell, Office of Ecology, Health, and Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Robert Konrath, Economic Officer, United States Mission

Michael Martin, United States Forest Service, Department of Agriculture

Joyce Rabens, Office of the United States Trade Representative, Geneva

Kathy Rice, Office of Materials, Machinery, and Chemicals, Department of Agriculture

Private Sector Advisers

Deborah S. Davenport, Global 2000, Inc., Atlanta, Georgia

John Heisenbuttel, American Forest and Paper Association, Washington, DC

United States Delegation to the 9th Session of the Assembly of Parties, International Maritime Satellite Organization (INMARSAT), Paris, October 5–8, 1993

Representative

Michael T.N. Fitch, Deputy Coordinator, Satellite, Cable and National Security Affairs, Bureau of International Communications and Information Policy, Department of State

Alternate Representatives

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Robert A. Lutkoski, Office of Satellite and Cable Policies, Bureau of International Communications and Information Policy, Department of State

Advisers

James L. Ball, Acting Director, Office of International Communications, Federal Communications Commission

Jack Gleason, Director, International Policy Division, National Telecommunications and Information Administration, Department of Commerce

Joel A. Pearlman, Attorney-Adviser, Common Carrier Bureau, Federal Communications Commission

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Christopher J. Leber, Vice President and General Manager, Operations, Communications Satellite Corporation

Ronald J. Mario, President, Comsat Mobile Communications, Communications Satellite Corporation
Lawrence Paul, Manager, INMARSAT Policy, Communications Satellite Corporation
Joslyn Read, Vice President, International Relations, Communications Satellite Corporation

United States Delegation to the International Cotton Advisory Committee (ICAC), 52nd Plenary Meeting, New Delhi, October 10–15, 1993

Representative

Kenneth E. Howland, Director, Tobacco, Cotton and Seeds Division, Foreign Agricultural Service, Department of Agriculture

Alternate Representative

Russell Barlowe, Fibers Analyst, World Agricultural Outlook Board, Department of Agriculture

Advisers

Lana Bennett, Cotton Group Leader,Tobacco, Cotton and Seeds Division, Foreign Agricultural Service, Department of Agriculture
Wayne Bjorlie, Leader, Fibers Group, Agricultural Stabilization and Conservation Service, Department of Agriculture
Daniel B. Conable, Agricultural Counselor, United States Embassy, New Delhi

Private Sector Advisers

Adel Boutros, Director of Middle East Sales, Calcot, Inc., Bakersfield, California
Donald B. Conlin, Chairman Emeritus, New York Cotton Exchange, New York, New York
Neal P. Gillen, Executive Vice President and General Counsel, American Cotton Shippers Association, Washington, District of Columbia
Allen A. Terhaar, Director of Foreign Operations, National Cotton Council of America, Washington, District of Columbia

United States Delegation to the First Meeting of the Intergovernmental Committee for the Convention on Biological Diversity (ICCBD), United Nations Environment Program Geneva, October 11–15, 1993

Representative

Rafe Pomerance, Deputy Assistant Secretary, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Alternate Representative

Brooks Yeager, Director, Office of Policy Analysis, Department of the Interior

Advisers

Melinda P. Chandler, Oceans, International Environmental and Scientific Affairs, Office of the Legal Adviser, Department of State
Harlan Cohen, Office of Environment, Science and Technology, United States Mission to the United Nations, Geneva
Luther V. Giddings, Animal and Plant Health Inspection Service, Department of Agriculture
Francesca Grifo, International Cooperative Biodiversity Groups Program, Fogarty International Center, National Institutes of Health
Thomas Hourigan, Office of International Donor Programs, Agency for International Development
Marshall Jones, Chief, Office of Management Authority, United States Fish and Wildlife Service, Department of the Interior
Jeffrey P. Kushan, United States Patent and Trademark Office, Department of Commerce
Franklin Moore, Office of International Activities, Environmental Protection Agency
Authur Paterson, International Liaison Staff, National Oceanic and Atmospheric Administration, Department of Commerce
Peter O. Thomas, Office of Ecology and Terrestrial Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Robert Ward, Office of the General Counsel, International Activities Division, Environmental Protection Agency

Private Sector Advisers

John M. Fitzgerald, Director of Wildlife Law, Defenders of Wildlife, Washington, DC
Edward T. Lentz, Vice President, Director, Corporate Intellectual Property, SmithKline Beacham, Philadelphia, Pennsylvania
Donald Maclauchlen, International Resource Director, International Association of Fish and Wildlife Agencies, Washington, DC

United States Delegation to the Telecommunications Standardization Advisory Group (TSAG), and Working Party on Developing Electronic Document Handling, International Telecommunication Union (ITU), Geneva, October 11–15, 1993

Representative

Earl S. Barbely, Director, Telecommunications and Information Standards, Bureau of International Communications and Information Policy, Department of State

Advisers

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William F. Utlaut, Associate Administrator, National Telecommunications and Information Administration, Department of Commerce, Boulder, Colorado

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George Helder, Consultant, Picturetel Corporation, Moraga, California
Richard Holleman, Director, Standards Practices, IBM Corporation, Purchase, New York
Henry Marchese, Consultant, AT&T, Bedminster, New Jersey
Robert J. Smith, Director, Science and Technology, NYNEX Corporation, Cambridge, Massachusetts
Leonard Strickland, Director, Technical Standards, BellSouth Telecommunications, Birmingham, Alabama
Martin Sullivan, Director, BELLCORE, Red Bank, New Jersey
Mel Woinsky, Senior Manager, Northern Telecom, Inc., Morristown, New Jersey

United States Delegation to the Working Group on Statistics, 21st Session (October 11), 52nd Plenary Session (October 13–14), and Joint Working Groups on Insurance Services With the Committee on Capital Movements and Invisibles Transactions (CMIT) (October 15), Insurance Committee, Organization for Economic Cooperation and Development (OECD), Paris, October 11–15, 1993

Representative

M. Bruce McAdam, Industry Specialist, Office of Finance, International Trade Administration, Department of Commerce

Adviser

Kathleen M. Reddy, United States Mission to the Organization for

Economic Cooperation and Development, Paris

Private Sector Advisers

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James M. Crowley, Senior Vice President and Chief Counsel, CIGNA Worldwide Incorporated, Philadelphia, Pennsylvania
David Walsh, Director, Insurance Division, Department of Commerce, State of Alaska, Anchorage, Alaska

United States Delegation to the First Meeting of the Intergovernmental Committee for the Convention on Biological Diversity (ICCBD), United Nations Environment Program, Geneva, October 11–15, 1993

Representative

Rafe Pomerance, Deputy Assistant Secretary, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Alternate Representative

Brooks Yeager, Director, Office of Policy Analysis, Department of Interior

Advisers

Melinda P. Chandler, Oceans, International Environmental and Scientific Affairs, Office of the Legal Adviser, Department of State
Harlan Cohen, Office of Environment, Science and Technology, United States Mission to the United Nations, Geneva
Luther V. Giddings, Animal and Plant Health Inspection Service, Department of Agriculture
Francesca Grifo, International Cooperative Biodiversity Groups Program, Fogarty International Center, National Institutes of Health
Thomas Hourigan, Office of International Donor Programs, Agency for International Development
Twig Johnson, Director, Office of Environment and Natural Resources, Research and Development Bureau, Agency for International Development
Jeffrey P. Kushan, U.S. Patent and Trademark Office, Department of Commerce
Franklin Moore, Office of International Activities, Environmental Protection Agency
Arthur Paterson, International Liaison Staff, National Oceanic and Atmospheric Administration, Department of Commerce
Peter O. Thomas, Office of Ecology and Terrestrial Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Robert Ward, Office of the General Counsel, International Activities Division, Environmental Protection Agency

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John M. Fitzgerald, Director of Wildlife Law, Defenders of Wildlife, Washington, DC
Edward T. Lentz, Vice President, Director, Corporate Intellectual Property, SmithKline Beacham, Philadelphia, Pennsylvania
Doanld Maclauchlen, International Resource Director, International Association of Fish and Wildlife Agencies, Washington, DC

United States Delegation to the International Lead and Zinc Study Group (ILZSG), 38th Annual Meeting, Berlin, October 14–19, 1993

Representative

David A. Larrabee, Lead and Zinc Industry Specialist, Office of Materials, Machinery, and Chemicals, Department of Commerce

Alternate Representative

David C. Chang, International Economist, Office of International Commodities, Bureau of Economic and Business Affairs, Department of State

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Salvatore P. Ciccolella, Vice President, Commercial, Big River Minerals Corporation, Saint Louis, Missouri
James M. Cowley, Director, Concentrate Sales, Kennecott Corporation, Salt Lake City, Utah
Robert A. Flake, President, Metal Operations, Dresser Industries, Houston, Texas
Stanley Neomonitis, Clarendon Limited, Stamford, Connecticut
Larry Stoehr, Sales Manager, The Doe Run Company, Saint Louis, Missouri

United States Delegation to the First Meeting of the Permanent Consultative Committee I, Inter-American Telecommunications Commission (CITEL), Rio de Janierio, Brazil, October 18–26, 1993

Representative

Gary M. Fereno, Director for CITEL and ITU–T Standards Policy, Bureau of International Communications and Information Policy, Department of State

Alternate Representative

William Moran, Policy Specialist, National Telecommunications and Information Administration, Department of Commerce

Advisers

Patricia Cooper, Telecommunications Industry Analyst, International Trade Administration, Department of Commerce
Douglas V. Davis, Attorney/Adviser, Federal Communications Commission
Robert G. Stephens, International Policy Analyst, Common Carrier Bureau, Federal Communications Commission

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David Fine, Manager, Standards and Development, Southwest Bell Corporation, Washington, DC
Ileana Fleites-LaSalle, Senior Market Planner, AT&T, Holmdel, New Jersey
Thomas J. Plevyak, Manager, International Studies, Bell Atlantic Corporation, Arlington, Virginia

United States Delegation to the 30th Session of the Technical Committee, 33rd Session of the Administrative and Legal Committee, 47th Session of the Consultative Committee, and the 27th Session of the Council of the International Union for the Protection of New Varieties of Plants (UPOV), Geneva, October 25–29, 1993

30th Session of the Technical Committee—October 25–26, 1993

Representative

Alan A. Atchley, Plant Variety Protection Office, Agricultural Marketing Service, Science Division, Department of Agriculture

33rd Session of the Administrative and Legal Committee—October 27, 1993

Representative

Lee J. Schroeder, Patent and Trademark Office, Department of Commerce

Adviser

Alan A. Atchley, Plant Variety Protection Office, Agricultural Marketing Service, Science Division, Department of Agriculture

Private Sector Adviser

Michael Roth, Pioneer Hi-Bred International, Inc., Des Moines, Iowa

47th Session of the Consultative Committee—October 28, 1993

Representative

Lee J. Schroeder, Patent and Trademark Office, Department of Commerce

Adviser

Alan A. Atchley, Plant Variety Protection Office, Agricultural Marketing Service, Science Division, Department of Agriculture

27th Session of the Council—October 29, 1993

Representative

Lee J. Schroeder, Patent and Trademark Office, Department of Commerce

Adviser

Alan A. Atchley, Plant Variety Protection Office, Agricultural Marketing Service, Science Division, Department of Agriculture

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United States Delegation to the Intergovernmental Group of Experts on Ports Management, First Session, Standing Committee on Developing Services Sectors, Trade and Development Board, United Nations Conference for Trade and Development (UNCTAD), Geneva, October 25–29, 1993

Representative

Steven Schlaijker, Economic Counselor, United States Mission, Geneva

Advisers

Robert Konrath, Economic Officer, United States Mission, Geneva
Joyce Rabens, Office of the United States Trade Representative, Geneva

Private Sector Adviser

Lilliam C. Liburdi, Director, Port Department, The Port Authority of New York and New Jersey, New York, New York

United States Delegation to the Second Annual Meeting of the North Pacific Marine Science Organization (PICES), Seattle, October 25–30, 1993

Representatives

Vera Alexander, Dean, School of Fisheries and Ocean Sciences, University of Alaska, Fairbanks, Alaska
William Aron, Director, Alaska Fisheries Science Center, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Seattle, Washington

Advisers

John Hunter, Chief, Coastal Fisheries Resource Division, Southwest Fisheries Center, National Oceanic and Atmospheric Administration, Department of Commerce, La Jolla, California
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James E. Overland, Pacific Marine Environmental Laboratory, Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce, Seattle, Washington
William L. Sullivan, Jr., Office of Ocean Affairs, Bureau of Oceans and International Environmental Scientific Affairs, Department of State
Usha Varanasi, Director, Environmental Conservation Division, Northwest Fisheries Science Center, National Oceanic and Atmospheric Administration, Department of Commerce, Seattle, Washington

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Stephen C. Riser, School of Oceanography, University of Washington, Seattle, Washington

United States Delegation to the 12th Annual Meeting of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) and the Scientific Committee, Hobart, Tasmania, October 25–November 5, 1993

Representative

Raymond V. Arnaudo, Division of Polar Affairs, Office of Oceans Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State

Congressional Staff Adviser

Jean Pierre Ple, Committee on Commerce, Science, and Transportation, United States Senate

Advisers

John Bengston, Northwest Marine Mammal Laboratory, National Marine Fisheries Services, National Oceanic and Atmospheric Administration, Department of Commerce
Rennie Holt, Southwest Fisheries Center, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Erica Keen, Office of Oceans Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Polly Penhale, Polar Biology Program, Division of Polar Programs, National Science Foundation
Robin Tuttle, Office of International Affairs, National Marine Fisheries Service, National Oceanic Land Atmospheric Administration, Department of Commerce

Private Sector Advisers

Paul Duffy, Golden Shamrock, Inc., Kodiak, Alaska
Beth Marks, The Antarctica Project, Washington, DC

United States Delegation to the International Telecommunication Union (ITU), Telecommunication Standardization Sector (TSS), Radio Communication Study Group 8, Geneva, October 26, 1993

Representative

John Gilsenan, Bureau of International Communications and Information Policy, Department of State

Advisers

Richard Barth, Office of Radio Frequency Management, Department of Commerce, Suitland, Maryland
Richard Engelman, Office of Engineering and Technology, Federal Communications Commission
Richard Swanson, Office of International Liaison Staff, Federal Communications Commission
James T. Vorhies, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

William M. Borman, Vice President, Government Relations—International, Motorola, Inc., Washington, DC
Paul L. Rinaldo, American Radio Relay League, Washington, DC

United States Delegation to the Steel Committee, 43rd Session, Organization for Economic Cooperation and Development (OECD), Paris, October 26–27, 1993

Representative

Joseph S. Papovich, Deputy Assistant United States Trade Representative for Industry, Office of the United States Trade Representative, Executive Office of the President

Alternate Representative

Robert C. Reiley, Director, Office of Materials, Machinery, and Chemicals, Department of Commerce

Advisers

Jean Kemp, Program Manager, International Trade Administration, Department of Commerce
Jane Richards, Office of International Labor, Department of Labor
Joseph A. Spetrini, Acting Assistant Secretary for Import Administration, International Trade Administration, Department of Commerce

Private Sector Advisers

Peter Mulloney, Vice President and Assistant to the Chairman, USX Corporation, Pittsburgh, Pennsylvania
John J. Sheehan, Director of Legislative Affairs and Assistant to the President, United Steelworkers of America, Washington, District of Columbia

United States Delegation to Study Group 7, Telecommunication Standardization Bureau, International Telecommunication Union, Geneva, October 27–29, 1993

Representative

Robert M. Taylor, Spectrum Management Specialist, National Aeronautics and Space Administration

Adviser

Robert E. Beehler, Manager, Broadcast Services, National Institute of Standards and Technology, Department of Commerce, Boulder, Colorado

Private Sector Advisers

Roger Andrews, Professional Services Group, ARC, Sterling, Virginia
Karyl Irion, Professional Services Group, ARC, Sterling, Virginia
John Kiebler, MITRE Corporation, Washington, DC
Harold Kimbell, Professional Services Group, ARC, Sterling, Virginia
John E. Miller, Stanford Telecommunications, Inc., Seabrook Maryland
Alan Rinker, Professional Services Group, ARC, Sterling, Virginia

United States Delegation to the Telecommunication Standardization Bureau Study Group 3, International Telecommunication Union, Geneva, November 1–5, 1993

Representative

Earl S. Barbely, Director, Telecommunications and Information Standards, Bureau of International Communications and Information Policy, Department of State

Advisers

William Kirsch, Deputy Assistant Bureau Chief/International, Federal Communications Commission
Thomas Wasilewski, Policy Specialist, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

Donald P. Casey, Director, Regulatory, AT&T Easy Link, Parsippany, New Jersey
Robert Madden, Manager, AT&T, Morristown, New Jersey
Philip Onstad, Consultant, International Communications Association, Edison, New Jersey
Marcel Scheidegger, MCI International, Rye Brook, New York
Richard W. Stone, Cable and Wireless Communications, Vienna, Virginia

United States Delegation to the 21st Annual Meeting of the Commission for the Conservation of Atlantic Tunas (ICCAT), Madrid, November 1–12, 1993

Representative

Carmen J. Blondin, United States Commissioner, Deputy Assistant Secretary for International Interests, National Oceanic and Atmospheric Administration, Department of Commerce

Alternate Representatives

Michael B. Montgomery, United States Commissioner, M.B. Montgomery Law Corporation, City of Industry, California
Lee Weddig, United States Commissioner, National Fisheries Institute, Washington, DC

Congressional Advisers

Jean Flemma, Committee on Merchant Marine and Fisheries, House of Representatives, United States Congress
James H. Mathews, Committee on Merchant Marine and Fisheries, House of Representatives, United States Congress
Rodney H. Moore, Committee on Merchant Marine and Fisheries, House of Representatives, United States Congress

Advisers

Brian S. Hallman, Office of Marine Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Kevin Chu, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Nancy Daves, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Helen B. Lane, Science Counselor, United States Embassy, Madrid
Will Martin, Deputy Assistant Secretary for International Interests, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce
Mariam McCall, General Counsel, National Oceanic and Atmospheric Administration, Department of Commerce
Joseph Powers, Southeast Fisheries Science Center, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Miami, Florida
Richard B. Stone, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

Private Sector Advisers

John M. Dean, Professor of Marine Sciences, Institute of Public Affairs, University of South Carolina, Columbia, South Carolina
Peter Foley, Boone Bait Company, Inc., Winter Park, Florida
John Hoey, Executive Director, Bluewater Fishermen's Association, Washington, DC
Benjamin Rathbun, New England Fishery Management Council, Saugus, Massachusetts
Richard Ruais, Executive Director, East Coast Tuna Association, Boston, Massachusetts
Gregory Stone, New England Aquarium, Boston, Massachusetts

United States Delegation to the Fifth Meeting of the Secondary Surveillance Radar Improvements and Collision Avoidance Systems Panel (SICASP/5), International Civil Aviation Organization, Montreal, November 1–19, 1993

Representative

Ronald D. Jones, Aeronautical Data Link Program, Satellite Communications Program, Federal Aviation Administration, Department of Transportation

Alternate Representative

Jack D. Howell, Technical Programs Division, Federal Aviation Administration, Department of Transportation

Adviser

Thomas Williamson, Traffic Collision Avoidance Systems, Federal Aviation Administration, Department of Transportation

Private Sector Adviser

Vincent Orlando, Systems Design and Evaluation, Lincoln Laboratory, Massachusetts Institute of Technology, Lexington, Massachusetts

United States Delegation to the First Radiocommunication Assembly, Radiocommunication Bureau, International Telecommunication Union (ITU) Geneva, November 8–16, 1993

Representative

Warren G. Richards, Chairman, Radiocommunication Sector National Committee, Bureau of International Communications and Information Policy, Department of State

Alternate Representatives

William A. Luther, International Adviser, Field Operations Bureau, Federal Communications Commission
Richard D. Parlow, Associate Administrator, Office of Spectrum Management, National Telecommunications and Information Administration, Department of Commerce

Advisers

Roger E. Beehler, Manager, Broadcast Services, National Institute of Standards and Technology, Department of Commerce, Boulder, Colorado
John T. Gilsenan, Director, Radio Spectrum Policy, Bureau of International Communications and Information Policy, Department of State
Giselle Gomez, Office of Regulatory Affairs, United States Information Agency
William T. Hatch, Program Manager, Office of Spectrum Management, National Telecommunications and Information Administration, Department of Commerce
Alex C. Latker, Attorney Adviser, International Policy Division, Common Carrier Bureau, Federal Communications Commission
Robert J. Mayher, Director, Spectrum Plans and Policy, National Telecommunications and Information Administration, Department of Commerce
Donald Messer, General Engineer, Voice of America, United States Information Agency
Lawrence M. Palmer, Associate Administrator, Office of International Affairs, National Telecommunications and Information Administration, Department of Commerce
John Reiser, Engineer, International Branch, Policy and Rules Division, Mass Media Bureau, Federal Communications Commission
Charles Rush, Chief Scientist, National Telecommunications and Information Administration, Department of Commerce
Robert M. Taylor, Spectrum Management Specialist, Spectrum Management Program, National Aeronautics and Space Administration

Private Sector Advisers

Roger Andrews, Senior Engineer, Atlantic Research Corporation, Sterling, Virginia
William M. Borman, Vice President, Government Relations—International, Motorola, Inc., Washington, DC
James R. Carroll, Sachs/Freeman Associates, Inc., Landover, Maryland
Ben C. Fisher, Partner, Fisher, Wayland, Cooper & Leader, Washington, DC
Robert Hopkins, Executive Director, Advanced TV Systems Committee, Washington, DC
Robert Y. Huang, Director, Radio Communications and Spectrum Management, COMSAT World Systems, Bethesda, Maryland
Donald M. Jansky, President, Jansky/Barmat Telecommunications, Washington, DC
Harold Kimball, Consultant, Atlantic Research Corporation, Sterling, Virginia
John McGrath, Manager of International Television, GE Americom, Inc., Princeton, New Jersey
Eugene Rappoport, AT&T, Bedminster, New Jersey
Edward E. Reinhart, Consultant, McLean, Virginia
Frank Rose, Technical Consultant, American Radio Relay League, Bowie, Maryland
Hans J. Weiss, Consultant, COMSAT, Washington, DC

United States Delegation to the Statistical Committee, Second Meeting (November 9–10), and Standing Committee, Second Regular Meeting (November 10), International Copper Study Group (ICSG) Lisbon, November 9–10, 1993

Representative

V. Anthony Cammarota, Jr., Senior Technical Adviser, Bureau of Mines, Department of the Interior

Advisers

Daniel Edelstein, Copper Specialist, Bureau of Mines, Department of the Interior
Nina Fite, Second Secretary, United States Embassy, Lisbon
Darnall Steuart, Office of International Commodities, Bureau of Economic and Business Affairs, Department of State

Private Sector Adviser

Thomas R. Kowalski, Manager, Technical and Market Data, Copper Development Association, New York, New York

United States Delegation to the International Tropical Timber Council, Fifteenth Session, and Permanent Committees, Thirteenth Session, International Tropical Timber Organization (ITTO), Yokohama, November 10–17, 1993

Representative

Milton K. Drucker, Deputy Director, Office of International Commodities, Bureau of Economic and Business Affairs, Department of State

Alternate Representatives

Stephanie Caswell, Office of Ecology and Terrestrial Conservation, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State
Duane E. Sams, Director of Commodity Policy, Office of the United States Trade Representative, Executive Office of the President

Advisers

David Harcharik, United States Forest Service, Department of Agriculture
C. Michael Hicks, Foreign Agricultural Service, Department of Agriculture
Michael Martin, United States Forest Service, Department of Agriculture
Franklin Moore, Office of International Activities, Environmental Protection Agency
Kathy Rice, Office of Materials, Machinery, and Chemicals, Department of Agriculture

Private Sector Advisers

Wendy Baer, Executive Vice President, International Wood Products Association, Alexandria, Virginia
Richard Donovan, Rain Forest Alliance, New York, New York

United States Delegation to the World Radiocommunication Conference, International Telecommunication Union, Geneva, November 15–19, 1993

Representative

Richard C. Beaird, Acting Coordinator and Director, Bureau of International Communication and Information Policy, Department of State

Alternate Representatives

Richard D. Parlow, Associate Administrator, Office of Spectrum Management, National

Telecommunications and Information Administration, Department of Commerce
Warren G. Richards, Director, Radiocommunications Sector, Bureau of International Communication and Information Policy, Department of State
Francis S. Urbany, Director, International and Agency Relations, Bell South Corporation, Washington, DC
Thomas Walsh, Assistant Director, Office of International Communications, Federal Communications Commission

Government Advisers

Paul Arnstein, Office of Electronic Systems, United States Coast Guard, Department of Transportation
Richard Barth, Director, Office of Radio Frequency Management, Department of Commerce
Robin Frank, Office of Legal Adviser, Department of State
Giselle Gomez, Office of Regulatory Affairs, United States Information Agency
William T. Hatch, Program Manager, Office of Spectrum Management, National Telecommunications and Information Administration, Department of Commerce
Robert Konrath, United States Mission, Geneva
William Luther, International Adviser, Field Operations Bureau, Federal Communications Commission
Lawrence Palmer, Associate Administrator, Office of International Affairs, National Telecommunications and Information Administration, Department of Commerce
Cynthia Raiford, Office of Assistant Secretary of Defense, Department of Defense
George Sakai, Assistant Manager, Spectrum Engineering Division, Federal Aviation Administration, Department of Transportation
David Struba, Chief, Spectrum Management Program, National Aeronautics and Space Administration
Frank Williams, Branch Chief, Office of Engineering and Technology, Federal Communications Commission

Private Sector Advisers

Jeffery Binckes, COMSAT Mobile Communications, Communications Satellite Corporation, Clarksburg, Maryland
William M. Borman, Vice President, Government Relations, Motorola, Inc., Washington, DC
James R. Carroll, Sachs/Freeman Associates, Inc., Landover, Maryland
T. Stephen Cheston, Director, International Governmental Affairs, IRIDIUM, Inc., Washington, DC
Ben C. Fisher, Fisher, Wayland, Cooper & Leader, Washington, DC
Kris E. Hutchison, Aeronautical Radio, Inc., Annapolis, Maryland
Donald M. Jansky, President, Jansky/Barmat Telecommunications, Washington, DC
Harold Kimball, Consultant, Atlantic Research Corporation, Sterling, Virginia
Lon Levin, Vice President, American Mobile Satellite Corporation, Reston, Virginia
Robert Mazer, Nixon, Hargrave, Dovans & Doyle, Washington, DC
Leonard R. Raish, Fletcher, Heald & Hildreth, Rosslyn, Virginia
Eugene Rappoport, AT&T, Bedminster, New Jersey
Edward E. Reinhart, Consultant, McLean, Virginia
Paul L. Rinaldo, Technical Director, American Radio Relay League, Washington, DC
Leslie A. Taylor, Telecommunications Consultant, Bethesda, Maryland

United States Delegation to the XVth Quadrennial General Assembly and Consultations of the Pan American Institute of Geography and History Organization of American States, San Jose, Costa Rica, November 15–19, 1993

Representative

Clarence W. Minkel, Chairman, United States National Section, PAIGH, University of Tennessee, Knoxville, Tennessee

Alternate Representatives

Peter F. Bermel, United States National Section, PAIGH, United States Geological Survey, Department of Interior
Margarita Riva-Geoghegan, United States Mission to the Organization of American States, Department of State
Richard D. Sanchez, United States National Section, PAIGH, United States Geological Survey, Department of Interior

Advisers

Jerry J. Becker, Hydro/Topographic Center, Defense Mapping Agency, Fort Sam Houston, Texas, Department of Defense
Paul L. Peeler, Jr., Commission on Cartography, PAIGH, Defense Mapping Agency, Department of Defense
James R. Plasker, United States Geological Survey, Department of Interior
William P. Wall, Aerospace Center, Defense Mapping Agency, Department of Defense, St. Louis, Missouri

Private Sector Advisers

Ernst C. Griffin, Commission on Geography, PAIGH, San Diego State University, San Diego, California
John Schwaller, Commission on History, PAIGH, Florida Atlantic University, Boca Raton, Florida

United States Delegation to the Ad Hoc Working Group on Trade Efficiency, Second Session, Trade and Development Board, United Nations Conference for Trade and Development (UNCTAD), Geneva, November 15–23, 1993

Representative

John L. Wilkinson, Acting Assistant Administrator, Bureau for Private Enterprise, Agency for International Development

Alternate Representative

Steven Schlaikjer, Economic Counselor, United States Mission, Geneva

Advisers

Robert Konrath, Economic Officer, United States Mission, Geneva
Leonard James Petree, Assistant Customs Attache, United States Mission to the European Community, Brussels
Elizabeth W. Shelton, Deputy Director, Office of International Economic Policy, Bureau of International Organization Affairs, Department of State

Private Sector Advisers

George J. Arnold, Director of Development, City of Columbus, Ohio
Sandra Bartley, Special Assistant to the Mayor for International Affairs, City of Columbus, Ohio
Greg Harter, President, EDI Association of the United States, Alexandria, Virginia
Judith E. Payne, Payne and Associates, McLean, Virginia
Randall E. Wise, Director, The North American Trade Point, Columbus, Ohio

United States Delegation to the Second Meeting of Study Group 8, Telecommunication Standardization Sector, International Telecommunication Union, Geneva, November 16–25, 1993

Representative

Dennis Bodson, Deputy Director, National Communications System, Arlington, Virginia

Alternate Representative

Douglas V. Davis, Attorney Adviser, Federal Communications Commission

Advisers

George Flynn, Director, National Security, Emergency Preparedness Division, General Services Administration
Steven Perschau, Senior Engineer, National Communications System, Arlington, Virginia

Private Sector Advisers

Bruce J. DeGrasse, Consultant, B. J. Communications, Dallas, Texas
Ross Kocen, Product Marketing Manager, Tekelec, Calabasas, California
Andrew Mutz, Research Scientist, Eastman Kodak Company, Rochester, New York
James P. Rafferty, President, Human Communications, Danbury, Connecticut
Herman R. Silbiger, Communications Consultant, APPLICOM, Tinton Falls, New Jersey
Steven Urban, Senior Engineer, Delta Information Systems, Horsham, Pennsylvania

United States Delegation to the Maritime Transport Committee (MTC), Organization for Economic Cooperation and Development (OECD), Paris, November 22–23, 1993

Representative

Geoffrey Ogden, Director, Office of Maritime and Land Transport, Bureau of Economic and Business Affairs, Department of State

Alternate Representative

Ralph Edwards, Office of International Affairs, Maritime Administration, Department of Transportation

Private Sector Adviser

Donald L. O'Hare, Sea-Land Corporation, Iselin, New Jersey

United States Delegation to the International Natural Rubber Council, Twenty-Eighth Session, and Committees on Administration, Buffer Stock Operations, and Other Measures and Statistics, International Natural Rubber Organization (INRO), Kuala Lumpur, November 22–30, 1993

Representative

Duane E. Sams, Director of Commodity Policy, Office of the United States Trade Representative, Executive Office of the President

Alternate Representative

William M. Kendall-Johnston, International Economist, Bureau of Economic and Business Affairs, Department of State

Adviser

Daniel Martinez, Economic Officer, United States Embassy, Kuala Lumpur

Private Sector Advisers

Edward Davis, Senior Merchant, Cargill, Inc., New York, New York
H. Ross Miller, Managing Director-Secretary, Goodrich Company Private, Ltd., Singapore, Singapore
Stanley M. Schultz, Operations Director, Bridgestone/Firestone Singapore, PTD, Ltd., Singapore, Singapore

United States Delegation to the Ad Hoc Working Group on Comparative Experiences With Privatization, Third Session, Trade and Development Board, United Nations Conference for Trade and Development (UNCTAD), Geneva, November 29–December 3, 1993

Representative

Monica McKnight, Director, Office of Emerging Markets, Bureau for Private Enterprise, Agency for International Development

Advisers

Penny Farley, Privatization Project Manager, Office of Emerging Markets, Bureau for Private Enterprise, Agency for International Development
Steven Schlaikjer, Economic Counselor, United States Mission, Geneva

Private Sector Adviser

James A. Waddell, Executive Director, International Privatization Group, Price Waterhouse, Washington, DC

United States Delegation to the 39th Session of the Subcommittee on Radiocommunications, International Maritime Organization, London, November 29–December 3, 1993

Representative

Benjamin M. Chiswell III, Captain, Chief, Telecommunications Management Division, United States Coast Guard, Department of Transportation

Alternate Representative

Joseph D. Hersey, Jr., United States Coast Guard, Department of Transportation

Advisers

Kathryn S. Hosford, Private Radio Bureau, Federal Communications Commission
Dan Lemon, Chief, SAR Coordination Branch, United States Coast Guard, Department of Transportation
Roy Soluri, Hydrographic/Topographic Center, Defense Mapping Agency, Department of Defense
Richard Swanson, Private Radio Bureau, Federal Communications Commission

Private Sector Advisers

John C. Fuechsel, Captain, USCG, Retired, Consultant, COMSAT Corporation, Washington, DC
Marshall E. Gilbert, Rear Admiral, USCG, Retired, Gilbert and Associates, Springfield, Virginia
Jack Oslund, Director of External Affairs, COMSAT Maritime Services, Clarksburg, Maryland
Michael K. Ward, American Mobile Satellite Corporation, Reston, Virginia

United States Delegation to the Second Meeting of the Telecommunications Standardization Sector, Study Group II, International Telecommunication Union (ITU), Geneva, November 29 to December 17, 1993

Representative

Otto J. Gusella, Executive Director, Exchange Carrier Standards Association, Washington, D.C.

Alternate Representative

Kathryn A. Martin, Bureau of International Communications and Information Policy, Department of State

Advisers

Donald Choi, Defense Information Systems Agency, Department of Defense, Reston, Virginia
Leslie A. Collica, National Institute of Standards and Technology, Department of Commerce, Gaithersburg, Maryland

Private Sector Advisers

Ed Chien, President, Personal Telecommunication Technologies, Inc., San Jose, California
Elmer R. Hapeman, Switching Engineer, BELLCORE, Red Bank, New Jersey
Ross Kocen, Product Marketing Manager, Tekelec, Calabasas, California
Doris Lebovitis, Staff Manager, AT&T, Bedminster, New Jersey
Anthony Toubassi, Advisory Engineer, MCI Corporation, Richardson, Texas
Lawrence A. Young, Director, Technical Standards, Ameritech Services, Hoffman Estates, Illinois

United States Delegation to the Intergovernmental Group on Hard Fibers, Twenty-Seventh Session, Committee on Commodity Problems (CCP), United Nations Food and Agriculture Organization (FAO), Rome, November 30–December 3, 1993

Representative

Maria D'Andrea, International Economist, Industry Assessment Division, Office of Textiles and Apparel, International Trade

Administration, Department of Commerce

Alternate Representative

Harry C. Mussman, Agricultural Attache, United States Mission to the United Nations Agencies for Food and Agriculture, Rome

Private Sector Adviser

Terrence J. Bohman, Chief Financial Officer and Vice President, International Trade, Universal Cooperatives, Inc., International Trade Division, Minneapolis, Minnesota

United States Delegation to the WP on Telecommunication and Information Services Policies (TISP), 12th Session, Committee for Information, Computer and Communications Policy (ICCP), Organization for Economic Cooperation and Development (OECD), Paris, December 6–7, 1993

Representative

Gary D. De Vight, Director for Bilateral Relations, Bureau of International Telecommunications and Information Policy, Department of State

Advisers

Wray Candilis, International Trade Specialist, Office of Service Industries, International Trade Administration, Department of Commerce

Diane Cornell, Common Carrier Bureau, Federal Communications Commission

Susan Settle, Office of International Affairs, National Telecommunications and Information Administration, Department of Commerce

Private Sector Advisers

Stuart Chiron, Counsel and Director, International Regulatory Policy, Sprint International, Reston, Virginia

Charles Meyers, Government Affairs Director, AT&T, Basking Ridge, New Jersey

Richard W. Stone, Consultant, Cable and Wireless, Vienna, Virginia

Carmine Taglialatela, Jr., Executive Staff, International Regulatory Affairs, MCI Telecommunications Corporation, Washington, DC

United States Delegation to the General Assembly of the Bureau of International Expositions (BIE), Paris, December 8, 1993

Representative

Stephen G. Sinclair, Director of Exhibits Service, United States Information Agency

Private Sector Adviser

Douglas A. Yates, President, Model-Technics, Inc., Costa Mesa, California

[FR Doc. 94–7718 Filed 4–1–94; 8:45 am]

BILLING CODE 4710–19–M

DEPARTMENT OF TRANSPORTATION

Announcement of Conferences on Implementation of U.S. Department of Transportation Drug and Alcohol Rules

AGENCY: Office of the Secretary, DOT.

ACTION: Notice of conferences on the implementation of alcohol and drug testing regulations.

SUMMARY: DOT is sponsoring four 2-day conferences on the implementation of rules requiring alcohol and drug testing in transportation workplaces. The conferences are designed to assist employers of safety-sensitive employees with the implementation of their alcohol and drug testing programs. This notice concerns the dates, locations, and registration information for these conferences.

DATES AND LOCATIONS: The conferences will be held at the following locations: Washington, DC/Metro Area, May 4–5, 1994, the Holiday Inn Crowne Plaza, 1750 Rockville Pike, Rockville, MD 20852; San Diego, CA, May 16–17, 1994, the Pan Pacific Hotel, 400 West Broadway, San Diego, CA 92101; Dallas, TX, June 9–10, 1994, the Stouffer Dallas Hotel, 222 Stemmons Freeway, Dallas, TX 75207; and Chicago, IL, June 14–15, 1994, the Omni Orrington Hotel, 1710 Orrington Avenue, Evanston, IL 60201.

All conferences will begin at 8 a.m. on the first day, and conclude at 5:20 p.m. on the second day.

FOR FURTHER INFORMATION AND REGISTRATION: Requests for information and registration should be made to Rii, Inc. 1010 Wayne Avenue, suite 300, Silver Spring, Maryland 20910. Phone: 301–565–4048/FAX 301–587–4138.

SUPPLEMENTARY INFORMATION: On February 15, 1994, the U.S. Department of Transportation (DOT) published regulations requiring drug and alcohol testing of over 7 million safety-sensitive employees in transportation industries. These regulations were mandated by Public Law 102–143, the Omnibus Transportation Employee Testing Act. Rules were issued by the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), Federal Transit Administration (FTA), and the Research and Special Programs Administration (RSPA) requiring employers in the regulated aviation, commercial motor vehicle, railroad, transit, and pipeline industries to implement anti-drug and alcohol misuse prevention programs.

The rules generally require implementation starting January 1, 1995, for large companies (with generally 50 or more safety-sensitive employees) and January 1, 1996, for small companies.

The conferences' agendas will include: drug and alcohol testing procedures, reporting and recordkeeping requirements, compliance and enforcement issues, random testing rates, prohibited conduct and consequences, return-to-duty requirements, employee confidentiality, and education and training requirements.

The first day of the conferences will focus on the requirements of the alcohol misuse prevention programs. The second day agenda will focus on anti-drug program requirements.

Representatives from the FAA, FHWA, FRA, FTA, and RSPA will conduct specific sessions providing the requirements for the employers they regulate. Although RSPA is unable to conduct a modal-specific session at the Washington, DC conference, gas and liquid pipeline operators may wish to attend the general sessions.

Issued in Washington, DC on March 24, 1994.

Donna R. Smith,

Acting Director, Drug Enforcement and Program Compliance.

[FR Doc. 94–7912 Filed 4–1–94; 8:45 am]

BILLING CODE 4910–62–P

Federal Aviation Administration

Proposed Establishment of the Longview, TX, Class C Airspace Area; Public Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: This notice is announcing a fact-finding informal airspace meeting to solicit information from airspace users and to provide interested parties an opportunity to discuss the proposal to establish Class C airspace at the Longview, TX, airport terminal area. The proposed Class C airspace is being considered due to the increased volume of traffic arriving and departing the Longview Airport. All comments received during the meeting will be considered prior to the issuance of a notice of proposed rulemaking.

TIME AND DATE: The informal airspace meeting will be held at 7 p.m. on

Monday, May 23, 1994. Comments must be received on or before May 17, 1994.

PLACE: Letourneau University College, Science Building, rooms 105 and 106, 2100 Mobberly Ave., Longview, TX.

COMMENTS: Send or deliver comments on the proposal in triplicate to: Manager, Air Traffic Division, ASW–500, Federal Aviation Administration, 2601 Meacham Blvd., Fort Worth, TX 76137–4298.

FOR FURTHER INFORMATION CONTACT:

Greg Juro, FAA Southwest Regional Office, ASW–530, telephone: (817) 222–5591.

SUPPLEMENTARY INFORMATION:

Meeting Procedures

(a) The meeting will be informal in nature and will be conducted by a representative of the FAA Southwest Region. Representatives from the FAA will present a formal briefing on the proposed establishment of the Class C airspace area. Each participant will be given an opportunity to deliver comments or make a presentation.

(b) The meeting will be open to all persons on a space-available basis. There will be no admission fee or other charge to attend and participate.

(c) Any person wishing to make a presentation to the FAA panel will be asked to sign in and estimate the amount of time needed for such presentation. This will permit the panel to allocate an appropriate amount of time for each presenter. The panel may allocate the time available for each presentation in order to accommodate all speakers. The meeting will not be adjourned until everyone on the list has had an opportunity to address the panel. The meeting may be adjourned at any time if all persons present have had the opportunity to speak.

(d) Position papers or other handout material relating to the substance of the meeting will be accepted. Participants wishing to submit handout material should present three copies to the presiding officer. There should be additional copies of each handout available for other attendees.

(e) The meeting will not be formally recorded. However, a summary of the comments made at the meeting will be filed in the docket.

Agenda for the Meeting

Opening Remarks and Discussion of Meeting Procedures.
Briefing on Background for Proposal.
Public Presentations.
Closing Comments.

Issued in Washington, DC, on March 28, 1994.

Harold W. Becker,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 94–7919 Filed 4–1–94; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

March 28, 1994.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Bureau of the Public Debt

OMB Number: 1535–0060.
Form Number: PD F 2488–1.
Type of Review: Extension.
Title: Certificate by Legal Representative(s) of Decedent's Estate, During Administration, of Authority to Act and of Distribution Where Estate Holds No More Than $1,000 (face amount) United States Savings and Retirement Securities, Excluding Checks Representing Interest.
Description: Used by legal representatives of a decedent's estate to establish his/her authority to act and to request disposition of the securities.
Respondents: Individuals or households.
Estimated Number of Respondents: 6,300.
Estimated Burden Hours Per Response: 15 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 1,575 hours.
Clearance Officer: Vicki S. Ott (304) 480–6553, Bureau of the Public Debt, 200 Third Street, Parkersburg, West VA 26106–1328.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 94–7991 Filed 4–1–94; 8:45 am]

BILLING CODE 4810–40–M

Public Information Collection Requirements Submitted to OMB for Review

March 29, 1994.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512–0163.
Form Number: ATF F 5210.5 (3068).
Type of Review: Extension.
Title: Manufacturer of Tobacco Products Monthly Report.
Description: ATF F 5210.5 (3068) describes the tobacco products manufacturer's accounting of cigars and cigarettes. The form describes the tobacco products manufactured, articles produced, received, disposed of, and statistical classes of large cigars. ATF examines and verifies entries on these reports so as to identify unusual activities, errors and omissions.
Respondents: Businesses or other for-profit, Small businesses or organizations.
Estimated Number of Respondents: 108.
Estimated Burden Hours Per Respondent: 1 hour.
Frequency of Response: Monthly.
Estimated Total Reporting Burden: 1,296 hours.
Clearance Officer: Robert N. Hogarth (202) 927–8930, Bureau of Alcohol, Tobacco and Firearms, room 3200, 650 Massachusetts Avenue, NW., Washington, DC 20226.
OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 94–7992 Filed 4–1–94; 8:45 am]

BILLING CODE 4810–31–M

Public Information Collection Requirements Submitted to OMB for Review

March 29, 1994.

The Department of Treasury has submitted the following public

information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545–1225.

Form Number: IRS Form 5310–A.

Type of Review: Revision.

Title: Notice of Merger, Consolidation, Spinoff, or Transfer of Plan Assets or Liabilities; Notice of Qualified Separate Lines of Business.

Description: Plan administrators are required to notify IRS of any plan mergers, consolidations, spinoffs, or transfers of plan assets or liabilities to another plan. Employers are required to notify IRS of separate lines of business for their deferred compensation plans. Form 5310–A is used to make these notifications.

Respondents: Businesses or other for-profit, Small businesses or organizations.

Estimated Number of Respondents/ Recordkeepers: 15,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Form	Recordkeeping	Learning about the law or the form	Preparing, copying, assembling, and sending the form to the IRS
5310–A (Part I)	2 hrs., 9 min	1 hr., 35 min	1 hr., 42 min.
5310–A (Part II)	4 hrs., 47 min	24 min	29 min.
5310–A (Part III)	3 hrs., 35 min	24 min	28 min.

Frequency of Response: On occasion.

Estimated Total Reporting/ Recordkeeping Burden: 900,860 hours.

OMB Number: 1545–1227.

Regulation ID Number: FI–104–90 Final.

Type of Review: Extension.

Title: Tax Treatment of Salvage and Reinsurance.

Description: This regulation provides a disclosure requirement for an insurance company that increases losses shown on its annual statement by the amount of estimated salvage recoverable taken into account.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 2,500.

Estimated Burden Hours Per Respondent: 2 hours.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 5,000 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 94–7993 Filed 4–1–94; 8:45 am]

BILLING CODE 4830–01–M

Customs Service

[T.D. 94–30]

Customs Approval of Accutest Services, Inc., as a Commercial Gauger

AGENCY: U.S. Customs Service, Treasury.

ACTION: Notice of approval of Accutest Services, Inc., as a Commercial Gauger.

SUMMARY: Accutest Services, Inc., of Corpus Christi, Texas has recently applied to U.S. Customs for approval to gauge imported petroleum, petroleum products, organic chemicals and vegetable and animal oils under § 151.13 of the Customs Regulations (19 CFR 151.13). Customs has determined that Accutest Services, Inc., meets all of the requirements for approval as a commercial gauger.

Therefore, in accordance with § 151.13(f) of the Customs Regulations, Accutest Services, Inc. is approved to gauge the products named above in all Customs districts.

EFFECTIVE DATE: March, 22, 1994.

FOR FURTHER INFORMATION CONTACT: Ira S. Reese, Chief, Technical Branch, Office of Laboratories and Scientific Services, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229 at (202)927–1060.

Dated: March 25, 1994.

George D. Heavey,

Director, Office of Laboratories and Scientific Services.

[FR Doc. 94–7868 Filed 4–1–94; 8:45 am]

BILLING CODE 4820–02–P

[T.D. 94–31]

Extension of E.W. Saybolt & Co., Inc.'s Customs Laboratory Accreditation to the Site Located in Guayanilla, PR

AGENCY: Customs Service, Treasury.

ACTION: Notice of the extension of E. W. Saybolt & Co., Inc.'s Customs laboratory accreditation to include their Guayanilla, Puerto Rico, new laboratory facility.

SUMMARY: E. W. Saybolt & Co., Inc., of Kenilworth, New Jersey, a Customs approved gauger and accredited laboratory under § 151.13 of the Customs Regulations (19 CFR 151.13), has been given an extension of its Customs gauger approval and laboratory accreditation to include the Guayanilla, Puerto Rico site. Specifically, the extension given to the Guayanilla site will include the approval to gauge petroleum and petroleum products, organic compounds in bulk and liquid form and animal and vegetable oils; and accreditation to perform the following laboratory analyses: API gravity, sediment and water by centrifuge, distillation characteristic, Saybolt Universal Viscosity, sediment by extraction and sulfur percent by weight.

SUPPLEMENTARY INFORMATION:

Background

Part 151 of the Customs Regulations provides for the acceptance at Customs Districts of laboratory analyses and gauging reports for certain products from Customs accredited commercial laboratories and approved gaugers. E. W. Saybolt & Co., Inc., a Customs commercial approved gauger and accredited laboratory, has applied to Customs to extend certain laboratory accreditations to its Guayanilla, Puerto Rico site, a Customs gauger approved facility. Review of the qualifications of the Guayanilla site shows that the extension is warranted and, accordingly, has been granted.

Location

E.W. Saybolt Co., Inc., Guayanilla site is located at Route 127, Km. 13.4, Guayanilla, Puerto Rico, 00656.

EFFECTIVE DATE: March 23, 1994.

FOR FURTHER INFORMATION CONTACT: Ira S. Reese, Chief, Technical Branch, Office of Laboratories and Scientific Services, U.S. Customs Service, 1301 Constitution Ave., NW., Washington, DC 20229 at (202) 927–1060.

Dated: March 28, 1994.

George D. Heavey,

Director, Office of Laboratories and Scientific Services.

[FR Doc. 94–7869 Filed 4–1–94; 8:45 am]

BILLING CODE 4820–02–P

Customs Service

[T.D. 94-33]

Tuna Fish—Tariff-Rate Quota

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Announcement of the quota quantity for tuna for Calendar Year 1994.

SUMMARY: Each year the tariff-rate quota for tuna fish described in item 1604.14.20, HTSUS, is based on the United States canned tuna production for the preceding calendar year.

EFFECTIVE DATES: The 1994 tariff-rate quota is applicable to tuna fish entered, or withdrawn from warehouse, for consumption during the period January 1 through December 31, 1994.

FOR FURTHER INFORMATION CONTACT: Karen L. Cooper, Chief, Quota Branch, Entry Division, Office of Trade Operations, Office of Commercial Operations, U.S. Customs Service, Washington, DC 20229, (202–927–5401).

It has now been determined that 33,245,716 kilograms of tuna may be entered for consumption or withdrawn from warehouse for consumption during the Calendar Year 1994, at the rate of 6 percent ad valorem under item 1604.14.20, HTSUS. Any such tuna which is entered, or withdrawn from warehouse, for consumption during the current calendar year in excess of this quota will be dutiable at the rate of 12.5 percent ad valorem under item 1604.14.30 HTSUS.

(QUO–1–CO:TO:E:Q)

Dated: March 28, 1994.

George J. Weise,

Commissioner.

[FR Doc. 94–8004 Filed 4–1–94; 8:45 am]

BILLING CODE 4820–02–M

DEPARTMENT OF VETERANS AFFAIRS

Cooperative Studies Evaluation Sub-Committee of the Advisory Committee for Cooperative Studies, and Health Services and Rehabilitation Research and Development; Meeting

The Department of Veterans Affairs gives notice under Public Law 92–463 (Federal Advisory Committee Act) as amended, by section 5 (c) of Public Law 94–409 that a meeting of the Cooperative Studies Evaluation Sub-Committee of the Advisory Committee for Cooperative Studies, and Health Services and Rehabilitation Research and Development will be held at the Washington, DC, Renaissance Hotel (Techworld), Washington, DC, April 19–20, 1994. The session on April 19 is scheduled to begin at 7:30 a.m. and end at 5:30 p.m. and on April 20 from 7:30 a.m. to 3:15 p.m. The meeting will be for the purpose of reviewing three new clinical trials, one on HIV vaccine; one on prevention of skin cancer; one on abdominal aortic aneurysm and the progress of four on-going studies, one on prosthetic bypass grafts, one on benign prostatic hyperplasia, one on epilepsy, and one on cardiac surgery.

The Committee advises the Director, Medical Research Service, through the Chief of the Cooperative Studies Program on the relevance and feasibility of the studies, the adequacy of the protocols, and the scientific validity and propriety of technical details, including protection of human subjects.

The meeting will be open to the public up to the seating capacity of the room from 7:30 a.m. to 8 a.m. on both days to discuss the general status of the program. To assure adequate accommodations, those who plan to attend should contact Dr. Ping Huang, Coordinator, Cooperative Studies Evaluation Sub-Committee of the Advisory Committee for Cooperative Studies, and Health Services and Rehabilitation Research and Development, Department of Veterans Affairs, Washington, DC (202–535–7154), prior to April 10, 1994.

The meeting will be closed from 8 a.m. to 5:30 p.m. on April 19, 1994 and from 8 a.m. to 3:30 p.m. on April 20, 1994, for consideration of specific proposals in accordance with provisions set forth in section 10(d) of Public Law 92–463, as amended by section 5(c) of Public Law 94–409, and 5 U.S.C. 552b(c)(6). During this portion of the meeting, discussions and recommendations will deal with qualifications of personnel conducting the studies, staff and consultant critiques of research protocols, and similar documents, and the medical records of patients who are study subjects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dated: March 23, 1994.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 94–7931 Filed 4–1–94; 8:45 am]

BILLING CODE 8320–01–M

Advisory Committee on Readjustment of Vietnam and Other War Veterans; Meeting

The Department of Veterans Affairs (VA) give notice under Public Law 92–463 that a meeting of the Advisory Committee on the Readjustment of Vietnam and Other War Veterans will be help April 14 through 16, 1994. This meeting will be a field meeting conducted primarily at VA facilities in El Paso, Texas and Albuquerque and Santa Fe, New Mexico. The Committee will also visit the Hopi Indian Reservation in northern Arizona to review on-site Vet Center services. The purpose of the meeting is to provide the Committee a first hand opportunity to review the provision and coordination of VA services for war-related post-traumatic stress disorder (PTSD) and other readjustment difficulties specific to war veterans. For this purpose the Committee will tour facilities, and engage in discussions with VA service providers and veteran consumers.

The meeting on April 14, will begin at 8:30 a.m. and conclude at 4:30 p.m. The day's agenda will be conducted concurrently at three different locations. Specifically the Committee will visit the Albuquerque VA Medical Center and Vet Center, the El Paso VA Outpatient Clinic and the Vet Center counselor on the Hopi Reservation. The day's agenda will consist of direct observations of VA readjustment counseling and mental health services with particular attention to the PTSD Clinical Teams at the Albuquerque VA Medical Center and the El Paso VA Outpatient Clinic. An additional focus for the meeting is continuity of care and clinical follow-up between area VA medical centers and Vet Centers.

The meeting on April 15 will begin at 8:30 a.m. and conclude at 5 p.m. The second day's agenda will also be conducted concurrently at three different locations. The morning portion of the agenda will consist of a continuation of direct observations of VA programs and facilities at the El Paso Vet Center, the Santa Fe Vet Center, and the Hopi Reservation in

Northern Arizona. The afternoon portion of the meeting will consist of local community forum meetings and group discussions with non-VA officials and service providers regarding the post-war readjustment and service needs of area war veterans with special emphasis on Native American, Hispanic and rural veterans. The meetings will be conducted at the Santa Fe Vet Center, 1996 Warner Street, Warner Plaza, Suite 5, Santa Fe, New Mexico, the El Paso Vet Center, 6500 Boeing, Suite L–112, El Paso, Texas, and at the Hopi Cultural Center, 1500 Highway 69, Second Mesa, Arizona. The meeting on April 16 will begin at 8:30 a.m. and conclude at 1 p.m. The third day's agenda will consist of a Committee executive meeting regarding a review of findings, conclusions, recommendations and future work plans. The meeting will be conducted at the Ramada Classic Hotel, 6815 Menaul, NE, Albuquerque, New Mexico.

The meeting will be closed from 8:30 a.m. to 4:30 p.m. on Thursday, April 14, and from 8:30 a.m. to 11:30 a.m. on Friday, April 15, in accordance with the provisions cited in 5 U.S.C. 522b(c)(6) pursuant to subsection 10(d) of the Federal Advisory Committee Act. During this portion of the meeting the Committee will be engaging in discussions with VA clinical service providers and veteran consumers. These discussions will disclose information of a personal nature for veteran patients with would constitute a clearly unwarranted invasion of personal privacy. The meeting on April 15 from 1:30 p.m. to 5 p.m. and on April 16 from 8:30 a.m. to 1 p.m. will be open to the public to the seating capacity of the room.

Anyone having questions concerning the meeting may contact Arthur S. Blank, Jr., M.D., Director, Readjustment Counseling Service, Department of Veterans Affairs Central Office at (202) 535–7554.

Dated: March 23, 1994.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 94–7932 Filed 4–1–94; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 59, No. 64
Monday, April 4, 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 ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: March 23, 1994, 59 FR 14449.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: March 30, 1994, 10:00 a.m.

CHANGE IN THE MEETING: The following Docket Numbers have been added to Items CAG–7, CAG–29 and PR–2 on the Agenda scheduled for March 30, 1994:

Item No., Docket No., and Company

CAG–7 RP93–184–000, RP93–185–000 and RP94–76–000, Carnegie Natural Gas Company
CAG–29 RP94–133–000 and RP94–67–000, Southern Natural Gas Company
PR–2 RM94–12–000, Interstate Natural Gas Pipeline Gas Supply Realignment Costs

Lois D. Cashell,

Secretary.

[FR Doc. 94–8090 Filed 3–31–94; 11:46 am]

BILLING CODE 6717–01–M

FEDERAL TRADE COMMISSION

TIME AND DATE: 2:00 p.m., Wednesday, May 4, 1994.

PLACE: Federal Trade Commission Building, Room 532, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions Open to Public:

(1) Oral Argument in Trans Union Corporation, Docket 9255

Portions Closed to the Public:

(2) Executive Session to follow Oral Argument in Trans Union Corporation, Docket 9255

CONTACT PERSON FOR MORE INFORMATION: Bonnie Jansen, Office of Public Affairs: (202) 326–2180, Recorded Message: (202) 326–2711.

Donald S. Clark,

Secretary.

[FR Doc. 94–8062 Filed 3–31–94; 10:05 am]

BILLING CODE 6750–01–M

federal register

Monday
April 4, 1994

Part II

Department of Education

Urban Community Service Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1994; Notice

DEPARTMENT OF EDUCATION

[CFDA No. 84.252]

Urban Community Service Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1994

Purpose of Program: This program provides grants to urban academic institutions to work with private and civic organizations to devise and implement solutions to pressing and severe problems in their urban communities. The program furthers National Education Goal 5, that every American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship. The program furthers the objectives of Goal 5 by affording students in urban universities an opportunity to learn more about the problems in their communities and participate in developing solutions to these problems.

Eligible Applicants: Eligible applicants include any nonprofit municipal university, established by the governing body of the city in which it is located, and operating as of July 23, 1992. Also eligible is any institution of higher education or a consortium of institutions with at least one member that: (1) Is located in an urban area; (2) draws a substantial portion of its undergraduate students from the urban area in which it is located or from contiguous areas; (3) carries out programs to make postsecondary educational opportunities more accessible to residents of the urban area or contiguous areas; (4) has the present capacity to provide resources responsive to the needs and priorities of the urban area and contiguous areas; (5) offers a range of professional, technical, or graduate programs sufficient to sustain the capacity of the institution to provide these resources; and (6) has demonstrated and sustained a sense of responsibility to the urban area and contiguous areas and the people in those areas.

Deadline for Transmittal of Applications: June 3, 1994.

Deadline for Intergovernmental Review: August 2, 1994.

Applications Available: April 19, 1994.

Available Funds: $1,100,000.

Estimated Range of Awards: $200,000–$350,000.

Estimated Average Size of Awards: $220,000.

Estimated Number of Awards: 4 to 5.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to five annual budget periods.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 85, and 86; and the Urban Community Service Program regulations in 34 CFR part 636.

Priority: Under 34 CFR 75.105(c)(3) and 20 U.S.C. 1136b, the Secretary gives an absolute preference to applications that propose to conduct joint projects supported by other local, State, and Federal programs. The amount of funds to be reserved for this priority will be established after determining the number of high quality applications received.

For Applications or Information Contact: Patricia W. Gore, U.S. Department of Education, 400 Maryland Avenue, SW., Portals Building; Courtyard Level, Washington, DC 20202–5251. Telephone: (202) 260–3262. 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.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260–9950; or on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins and Press Releases). However, the official application notice for a discretionary grant competition is the notice published in the **Federal Register**.

Program Authority: 20 U.S.C. 1136–1136h.

Dated: March 29, 1994.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 94–7913 Filed 4–1–94; 8:45 am]

BILLING CODE 4000–01–P

federal register

Monday
April 4, 1994

Part III

Department of Justice

Bureau of Prisons

28 CFR Parts 540 and 545
Telephone Regulations and Inmate Financial Responsibility; Final Rule

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Parts 540 and 545

[BOP–1004–F]

RIN 1120–AA06

Telephone Regulations and Inmate Financial Responsibility

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: In this document, the Bureau of Prisons ("Bureau") is amending its rule on Telephone Regulations in order to provide for the operation of the Inmate Telephone System ("ITS") and to clarify references to loss of telephone privileges under institutional disciplinary sanctions. This document also amends the Bureau's rule on the Inmate Financial Responsibility Program as it relates to telephone privileges.

These amendments are intended to further the Bureau's core value of sound correctional management both by recognizing the role of inmate financial responsibility and by further minimizing the security problems and criminal activity associated with inmate telephone use, thereby improving the safe and secure operation of Bureau institutions. Consistent with correctional management objectives, these amendments are also intended to reduce generally the costs of telephone calls by providing for a direct-dial, debit-billing system now available through technological developments in the telephone and computer industries. This system allows the Bureau to more effectively carry out its long-standing rule that an inmate is responsible for the expenses of inmate telephone use. These amendments also give the Bureau more flexibility to efficiently manage inmate telephone use, thus enhancing the Bureau's ability to provide telephone access to inmates in a manner that facilitates other correctional management goals, such as encouraging inmates to be financially responsible. Finally, these amendments enable the Bureau to restrict and more effectively monitor inmate telephone use that may pose a threat to the security of the institution or the public.

EFFECTIVE DATE: May 4, 1994, except for §§ 540.105(c) and 545.11(d)(10) which become effective January 3, 1995.

ADDRESSES: Office of General Counsel, Bureau of Prisons, HOLC room 754, 320 First Street NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel, Bureau of Prisons, telephone (202) 514–6655.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is amending its rules on Telephone Regulations and on the Inmate Financial Responsibility Program. A proposed rule on these subjects was published in the Federal Register July 21, 1993 (58 FR 39096). A summary of background information, public comment, and agency response follows.

Background/History of Inmate Telephone Privileges

The Bureau of Prisons ("Bureau") provides inmates with several means of communicating with the public. Primary among these is written correspondence, with visiting and telephone privileges serving as two supplemental means of communication. Although there is no Constitutional right for inmates to have unrestricted telephone communication with members of their families and the community, particularly when there are alternative channels of communication available, the Bureau provides inmates with telephone access consistent with the requirements of sound correctional management for the continually expanding inmate population.

Prior to the early 1970's, telephone privileges in Bureau institutions were determined by local policy, as set by each Warden. In 1973, the Bureau adopted a national policy to ensure telephone access to all inmates by permitting every inmate who was not restricted from telephone use to make at least one telephone call every quarter. During the mid-1970's, telephone privileges routinely consisted of one or two short telephone calls a month on institution telephones, placed and supervised by staff, and approved in advance.

In the late 1970's, the Bureau attempted to increase telephone access and reduce staff assistance by the installation of a collect call system which relied upon inmate use of unattended commercial equipment, tape recording, and operator-assisted services. This was the system in operation when the Bureau published its final rule on Telephone Regulations June 29, 1979 (44 FR 38249), with a subsequent amendment June 1, 1983 (48 FR 24622).

Purpose of the Amended Regulations

The former regulations, as cited above and as codified in 28 CFR part 540, subpart I, state that the inmate is responsible for the expenses of inmate telephone use. This has been, and remains, a major tenet of Bureau policy. However, at the time the former regulations were published, the Bureau had no practicable means of making inmates directly responsible for the costs of their calls. Hence, those regulations recognized that inmate telephone calls would ordinarily be made collect to the party called.

Technological developments in the telephone and computer industries have now made it possible for the Bureau to install a debit-billing telephone system which allows the Bureau to more effectively carry out its rule that an inmate is responsible for the expenses of inmate telephone use. This system, known as the Inmate Telephone System (ITS), is similar to telephone systems used in many hotels where calls are direct-dialed after being processed through a switch and charged to the caller's bill.

These amended telephone regulations provide for the operation of the ITS and permit the Bureau to better address correctional management and security problems than with the collect call telephone system in place under the former regulations. These regulations therefore provide an important contribution to the goals of responsible correctional management in the following ways:

1. The amended regulations are intended to help teach inmates responsibility and management of resources. The former collect call system provides little or no incentive for inmates to shoulder personal responsibility for the costs of their telephone calls, as collect call billing shifts the costs to other parties. This excuses inmates from exercising a basic form of decision-making on how to spend their funds, a decision that must be made every day by other adults. The Bureau believes that encouraging inmates to face practical life-style choices is an integral part of the rehabilitation process. In recognizing the importance of developing this skill, the Bureau provides education programming for life-coping skills such as budgeting. This is consistent with the Bureau's statutory mandate, as set forth in 18 U.S.C. 4001 and 4042, to provide for inmates' "government, discipline, treatment, care, rehabilitation, and reformation."

By providing for the operation of a debit-billing system in which inmates are responsible for the cost of their telephone calls (unless there is good cause for the placement of a collect call or a compelling circumstance justifies the placement of a call at government expense), the amended regulations help

the Bureau to meet its statutory mandate. In order to exercise their telephone privileges, inmates will have to establish their priorities, purchase telephone credits at the prison commissary, and manage the expenditure of their telephone credits. Moreover, by taking responsibility for the costs of their telephone calls and managing their telephone credits, inmates gain an increased sense of control over their lives.

The switch from the former collect system to the debit billing ITS also provides an added incentive for inmates to obtain the higher-skilled and higher-paying prison work assignments. Through such work, inmates can develop occupational skills and the discipline of working on a regular basis, factors which contribute to an inmate's successful return to society. In recognition of this fact, the United States Congress has mandated work assignments for all inmates, except as necessitated by security considerations, disciplinary action, medical reasons, or other programming involvement. See 18 U.S.C. 4121; Public Law 101–647, 104 Stat. 4914. By providing an incentive to work to obtain money for telephone calls, the amended regulations and the ITS debit-billing system encourage the fulfillment of this Congressional objective.

2. The amended regulations are intended to increase the incentive for inmates to participate in the Inmate Financial Responsibility Program (IFRP), a program that encourages inmates to set and meet regular payment schedules, consistent with their resources, for their court-imposed fines, restitutions, and other financial obligations. The program stresses the importance of fiscal responsibility. See 28 CFR part 545 subpart B. The Bureau considers the inmate's efforts to fulfill financial obligations as indicative of the inmate's acceptance, and demonstrated level, of responsibility. This is one factor in determining an inmate's readiness to return to society.

Participation in the IFRP is voluntary, but inmates who refuse to participate are restricted in their commissary spending, not eligible to receive a furlough or consideration for community placement, and not permitted to work in Federal Prison Industries. These amended regulations add another restriction to this list: 28 CFR § 545.11(d)(10) provides that inmates who refuse to participate in the IFRP are allowed to place no more than one telephone call every month, at the inmate's expense, absent authorization from the Warden for additional inmate-paid calls based upon compelling circumstances. Inmates who refuse to participate in the IFRP retain the same access as other inmates to unmonitored attorney calls arranged by unit staff. See re-designated 28 CFR 540.102 and 103, formerly §§ 540.101 and 102.

The Bureau's policy of offering inmates the choice of participating in the IFRP, with its clearly stated consequences, has been an effective means of helping inmates fulfill their legitimate financial obligations. Since its full implementation in 1987, through February, 1994, the IFRP has resulted in the collection of approximately $81,000,000.00 toward payment of inmate fines, debts, and restitution to victims.

The Bureau notes that the IFRP, by assisting in the collection of fines and legal debts, helps to accomplish not only a major priority for the Department of Justice, but has also been upheld as serving the valid penological objective of rehabilitation by facilitating repayment of debts. See *Johnpoll* v. *Thornburgh*, 898 F.2d 849 (2d Cir., 1990), *cert. denied*, 498 U.S. 819; *James* v. *Quinlan*, 866 F.2d 627, 630 (3rd Cir., 1989), *cert. denied*, 493 U.S. 870). By limiting the telephone privileges of inmates who refuse to participate in the IFRP, the Bureau is providing an additional incentive for inmates to pay their debts to society and is managing telephone privileges in a manner consistent with other privileges conditioned upon voluntary participation in the IFRP.

3. The amended regulations are designed to contribute to the safety and security of Bureau institutions by providing more equitable telephone access to the rapidly expanding inmate population. The Bureau of Prisons is faced with an unprecedented increase in population, leading to a substantial overcrowding of Bureau institutions and a considerable strain on already limited resources. On February 10, 1994, the Bureau had 82,426 inmates confined in 73 institutions. These institutions have a total rated capacity of approximately 60,571 inmates.

By explicitly authorizing the Warden to limit the maximum length of inmate telephone calls based on institution conditions, such as institution population or usage demand, the amended regulations increase the Bureau's ability to manage this large population by providing greater and more equitable telephone access to inmates. Under the former collect call system, it is very difficult for staff to enforce any time limits on inmate telephone calls. Some inmates are thus able to monopolize telephone use, increasing tensions in an overcrowded inmate population. The ITS, in contrast, can be programmed to terminate a call automatically after the expiration of a certain period of time, ordinarily 15 minutes, so that the telephone will be available for use by another inmate.

In addition, it is reasonable to expect that debit-billing will affect the ability of some inmates to continue monopolizing the telephone. By having to pay for their calls directly, these inmates may be unable, or unwilling, to expend the funds to monopolize the telephone.

The amended regulations also help Bureau staff to more effectively prevent telephone use by those inmates who have abused their telephone privileges. Under the former system, if an inmate had abused his or her telephone privilege, for example, by using a telephone to engage in criminal activity, and had then undergone an administrative hearing affording limited due process, a Discipline Hearing Officer could restrict the inmate's use of the telephone for a given period of time. However, there was no effective way to enforce that sanction. The Bureau was forced to rely upon staff to observe the inmate using the telephone after the restriction had been imposed. Given the fact that the Bureau incarcerates as many as 2,000 inmates in one institution, and that inmate telephones may be in various locations within the institution, limited staff resources make it very difficult to conduct continuous surveillance of specific inmates with restricted telephone privileges. With the ITS, the Bureau can mechanically block the telephone calls of those inmates on telephone restriction.

4. The amended regulations better assist Bureau staff in detecting and preventing criminal activity facilitated through use of the telephone. The former collect call system is more easily used by inmates to direct criminal activity from prison, such as committing fraud, facilitating drug operations, intimidating witnesses, and managing the fruits of their crimes. Cases have been developed over the years which involve attempts by inmates to defraud members of the public and, in some cases, financial corporations. Examples include credit card fraud, securities fraud, and various forms of insurance and tax fraud.

This problem is not unique to the Bureau. In 1989, the telephone industry estimated an annual loss of $150 million from institutional toll fraud, including that which occurs in prisons. Officials from Consolidated Communications, Inc., a long-distance carrier for 25 correctional facilities in Illinois, were quoted by United Press International on

July 5, 1993, as stating "[f]raud is rampant because inmates have found ways to outfox the system that makes them reverse charges on long-distance calls made from prison phones. Bills for up to 20 percent of the long-distance calls are uncollectable." The Bureau notes that these losses have prompted the telephone companies and several state and local correctional systems to look at ways to solve the problems associated with the collect call system.

By restricting the inmates' access to collect telephone service, the amended regulations should help substantially reduce the possibility that inmates will be able to reverse the charges or have their calls billed to a person who has no intention of paying the charges. In addition, the ITS provides increased assistance in the investigation of criminal activity, such as escape plots or plans to introduce contraband into prison.

The amended regulations also enable the Bureau to prevent an inmate or group of inmates from calling a specific telephone number. By doing so, the Bureau can better protect a victim, witness, or other member of the public from harassment, and can better prevent calls that pose a threat to institution security and good order or to the public. The ability to block recipient numbers also helps the Bureau prevent one inmate from calling another inmate's family, a method of intimidation or extortion between inmates. This capability is not available under the former collect call system.

In addition, by ordinarily restricting inmate calls to parties identified on the inmate's official telephone list (28 CFR 540.101(a)), the amended regulations should help reduce the possibility that inmates will use the telephone to engage in criminal activity or to harass people who do not want to receive their calls.

5. The amended regulations and direct-dial telephone service also provide inmates with several advantages over the former collect call system. Among these advantages are the following:

a. The amended regulations should facilitate more equitable access of the telephones for all inmates, by permitting the Warden to limit the maximum length of inmate telephone calls based upon institution conditions, such as institution population or usage demand. The ITS, which can be programmed to terminate a telephone call automatically after the expiration of a certain period of time, and which permits debit-billing from the inmates' trust fund accounts, should help reduce an inmate's ability to monopolize telephones, thereby helping to ensure more equitable telephone access for all inmates.

b. Inmates may place direct-dialed international calls. This is a particular benefit to the large percentage of the Bureau inmate population (over twenty-five percent in June 1993) who are non-United States citizens with families in other countries. Many of these inmates had difficulty communicating by telephone with their families because telephone carriers do not always process international collect calls. Some of the inmate commenters acknowledged this problem by stating that their home countries did not accept collect calls.

c. Inmates may place direct-dialed calls to persons who cannot accept collect calls because, for example, their home telephones have been restricted by their telephone service company from receiving collect calls, or their workplaces do not accept collect calls. Similarly, inmates may call offices, such as their children's schools, which may not accept collect calls.

d. Unlike operator-assisted collect calls, inmates making direct-dialed calls have a greater opportunity to leave a message with the person who answers the telephone or, in some cases, on the answering machine of the person called. One of the inmate commenters acknowledged this by listing several examples of instances where he may not be able to make contacts through the collect call system.

e. The amended regulations will help assist staff in contacting inmates' families in emergency situations. Because many inmates are serving long sentences, the telephone numbers and addresses given upon initial incarceration may no longer be valid. As a result, staff have had difficulty locating next of kin for seriously ill inmates, or in other emergency situations. The inmate telephone lists required by the amended regulations will provide staff with a list of up-to-date telephone numbers for each inmate.

The amended regulations help satisfy the above-listed correctional management objectives, which are consistent with the statutory responsibility of the Attorney General, as set forth in 18 U.S.C. 4001 and 4042, and delegated to the Director of the Bureau of Prisons in 28 CFR 0.96. Paragraph (p) of Section 0.96 empowers the Director to promulgate rules governing the control and management of Federal penal and correctional institutions and providing for the classification, government, discipline, treatment, care, rehabilitation, and reformation of inmates confined within those facilities.

Response to Public Comments

Comments on the proposed rule were received from inmates, members of the general public, and other interested parties. The majority of inmate comments consisted of form letters from one institution. A summary of the comments and response to these follow.

1. Use of Commissary Trust Fund

A commenter disagreed with the proposed rule, suggesting that the Bureau of Prisons is not expending the Commissary Trust Fund profits in accordance with the terms of the trust, pursuant to 31 U.S.C. 1321(b) (1993). This commenter expressed a belief that all federal inmates are the beneficiaries of the trust and any expenditure must benefit the inmate population "as a whole." In this commenter's view, the ITS does not benefit all inmates and, thus, is not a proper expenditure from the trust.

The Bureau disagrees with this comment. The Commissary Trust Fund, and the commissary system that it finances, were established to further the Bureau's security and correctional management goals by permitting inmates to purchase goods and services not regularly provided by the Bureau. To encourage inmate financial responsibility and to further the Bureau's other correctional management and security concerns discussed above, it is appropriate to charge inmates for the costs of their telephone calls. In addition, inmates have no entitlement to a telephone system provided at government expense. It is, therefore, appropriate to charge inmates for the costs of their telephone calls, to deposit the revenue from the inmate telephone calls into the Commissary Trust Fund, and to use Commissary Trust Fund revenues to pay for the expenses of the ITS telephone system.

The operation of the ITS through the Commissary Trust Fund will also benefit the inmate body as a whole because the ITS telephone rates, like the prices for other goods and services sold in Bureau commissaries, are designed to cover the cost of providing the service and to leave a profit in the Commissary Trust Fund. Thus, after the ITS is fully operational and start-up expenses have been recouped, the ITS is expected to increase the amount of Commissary Trust Fund money available for the procurement of books, recreational equipment, or other items that benefit the inmate population as a whole.

Furthermore, the trust documents establishing the Commissary Trust Fund, Department of Justice Circular 2126 (1930) and Department of Justice

Circular 2244 (1932), give the Director of the Bureau of Prisons the sole discretionary authority to determine which items will be sold through institution commissaries and how, if at all, any Commissary Trust Fund profits will be disbursed. Both trust documents also authorize the Bureau to restrict inmates' commissary privileges to further penological goals and state that inmates are not entitled to any profits derived from the operation of institution commissaries. Thus, while the Commissary Trust Fund benefits the inmate population "as a whole," inmates are not legal "beneficiaries" of the trust and have no right to control Commissary Trust Fund expenditures. For the reasons stated in the section entitled "PURPOSE OF THE AMENDED REGULATIONS," the Bureau has determined that the ITS benefits both the inmate population and the public, such as protecting the public from inmate telephone abuse, and furthers the Bureau's correctional goals. It is appropriate, therefore, to pay the ITS expenses from the Commissary Trust Fund.

The same commenter also contended that because the ITS program has enhanced security features, it should be paid for by using other appropriations. The commenter referenced 18 U.S.C. 4007, which calls for expenses attendant to the confinement of prisoners to be paid out of the Treasury of the United States.

In response, the Bureau first notes that security equipment and supplies used to record telephone calls are not funded by Commissary Trust Fund revenues. Rather, funds for this equipment and these supplies will continue to be allocated from other appropriated Bureau funds.

As for the other security features, the Bureau believes that one of its primary objectives is to ensure the security and good order of Bureau institutions, thereby benefitting both the inmate population as a whole and the public. It is not inappropriate to expend Commissary Trust Fund profits on the ITS merely because the system assists in achieving this goal.

Finally, with respect to the provisions of 18 U.S.C. 4007, the Bureau notes that Congress recently passed legislation which provides for inmates to pay for the costs of the first year of their incarceration, if they can afford to do so. See 18 U.S.C. 4001; Section 111 of Public Law 102–395 (106 stat. 1842). Thus, the Bureau does not read 18 U.S.C. 4007 as precluding the sale of goods and services in institution commissaries or charging the inmates with other fees authorized by law.

2. Replacement of Collect Call System

Many commenters requested the retention of inmate collect call on demand privileges. These commenters recommended that the direct-dial system be added to, rather than replace, the collect call system, so that what the commenters refer to as a "dual system" could operate. The "dual system" would continue the collect call on demand capability of the former collect call system. The Bureau responds as follows:

a. As an initial matter, the Bureau notes that these comments may be based upon a belief that, with the installation of the ITS, inmates would no longer be allowed to make collect calls. However, the amended regulations allow for limited collect calling.

In the proposed rule, the Bureau recognized that there is a need for inmates to be able to make collect calls in specific instances, such as emergencies, or for holdovers or pre-trial inmates. Section 540.101(d) of the proposed rule specifically addresses this issue. As expanded in the final rule, this section, now § 540.101(e), provides for a more comprehensive listing of those persons who have a need to make collect calls, such as new arrivals, including new commitments and transfers, and inmates without funds. Similarly, final § 540.105(b) specifically provides for collect calls to be available for inmates without funds. See further discussion below, in the section entitled "7. COSTS. . . d. Inmates without funds."

b. Several inmate commenters complained that their low institution earnings and need to purchase personal hygiene items would prevent them from making as many direct-dialed telephone calls as they could make with the collect call system. While it is true that inmates do not earn regular scale wages, neither do they have regular living expenses, such as housing, clothing, food, medical and dental. In addition, the Bureau's existing policy on grooming, codified at 28 CFR part 551, subpart A, provides for the Warden to make available to inmates those articles necessary for maintaining personal hygiene. The Bureau's internal implementing language to that provision provides that the basic hygiene items to be made available to inmates include soap, toothbrushes, toothpaste or powder, combs, shaving supplies, and feminine hygiene products. Inmate complaints regarding provision of these basic items should be addressed through the Administrative Remedy Program. See 28 CFR part 542.

The average inmate has ample discretionary funds to purchase items of a personal interest, such as additional hygiene and cosmetic items, and direct-dialed telephone calls. As of October 1993, the monthly inmate trust fund account balance averaged $115.78 per inmate. Through June 1993, the annual commissary purchases made by inmates averaged $1,046.87 per inmate. At the institution where the majority of inmate comments on this rule originated, the annual commissary purchases averaged $1,254.09 per inmate and the average monthly inmate trust fund account balance was $101.95 per inmate.

Moreover, the amended regulations encourage the inmates to establish spending priorities and to choose between such items as telephone calls, cigarettes, candy, and special hygiene products, thus furthering the correctional goal of assistng inmates to be financially responsible. The average citizen who must live within a budget must make similar spending choices, and may not be able to pay for any more long-distance calls than the two to three calls a month that one inmate commenter complained was only possible within his budget.

For these reasons, we do not agree with comments implying that it is wrong to require inmates to make choices on how to spend their funds. However, the Bureau believes that it is necessary to address telephone access for inmates without sufficient funds. The Bureau's accommodations on that point are noted below in the section entitled "7. COSTS. . .d. Inmates without funds."

c. Some inmate commenters stated that the proposed regulations would force them to beg for telephone money from the people they want to call. The Bureau believes that such characterization also applies to the solicitation to accept a collect call. As one inmate commenter stated, "[i]t is belittling for me to have to call anyone collect." Although this commenter advocated the installation of "regular pay telephones," he preferred to place direct-dialed calls that he could pay for, rather than his family, because his family had experienced serious difficulties due to the large telephone bills from collect calls.

d. Some commenters requested the retention of the collect call system so that they can pay for an inmate's telephone calls. Commenters stated, in a form letter, that "[t]he new telephone system would force me to send money to ensure that loved ones could call, but would offer no means of controlling if calls were made [to] me or the money was spent otherwise."

Under the amended regulations, people who would accept an inmate's

collect calls may send the inmate money to defray the cost of the direct-dialed calls. As discussed in the section entitled "PURPOSE OF THE AMENDED REGULATIONS," this will provide the inmate with an opportunity to demonstrate the responsible use of resources provided by the community. The recipients of an inmate's calls should also benefit as they can send less money to the inmate for the same amount of telephone time since the direct-dial rates are, on average, less expensive than the former collect-call rates.

To further address the commenters' concerns, the Bureau has added a provision to its final rule, excluding from the inmate's IFRP calculation a set amount of monies deposited into the inmate's trust fund account. See 28 CFR 545.11(b) and further discussion below in the section entitled "4. Conditioning Use of the Its Upon Participation in the IFRP." This helps ensure that the inmate is able to make telephone calls with monies sent to the inmate from members of the community for telephone calls. If the inmate elects not to use these funds to call the sender of the money, the sender has the option of not forwarding additional monies.

e. Some commenters believe that the actual administration of the ITS may be more expensive because additional staff will be needed to operate the system. Implementation of the ITS at most institutions does require additional employees who are responsible for the operation of the ITS. However, the Bureau believes that the costs for additional staff are well justified by the significant benefits of the ITS, described above in the section entitled "PURPOSE OF THE AMENDED REGULATIONS."

f. Comments stated that a "dual system" would not be difficult or costly to install and maintain; e.g., that "the systems already installed at institutions could be reprogrammed very easily * * * with little or no modification of existing equipment." The Bureau disagrees with this position. The contract for the ITS was awarded for a primarily direct-dial system. The contractor estimates that it would cost several million dollars to modify the system to provide collect call on demand capability.

g. Finally, there are security reasons for rejecting the commenters' suggestion that the final regulations be amended to permit inmates to make collect calls on demand. As noted above in the section entitled "PURPOSE OF THE AMENDED REGULATIONS," inmates are able to use the unlimited collect call system to engage in various forms of harassment and criminal activity. Providing a "dual system" that would permit inmates to call anyone collect would do nothing to resolve these problems. For example, an inmate could still bill a call to a party who has no intention of paying. An inmate also could more easily monopolize the telephone, due to the absence of financial constraints on that inmate, and resulting tensions could jeopardize the safety and security of the institution.

It might be possible to curb some of this abuse by limiting inmate collect calls to numbers on an approved telephone list and requiring those inmates to use Personal Access Codes (PACs) similar to those required by these amended regulations for making direct-dialed ITS calls. However, again, this would not prevent inmates from billing calls to a party who has no intention of paying. In addition, inmates would have less of an incentive to keep secret their PACs, as required in 28 CFR 540.101(c). The PACs could be used to place collect calls, for which the inmates bear no financial responsibility, rather than direct-dialed calls, for which the inmates are financially responsible.

This would undermine many of the security features of the ITS because it would be more difficult for the Bureau to monitor and restrict illegal or abusive inmate telephone calls if the Bureau did not know which inmate was using which PAC. Similarly, an inmate could circumvent some of the telephone list restrictions by using other inmates' PACs to call numbers that he or she was not permitted to call.

In concluding a response on this issue, the Bureau believes that restricting collect calls on demand furthers important penological and security goals. At the same time, the final rule adequately addresses the needs of inmates to make collect calls in appropriate circumstances. For these reasons, the Bureau has decided not to implement a "dual system" with collect call on demand capability.

3. Constitutional Concerns

Some commenters suggested that operation of the ITS is a violation of the constitutional rights of inmates and others, as follows:

a. First Amendment rights to free speech. Several commenters claimed that the proposed regulations violate their First Amendment rights to free speech without providing any detail as to the alleged violations. Our review of the comments on this issue suggests that at least some of the the arguments are based on inaccurate or unrealistic expectations.

The Bureau, by implementing the ITS, does not intend to, nor does it, unconstitutionally restrict an inmate's opportunity for freedom of speech. Bureau regulations provide for several means of communication, including correspondence, visiting and telephones. See 28 CFR part 540, subparts B and D. The revised rule is not intended to, nor does it, prevent an inmate from exercising his or her right to communicate.

One inmate commenter said that he would have personally called in his comments on the proposed rule but that "the number was not approved." The Bureau points out that this commenter would not have been able to call in his comments under the former collect call system either, as the Bureau does not accept collect calls and the appropriate method for commenting on proposed regulations is to send written comments to the Bureau.

One commenter, an association of newspaper editors and reporters, asserted that the ITS hinders the rights of the press and the public to gain access to important information about prison inmates and prison conditions. Primary concerns expressed by the commenter were that the revised telephone regulations would hamper the ability of inmates to communicate with the press and that the regulations potentially threaten the relationship between journalists and their sources; that restrictions on collect calls and the use of an authorized telephone list establish procedural hurdles placing significant new burdens on the inmate's ability to reach the community; that the ITS does not allow for timely telephone access to the media; that the disclosure by a journalist of the information required by the Request for Telephone Privilege form was inappropriate. The commenter noted that journalists do not have to provide this information in order to receive Special Mail from inmates. The commenter further indicated that while Bureau regulations may implicate substantial government interests, the regulatory sweep is too broad.

As an initial matter, the Bureau's revised telephone regulations do not conflict with what the commenter seems to identify as a First Amendment requirement that prisoners be allowed to call members of the news media. Inmates have no First Amendment entitlement to telephone use, or to the unrestricted use of the telephone. See *Benzel* v. *Grammer*, 869 F.2d 1105 (8th Cir. 1989), *cert denied*, 493 U.S. 895 (1989). Similarly, the First Amendment does not entitle the press to any greater right of access to prisons or inmates confined therein than the general public. See *Pell* v. *Procunier*, 417 U.S.

817, 41 L.Ed.2d 495, 94 S.Ct. 2800 (1974); *Saxbe* v. *Washington Post*, 417 U.S. 843, 41 L.Ed.2d 514, 94 S.Ct. 2811 (1974). In *Pell*, the Supreme Court held that alternative means of communication is a relevant factor in balancing First Amendment rights with legitimate government interests.

More specifically, the Bureau notes that the new regulations permit inmates to list telephone numbers for members of the media on the same terms and conditions as telephone numbers for any other person. Thus, a member of the news media, as with any other person, may be included on an inmate's telephone list except when Bureau staff determine that contact with the person will pose a threat to institution security and good order, or a threat to the public. See 28 CFR 540.101(a).

In addition, as the commenter acknowledges, the Bureau affords inmates the opportunity to write to members of the news media via sealed correspondence identified as "Special Mail." See 28 CFR part 540, subpart B. Similarly, as the commenter also acknowledges, Bureau regulations (see 28 CFR part 540, subpart E), provide for media visits to prisons to observe conditions and interview inmates. These provisions provide the news media ample opportunity to have effective communications with those in prison. Thus, while *Saxbe* held that the press has no First Amendment right to greater access than the public, the Bureau, through its Special Mail and contact with the news media provisions, has elected to provide the news media with such privileges. The revised telephone regulations do not change or affect the regulations regarding Special Mail or media visits. The revised telephone regulations will continue to work in concert with current Bureau regulations on correspondence, visits, and contacts with the news media.

The commenter, while acknowledging the existence of these opportunities between inmates and the press, asserts that mail does not offer the advantages of instant communication available through the telephone. We specifically disagree with the commenter's subsequent statement that the proposed rule is inappropriate because "* * * an initial telephone conversation may often be required to convince a busy journalist that an inmate's story truly is newsworthy." Regulations for inmate telephone use are intended to provide inmates with a supplemental means of communication that is consistent with other aspects of correctional management, and are not intended to function as a convenience for the news media in the editorial decision-making process.

Comments suggested that the revised telephone regulations impose an unconstitutional prior restraint on First Amendment freedoms. For reasons discussed below, in the section entitled "5. LIST OF NUMBERS TO BE CALLED.", the Bureau believes that requiring inmates to submit lists of telephone numbers does not constitute an unconstitutional prior restraint. Briefly, this procedure furthers legitimate governmental interests in maintaining the safety and security of Bureau institutions; the Associate Warden may deny placement of a telephone number on an inmate's telephone list if he or she determines that there is a threat to institution security and good order or a threat to the public; and any disapproval must be explained in writing, and is subject to appeal through the Administrative Remedy Program. See 28 CFR 540.101(a)(3).

Finally, with respect to the Request for Telephone Privilege form ("form"), the Bureau has decided to discontinue use of the form, for reasons described below in the section entitled "b. Fourth Amendment rights to privacy." Rather, except for immediate family members and those persons already on an inmate's visiting list, a letter will be sent to potential recipients of telephone calls to notify them that they have been placed on an inmate's telephone list and to inform them of the procedure to follow if they do not want to receive calls from that inmate. No specific information is required from potential recipients. This change should substantially accommodate concerns on this issue.

b. Fourth Amendment rights to privacy. Several non-inmate commenters claimed that the proposed regulations violate their Fourth Amendment rights to privacy. Some comments objected to the form addressed to potential recipients of inmate telephone calls, claiming that they should not have to be "investigated" in order to receive a telephone call.

The Request for Telephone Privilege form ("form"), as originally developed by the Bureau, included questions as to the relationship of the recipient to the requesting inmate, possible criminal background of the recipient, and contacts, if any, of the recipient with other inmates. The Bureau has reassessed the benefits of this form and has decided to discontinue its use. Therefore, the proposed rule has been revised to provide for potential telephone call recipients (other than immediate family or persons on the inmate's visiting list) to be notified in writing that they have been placed on an inmate's telephone list. See 28 CFR 540.101(a)(2). The written notice informs recipients that they can notify the institution in writing if they do not want to receive calls from the inmate. The notice does not request any information from the recipient, and the recipient will not have to return the notice to the institution in order to receive calls from the inmate.

Another comment stated that consent should be sought from those persons whose names and telephone numbers have been placed on an inmate's telephone list. For several reasons, the Bureau disagrees.

First, requiring each recipient's prior consent would impose an administrative burden resulting in delayed processing of inmate telephone lists. Specifically, obtaining prior consent would require the Bureau to send each potential recipient a form asking if the recipient wanted to receive an inmate's calls. If the potential recipient wanted to receive the calls, he or she would then have to return the completed form back to the institution before the number could be entered on the inmate's telephone list. During the weeks or months to complete this process, the inmate would be unable to place non-emergency calls to this potential recipient. This anticipated delay was a matter of concern to some commenters and is avoided in the final rule by discontinuing the use of the form requesting prior consent from potential recipients.

Second, to the extent that non-inmate commenters were concerned about receiving unwanted calls from inmates, the Bureau believes that this concern is substantially alleviated by sending a notice letter to potential recipients other than an inmate's immediate family and persons on the inmate's visiting list. In the event a recipient subsequently notifies us in writing that he or she does not wish to be contacted, the recipient will be removed from the inmate's list. See 28 CFR 540.101(a)(2).

A letter will not be sent to an inmate's immediate family and persons on the inmate's visiting list because the Bureau assumes that these individuals would not object to receiving telephone calls from the inmate. Of course, if these individuals do not want to receive calls from an inmate, they may simply notify the Bureau in writing and the Bureau will remove their numbers from the inmate's telephone list.

In addition, the final rule contains other provisions that seek to protect the public from harassing or unwanted

inmate calls. First, the rule provides that the inmate shall acknowledge that, to the best of the inmate's knowledge, the person or persons on the list are agreeable to receiving the inmate's telephone call and that the proposed calls are to be made for a purpose allowable under Bureau policy or institutional guidelines. See 28 CFR 540.101(a)(1). Inmates who violate this provision may be subject to discipline. See 28 CFR 540.100(a). Also, the Bureau may deny a proposed telephone number if it determines that the inmate's ability to call that number would pose a threat to the public. See 28 CFR 540.101(a)(3).

Finally, the Bureau's compiling of inmate telephone lists to effectively manage a debit-billing telephone system does not violate any Fourth Amendment privacy rights of the recipient. This information is voluntarily provided to the Bureau by inmates who seek to make telephone calls and there is no reasonable expectation of privacy in this information. A person's telephone number is known by the telephone company and the people who call the number, as well as by the person to whom the number is listed. See *Smith* v. *Maryland*, 442 U.S. 735, 61 L.Ed.2d 220, 99 S.Ct. 2577 (1979).

In addition, the monitoring of inmate telephone conversations (other than properly placed calls to attorneys) is a matter of public record. See newly designated 28 CFR 540.102 (formerly § 540.101). A number of courts have upheld this practice as permissible under federal wiretap statutes (See, e.g., *U.S.* v. *Paul*, 614 F.2d 115 (6th Cir., 1980), *cert. denied*, 446 U.S. 941) and not prohibited by the Fourth Amendment. (See, e.g. *Lee* v. *Carlson*, 645 F.Supp 1430 (S.D.N.Y. 1986). This fact further undermines any possibility that a recipient of inmate calls can have a reasonable expectation of privacy with respect to the information on inmate telephone lists.

c. Sixth Amendment right to counsel. Several commenters claimed that the proposed regulations violate their Sixth Amendment right to counsel. One commenter noted that "in this policy there are no guidelines for legal calls." Some commenters claimed that the proposed regulations prevent or in some manner limit legal calls. We disagree. The amended telephone regulations do not affect an inmate's access to unmonitored telephone conversations with his or her attorney.

Separate provisions continue to exist for inmates to make unmonitored legal calls and these provisions remain unchanged by the revised telephone regulations, although the Bureau has redesignated them from 28 CFR 540.101 and 540.102 to 28 CFR 540.102 and 540.103.

Further, as provided in redesignated § 540.103, the Warden may not apply frequency limitations on unmonitored inmate telephone calls to attorneys when the inmate demonstrates that communication with attorneys by correspondence, visiting, or normal telephone use is not adequate. We also note that an inmate may choose to place an attorney on his or her telephone list, with the understanding that calls placed on the ITS are subject to monitoring.

For the above reasons, the amended telephone regulations do not change inmate access to unmonitored attorney telephone calls and therefore do not interfere with an inmate's right to counsel.

4. Conditioning Use of the ITS Upon Participation in the IFRP

Several commenters objected to conditioning inmate telephone use upon the inmate's participation in the Bureau's Inmate Financial Responsibility Program (IFRP). These objections were based upon a variety of concerns, and are addressed below.

As a general matter, and as noted in the proposed rule, the IFRP offers inmates the opportunity to develop a plan to meet certain legitimate financial obligations and to make payments toward fulfilling that plan. Examples of these obligations include court-ordered restitution, fines, or other government obligations. The effects of non-participation are set forth in the Bureau's existing rule on inmate financial responsibility. See § 545.11(d) of 28 CFR part 545, subpart B.

In the proposed rule, the Bureau added a new provision to § 545.11(d) which would ordinarily limit the inmate's telephone use to one call every three months. For the reasons discussed above in the section entitled "PURPOSE OF THE AMENDED REGULATIONS," the Bureau believes that it is appropriate to restrict the telephone access of inmates who refuse to participate in the IFRP. However, the Bureau is modifying this rule to provide no more than one inmate-paid call every month for inmates in IFRP-refuse status, unless the Warden allows additional inmate-paid calls for compelling circumstances. See 28 CFR § 545.11(d)(10). Inmates in IFRP-refuse status may also make unmonitored attorney calls pursuant to the procedures specified in redesignated §§ 540.102 and 540.103.

As modified, the rule will enable inmates in IFRP-refuse status to have access to the telephone, while still contributing significantly to an important correctional management goal of the Bureau: the inmate's increased acceptance of personal responsibility. One inmate commenter seems to acknowledge this, in part, by stating, "[i]f you got (fine, asse[ss]ment) * * * you cannot call home or use phone period if you don't pay * * *. This system of (phone bills) * * * affect[s] me [by] * * * forc[ing] me to pay $300.00 fine." As noted in the above section entitled "*PURPOSE OF THE AMENDED REGULATIONS*" and illustrated by the above comment, the Bureau believes that the ITS is an additional incentive for inmates to participate in the IFRP and pay their debts to society.

Comments objected to the operation of the IFRP itself, claiming that it punishes inmates without due process, or that it was administered in an unfair manner. The IFRP is not intended to be, nor is it, a disciplinary sanction; rather, it is a voluntary program used as a factor to assess inmate progress in accepting financial responsibility.

The IFRP has been duly promulgated through the rulemaking process and upheld by the courts. See *U.S.* v. *Williams*, 996 F.2d 231 (10th Cir., 1993); *Dorman* v. *Thornburgh*, 955 F.2d 57 (D.C. Cir., 1992); *Johnpoll* v. *Thornburgh*, 898 F.2d 849 (2d Cir., 1990), *cert. denied*, 498 U.S. 819; *James* v. *Quinlan*, 886 F.2d 627 (3rd Cir., 1989), *cert denied*, 493 U.S. 870. Objections to its operation other than as relevant to telephones lie outside the scope of this rulemaking. The Bureau does note, however, that the Administrative Remedy Program (see 28 CFR part 542) provides a means for inmates who wish to challenge IFRP payment schedules.

Some commenters objected to the operation of the IFRP with respect to telephones, stating that inmate family or friends are afraid or unwilling to send money to an inmate for telephone calls because the sender has no control over how that money would be spent. These commenters expressed concern that money sent to inmates for use in payment of long distance telephone calls will be used to recalculate the inmate's resources in determining an IFRP payment schedule. Consequently, they feel that some of this money will be used to make payments toward the inmate's fines rather than to pay for telephone calls.

In response to this concern, the Bureau is amending its rule to provide that $50.00 of the money deposited into an inmate's trust fund account each month will not be considered in determining the IFRP payment schedule. See revised 28 CFR 545.11(b). For purposes of this calculation, the

inmate trust fund account deposits include both institution wages and funds sent to the inmate from members of the community. The only limitation on the $50.00 monthly exemption is the minimum requirement for IFRP contributions from UNICOR and non-UNICOR work assignments, as set forth in existing 28 CFR 545.11(b)(1) and (b)(2).

The $50.00 monthly amount was chosen because it is high enough to enable the inmates to make a significant number of telephone calls. At the same time, however, the Bureau believes that there should be a specific limit on the amount of funds that will be excluded from calculation in determining the inmate's financial plan. The $50.00 exclusion provides a clear rule that is easier to administer than one which states that any funds designated for telephone calls will be excluded from the calculation of an inmate's financial plan. Also, the Bureau believes that inmates should be encouraged to fulfill their financial obligations, e.g. pay court-imposed fines. The provisions of new § 545.11(d)(10), along with existing 28 CFR 545.11(b), help achieve the objectives of both the commenters and the Bureau.

Concerns were expressed that the proposed regulations place unfair telephone restrictions on inmates who cannot participate in the IFRP because they do not have the funds to pay their fines. Such complaints are based upon inaccurate assumptions that inmates, by not participating in the IFRP, are prevented from having full telephone access.

The Bureau's internal implementing instructions to staff regarding the IFRP clearly state that inmates may be temporarily exempt from IFRP participation when it is impossible for them to meet minimum payment schedules because of their inability to secure institution employment beyond maintenance pay and because of their absence of community resources. Such inmates will not be placed in IFRP refuse status. Therefore, they would not be affected by telephone restrictions based upon refusal to participate in the IFRP. Further discussion concerning telephone access for inmates without funds is discussed below, in the section entitled "7. COSTS...d. Inmates without funds."

A commenter objected to the IFRP provision, stating that an inmate with a fine who refused to participate in the IFRP could not call home or use the telephone at all. This commenter also claimed that the regulation "cuts off" all outside contact, including mail and visiting, if no fine is paid. These contentions are not true. As noted in other sections of this preamble, inmates who refuse to participate in the IFRP have a variety of ways to communicate, including written correspondence. They also may make a limited number of telephone calls, as discussed above. Therefore, an inmate's outside contact is not "cut off" if the inmate refuses to participate in the IFRP.

This same commenter complained that conditioning inmate telephone use upon IFRP participation in effect forced him to work in an industrial assignment and alleged that many inmates (20%) would not work in Federal Prison Industries assignments except for the IFRP.

The Bureau first notes that industrial positions have long been requested by inmates because of the higher wages and the opportunity to learn skills for employment upon release. As noted by the Third Circuit Court of Appeals, "[a] Federal Prison industries job assignment * * * is considered by many inmates to be more desirable than other types of work assignments * * *" *James* v. *Quinlan*, 866 F.2d 627, 628 (3rd Cir., 1989). In fact, many institutions historically have had waiting lists of applicants for these positions.

Even so, the Bureau believes that the operation of both the IFRP and the ITS will result in increased interest in industrial assignments, as suggested by this commenter, whose very complaint demonstrates one of the Bureau's purposes in amending these regulations. As a final note, even though institutions may have waiting lists for industrial assignments, existing Bureau policy provides for IFRP participants with obligations of at least $250.00 to receive priority placement on industrial assignment waiting lists.

In conclusion, the IFRP remains a voluntary program. The amended telephone regulations are intended to encourage inmates to work, accept personal responsibility, responsibly manage their finances, and pay their fines and other legal obligations. For the reasons stated in the section entitled "*Purpose of the Amended Regulations*," above, the Bureau believes that it is appropriate to provide telephone privileges that are consistent with these correctional management goals.

5. List of Numbers To Be Called

Several commenters objected to the portion of the proposed rule in § 540.101(a) that specified that inmate calls ordinarily shall be placed to a number on their approved telephone lists, which may contain up to 20 telephone numbers. Some commenters seemed to object to having any list at all or favored no restrictions as to who goes on the list, with the Bureau giving notice prior to a name being taken off the list. Other comments concerned the limitation of 20 numbers.

There are sound correctional reasons for requiring that inmate calls ordinarily be placed to a number on an approved telephone list. Among them are the following:

Under the former collect call system, there have been instances in which members of the public, including court personnel, victims, and family of former inmate associates, reported receiving abusive or harassing telephone calls from inmates and requested that the Bureau preclude the inmate from calling them in the future. As noted above in the section entitled "Purpose of the Amended Regulations," there were also cases in which inmates used the telephone to engage in criminal activity. Short of standing next to the telephone and watching every call the inmate made—a nearly impossible task given the large number of inmates and the limited number of staff at the institutions—the Bureau has no practical way to prevent such an inmate from making additional improper calls through the former collect call system.

The amended regulations are expected to help reduce inmate abuse of telephone privileges. By requiring that potential recipients of inmate telephone calls be notified that they have been placed on an inmate's telephone list (other than immediate family members or those persons who are already on the inmate's approved visitor list) and by limiting calls to numbers on the telephone list, the amended regulations help protect the public, including witnesses, victims, or other people who do not wish to have contact with the inmate, from receiving unwanted inmate telephone calls. In addition, by permitting the Associate Warden to deny placement of a number on an inmate's telephone list, the regulations provide an opportunity to prohibit telephone calls to persons that are determined to be a threat to the security and good order of the institution, or a threat to the public, before the calls occur.

In the event that the Bureau removes a number from an inmate's telephone list and the inmate then uses the telephone to harass that individual (by using another inmate's PAC number, for example), the inmate can be disciplined for violating regulations, as the inmate is required to acknowledge that persons on the telephone list are agreeable to receiving the inmate's telephone calls and that the calls will be made for permissible purposes. See 28 CFR

540.101(a)(1) and § 540.104, formerly § 540.103. The telephone list requirement is intended to help protect inmates as well. In a debit-billing system, there will be some incentive for one inmate (Inmate A) to use another inmate's (Inmate B's) PAC number to make telephone calls charged to Inmate B's account. However, this incentive is substantially reduced if Inmate A can only call the approved numbers on Inmate B's telephone list.

Some commenters claimed that inmates should be permitted to call more than 20 numbers. The proposed rule limited the telephone lists to 20 numbers because the Bureau believes that number is high enough to accommodate the needs of the average inmate without undermining the security justifications for the list and unduly burdening Bureau staff. This belief is supported by a recent sampling of five ITS-activated institutions, which indicates that the inmate ITS accounts, on average, listed fewer than 10 telephone numbers and that 92 percent of the inmate ITS accounts listed fewer than 20 telephone numbers. Specifically, of the approximately 10,730 inmate ITS accounts surveyed, less than 900 inmate ITS accounts listed 20 telephone numbers.

However, in response to comments that some inmates desire to submit more than 20 numbers, the Bureau is amending these regulations to allow an inmate to place up to 30 numbers on the telephone list. The Bureau believes that for those inmates with such a need, the submission of up to 30 numbers may effectively be handled by staff without undermining the security reasons for maintaining a list of numbers. The final rule also provides that the Associate Warden may authorize the placement of additional numbers on the inmate's telephone list based on the inmate's individual situation, e.g., size of family. See 28 CFR 540.101(a). This change should accommodate the requests of inmates desiring to submit more than 30 numbers.

One of the inmate commenters seeking unlimited numbers on his telephone list also requested authority to call 800 numbers and to receive pre-paid credit cards from telephone companies. Use of 800 numbers and pre-paid credit cards would undermine the correctional management objectives of the ITS listed above in the section entitled "Purpose of the Amended Regulations". If an inmate has a need to call an 800 number under compelling circumstances, a request should be made for a staff-assisted call, as provided in 28 CFR 540.105(d).

Some comments suggested that the Bureau should permit inmates to submit updates to the list more frequently than once a quarter. The Bureau believes that the amendment to the final rule providing that inmate telephone lists may contain up to 30 numbers, rather than 20, should reduce generally the need for more than quarterly updates, as provided in these regulations.

However, the final rule also adds the phrase "at least" to provide the Warden the authority to allow more frequent updates, if appropriate. In addition, if an inmate has a demonstrated need for making a call to a number that is not on the inmate's telephone list, the inmate may be permitted to make additional calls.

Concerns were expressed about delays in processing updates to the telephone lists, once inmates have submitted their requests. The final rule will eliminate processing delays caused by the requirement in the proposed rule that the written authorization form be returned prior to placement of the telephone number on the inmate's telephone list. The final rule discontinues use of this form and ordinarily permits the immediate placement of telephone numbers on the inmate's telephone list. In addition, to avoid undue processing delays, the Bureau's implementing guidelines provide that once initial lists and updates are submitted, staff will process them ordinarily within ten working days.

Some comments objected to Bureau staff review of numbers submitted, suggesting that such review would be arbitrary and without standards. Another comment stated that the new rule constitutes a loss of opportunity to call all persons without a prior restraint.

The Bureau's rule does not prevent an inmate from submitting any telephone number he or she chooses to submit, including telephone numbers for persons other than family and friends. As revised, the final rule provides for the requested telephone numbers to be added to the inmate's telephone list. Further, the final rule modifies proposed § 540.101(a) with respect to specifying the grounds for rejection of requested numbers. As modified, that provision, now 28 CFR 540.101(a)(3), states that the Associate Warden may deny placement of a telephone number on an inmate's telephone list if the Associate Warden determines that there is a threat to institution security and good order or a threat to the public. Any disapproval must be documented in writing to both the inmate and the proposed recipient of the calls.

The Bureau notes that one commenter acknowledged that "* * * some of this [disapproval] is understandable, i.e., security, threats to the public safety; * * *" Examples of situations that may warrant rejection include, but are not limited to, indication that the proposed recipient of the call is involved in the introduction of contraband into the institution, in an escape plot, or in other activity threatening the public safety, such as harassing victims or witnesses. The rejection of a number may be appealed, as discussed in the next section.

6. No Separate Appeal Process

Some commenters complained that the proposed rule does not provide for any separate appeal of ITS-related decisions, specifically, decisions concerning the inmate's list of numbers to be called. The Bureau believes it is unnecessary to provide for any separate ITS appeal process because a program is already in place which is well-known and used by inmates to raise individual concerns about any correctional issue.

All inmates entering BOP institutions are informed of the Administrative Remedy Program, described in 28 CFR part 542. Briefly, the Program operates as follows: At the institution level, an inmate may raise concerns formally by filing a Request for Administrative Remedy on a form known as a BP–9. If the inmate disagrees with the Warden's response, he or she may file an Appeal to the Regional Director on a form known as a BP–10. If the inmate is dissatisfied with the Regional Director's response, he or she may file an Appeal to the Office of the General Counsel on a form known as a BP–11.

The Administrative Remedy Program is available for inmates to raise individual ITS-related complaints. Recently, the Bureau surveyed all institutions where the ITS has been implemented to determine the level of concern. This survey showed that only a very small number of ITS-related Administrative Remedy requests and appeals have been filed. In fact, only one percent or less of the total Administrative Remedy requests and appeals filed during the survey period were ITS-related.

Given the successful operation of the Administrative Remedy Program, the Bureau finds no reason to provide for any separate inmate appeal process in the revised telephone regulations. However, in response to these comments, the Bureau is modifying the final rule to include a reference to the Administrative Remedy Program. See 28 CFR 540.101(a)(3).

As amended, the final rule provides two remedies for individuals in the community who may wish to contest a decision to deny placement of their telephone number on an inmate's telephone list. The first option is for the involved inmate to file the aforementioned Administrative Remedy request. The second option is for the person in the community to write to the Warden requesting reconsideration of the decision. A statement to this effect has been added to the rule. See § 540.101 (a)(3).

7. Costs

Comments regarding costs of ITS telephone calls include the following four areas of concern:

a. Charging inmates for calls. Some commenters objected to inmates paying for their calls directly, claiming that it was unfair for inmates to have to choose between making telephone calls and purchasing other items in the commissary. The Bureau's response to these objections is set forth above in the *Response to Public Comment* section entitled "2. Replacement of Collect Call System", part b. In addition, these comments disregard the fact that the Bureau's telephone regulations have always stated that inmates are responsible for the costs of their calls. See former § 540.104. It is only recently, however, that the Bureau has had the technical capability to bill the inmates directly.

One inmate commenter apparently prefers to pay for his calls directly, as the costs of ITS direct-dialed calls are generally less expensive than operator-assisted collect calls. This commenter reported that his family had experienced serious difficulties because of the large telephone bills from collect calls and stated that "[a]t the time, I had money in my commissary account. Not enough money to pay for the calls at the extremely high collect call rates, but certainly enough to pay for them at dialing direct rates."

b. Charging a flat rate. Some commenters objected to the flat rates charged for ITS direct-dialed calls. Inmate comments discussed taking advantage of discounts offered by various telephone service companies. One commenter, a telephone service company, claimed that the proposed rule provided insufficient information to determine how the Bureau will support the billing configuration.

The final rule has no impact on the type of service necessary to support the ITS. As currently designed, local telephone calls placed on the ITS use telephone services provided by the local telephone company. Domestic long distance telephone calls are placed on the U.S. Government's FTS2000 network. The FTS2000 network is a telephone service provided through a contract between the General Services Administration and U.S. Sprint. The Bureau is an authorized user of the FTS2000 network. The FTS2000 network offers no time of day or day of week discounts.

A correctional institution is a unique environment. Unlike the general public, inmates have limited control over when they may gain access to a telephone. It is therefore desirable for correctional management reasons to provide all inmates with the same rate, regardless of what time they might be able to access a telephone. In addition, a flat rate helps manage use of the telephone, since there is no longer any advantage to placing a call at a certain time of day. This helps to reduce tensions between inmates during the evening, when, under the former collect call system, rates are lowest. Inmates can also anticipate their cost for the call, regardless of when they may have the opportunity to place the call.

The charge to the inmates for the use of the ITS is designed to cover the costs of the ITS, including the cost of the telephone service, the salaries of employees hired to maintain the system, the cost of the lease and maintenance of the ITS software and equipment (excluding recording equipment), and the cost of any necessary supplies.

In most cases, the resulting flat rate for direct-dialed calls placed on the ITS is considerably less expensive than the same collect calls, even before taxes are added to the collect call costs. For example, from the institution where the majority of inmate comments on this rule originated, a seven-minute collect local call costs $1.25. The same local call, if direct-dialed on the ITS, would cost $.50, a savings of $.75.

Similar savings are evident on costs of long-distance calls. For example, again from the institution confining the majority of inmates who submitted comments, a seven-minute collect long-distance call to New York City costs $3.62 in the daytime, $3.06 in the evening, and $2.92 on the weekend. The ITS cost for the same call, regardless of time or day, is $1.75, $1.17 less than the lowest available collect call rate.

Some inmate commenters compared ITS rates with costs of telephone calls available in the industry through local carrier discounts, etc. The Bureau reminds these commenters that such discounts are not available in Bureau institutions and therefore, it is more appropriate to compare the ITS rates to the collect call rates rather than to these discounted rates.

c. International calls. Some inmate commenters acknowledged that they were unable to make collect calls to their families in certain foreign countries. One commenter complained, however, that it costs more to place ITS international calls, specifically to Norway and Colombia. This commenter apparently does not dispute the fact that ITS calls to these countries are generally less expensive than collect calls. Rather, the commenter's complaint was based upon speculated costs for discount direct-dialed services not available to inmates.

As noted above, the only true comparison that can be made is between the costs of collect calls and ITS direct-dialed calls. These comparisons easily support the Bureau's belief that ITS calls are generally less expensive. A recent survey comparing the costs of ITS calls and the costs of collect calls from three institutions to several countries, including Norway and Colombia, supports the Bureau's position that the ITS calls are generally less expensive than collect international calls.

d. Inmates without funds. Several commenters stated that the proposed rule was unfair to indigent inmates, that these telephone regulations discriminate against inmates who do not have much money, and that they preferred the use of collect calls. However, neither the amended regulations, nor the ITS, prevent inmates' friends and family members who would accept collect calls from sending money to defray the expense of the direct-dial calls. Thus, under both the former collect call system and the new ITS debit billing system, an inmate claiming indigency is dependent upon someone else to pay for the inmate's telephone calls.

The Bureau believes that even inmates with limited financial resources need to develop budgeting skills and to accept personal responsibility for their actions. It is therefore appropriate to require these inmates to pay for some of their telephone calls. However, to ensure that such inmates are able to make telephone calls, the Bureau has amended the proposed rule to permit inmates without funds to make collect calls.

The phrase "inmate without funds" is defined as an inmate who has not had a trust fund account balance of $6.00 for the past 30 days. See 28 CFR § 540.105(b). The $6.00 ceiling was selected because it is above the maintenance pay level. Maintenance pay, which is currently $5.25 per month, is the lowest pay grade for inmates at Bureau institutions. By

defining "inmates without funds" as an inmate who has not had a trust fund account balance for the past 30 days of $6.00, the regulations ensure that inmates who are in the lowest pay grade and who lack outside sources of income will be able to make some collect telephone calls. The Bureau believes this standard is fairer and easier to apply uniformly than an unspecified "indigency" standard, which would be subject to discretionary interpretation.

The Bureau has modified its telephone regulations to more clearly address the issue of telephone access for inmates without funds. As stated in the proposed rule, the Warden may direct the government to bear the expenses of inmate telephone use under compelling circumstances. In addition, the Bureau has added a new section to the final rule to allow inmates without funds to make some collect telephone calls. See 28 CFR § 540.105(b). As revised, the final rule provides a collect call every month and allows the Warden discretion to provide greater access based upon local conditions, e.g., size of population, staff resources, usage demand. Implementing instructions to this provision recommend that an inmate without funds be provided approximately 30 minutes of collect calling capability each month.

It is noteworthy that a commenter, in discussing international calls, indicates that where she was unable to place collect calls because such calls were not processed by the telephone companies, the Bureau placed, and paid for, the call. This acknowledgement clearly demonstrates the Bureau's commitment to provide telephone access for needy inmates. In those instances, the compelling circumstance was created by the difficulties in placing such calls (e.g., some non-citizen inmate commenters reported their countries would not accept collect calls). In implementing the ITS, which provides for direct-dialed international calls, the Bureau is thus in a better position to commit its financial resources to those instances where the inmate is truly lacking in funds.

One inmate noted that the Bureau refused to pay for a telephone call to a foreign country that did not accept collect calls. As noted above, the Bureau is committed to making reasonable accommodations by assuming payment for a limited number of telephone calls in cases of compelling circumstances, such as when the inmate has lost contact with his family. That was not the case in the commenter's situation, as this commenter did acknowledge the existence of telephone contact with family members in this country.

In closing the Bureau's response to comments relating to costs, we note the Bureau has also decided to further amend 28 CFR § 540.100 to provide for an inmate who has not been restricted from telephone use as the result of an institution disciplinary action to make at least one telephone call each month. The existing rule provides for at least one call every three months. The Bureau believes this change helps to further ensure an inmate has an opportunity for telephone communications consistent with correctional management objectives.

8. Privacy Act Concerns

Comments expressed concern that in operating the ITS the Bureau's collection, maintenance, and use of information about potential recipients of inmate telephone calls violates the recipients' statutory rights to privacy under the Privacy Act, 5 U.S.C. 552a. Some commenters objected to what they perceive as the Bureau's alleged use of information on inmate visiting lists to create or compile telephone lists.

The amended regulations do not contemplate the Bureau's use of visiting lists as the source of names or numbers for use on inmate telephone lists. The final rule states, instead, that inmates are to provide information for the creation and maintenance of their telephone lists. See 28 CFR 540.101(a)(1).

These nonincarcerated individuals also objected to the Bureau's obtaining information about them from the telephone lists submitted by the inmates. The Privacy Act provides in relevant part that, "to the extent practicable," an agency shall collect information directly from an individual about whom the agency may make "adverse determinations." 5 U.S.C. 552a(e)(2). It is far more practicable to collect up to 30 names and telephone numbers from a single inmate than it is to collect them from each recipient of that inmate's calls.

Commenters also expressed concern about the form addressed to potential recipients of an inmate's calls on the ground that the form seeks information about those individuals which they allege to be private information. As discussed above in the section entitled "3. CONSTITUTIONAL CONCERNS * * * b. Fourth Amendment rights to privacy.", the Bureau has revised the final rule to eliminate this form, and replaced it with a notice letter to potential recipients who are not immediate family or persons already approved for the inmate's visiting list. This change should substantially accommodate comments on this issue.

9. Miscellaneous

In addition to the previous issues, comments received by the Bureau raised several other issues, and are addressed below:

a. One commenter, a telephone service company, perceived a potential for conflict between the proposed rule and potential orders and rules that may be issued by the Federal Communications Commission (FCC) arising out of the currently pending Billed Party Preference docket (BPP). The Bureau believes that it is not necessary to respond to comments based upon "potential problems". Accordingly, if the FCC or any other agency issues regulations in the future which conflict with these telephone regulations, the Bureau will take appropriate action at that time.

b. Commenters objected to the ITS stating that it was arbitrary and that its current use violates 28 CFR parts 540 and 545. For the reasons discussed above, there are valid correctional management reasons for amending the regulations to provide for the operation of the ITS. We do not consider these regulations to be arbitrary, as the ITS is being implemented following a pilot program and an assessment that it better addresses the Bureau's correctional goals and institution security needs.

With respect to the IFRP provision, the Bureau believes that the discussion above sufficiently addresses this comment.

c. A commenter wanted assurance that there would be no harrassment or punitive actions based on inmate objection to the ITS implementation. Bureau staff are professionals and are provided training on their role and responsibilities. Staff retaliation against inmates is not tolerated. The Bureau's Office of Internal Affairs and the Inspector General of the Department of Justice will thoroughly investigate any allegations of misconduct. The Bureau's Chief Executive Officers will take appropriate action where indicated. The Administrative Remedy Program is another vehicle available to inmates to raise allegations of staff misconduct.

d. Commenters stated that it would be an additional financial hardship to have people send money. The basis for this complaint is not entirely clear in one comment; in a second comment, the commenter refers to the family sending money for hygiene items and that to require money for telephone use would pose an additional financial burden. As noted earlier, the Bureau does provide for basic hygiene items.

Some commenters were concerned that it may be necessary to exchange foreign currency prior to residents of a foreign country forwarding any funds, with some stating that their country does not allow its currency to leave the country. As noted above, the lower ITS rates should provide some relief for such incidental costs as exchange fees, etc.

e. A commenter mistakenly believes that loss of commissary privileges as a result of disciplinary action will also result in the loss of telephone privileges. This is not the case. As with postage stamp purchases, telephone access is independent of the regular commissary. For an inmate to lose telephone privileges as a result of disciplinary action, that sanction must be specifically stated.

f. A commenter objected to the proposed rule not being posted in the prisons within a timely manner. It is Bureau policy to post proposed rules in its institutions to facilitate inmate comments. The date of posting is often dictated, in part, by when we receive the requisite copies of the **Federal Register** and by mailing time. On occasion, delays can result from this process. To accommodate this commenter's concerns, the Bureau plans to extend (ordinarily to 60 days) the time for public comment on future Bureau rules.

g. A commenter favors letting each person who receives a call decide whether to accept or reject that call, without sending money. In response, the Bureau first notes that there is no requirement for an outside person to forward the inmate funds. As already discussed, the Bureau believes that there are strong correctional management reasons for restricting collect telephone calls and for providing that inmates should ordinarily pay for their telephone calls. Certainly, where the need exists, and as set forth in the rule, the Bureau will provide collect call capability or, in the alternative, pay for the call itself.

Each potential recipient of a call has the option of refusing consent to be maintained on the inmate's telephone list. Even if an individual elects to remain on the inmate's telephone list, he or she can use other means, such as an answering machine or other services provided by local telephone carriers (caller ID, for example), to screen incoming calls, or simply hang up.

h. One inmate commenter alleged that the Bureau transferred inmates to institutions far removed from anticipated release areas in violation of Bureau designation practice, resulting in reduced opportunity for visits and higher costs for telephone communications. This commenter recommended that a certain number of free telephone calls be provided to any inmate located 500 miles or more from a home city.

As a general policy, the Bureau strives to locate inmates in institutions consistent with their security needs within reasonable proximity to a release residence. However, the Bureau's designation policy also allows for exceptions to be made, based upon management variables, e.g., institution capacity and individual inmate security needs. The generally lower flat rate fees for ITS calls should benefit such inmates. The regulations already contain provisions for the placement of collect calls or for calls at government expense in cases of compelling circumstances. See 28 CFR 540.105(d). The Bureau therefore finds no reason to adopt this commenter's recommendation.

i. One inmate commenter objected to the proposed rule, claiming that the telephone installed in her housing unit was not accessible to wheelchair-bound or visually-impaired inmates. The Bureau assures this commenter that it is Bureau policy to make every institution accessible to disabled inmates, including the use of telephone equipment. Institution staff have now resolved this commenter's problem by adjusting the telephone location to permit access by the disabled.

The Bureau notes that another commenter claiming various disabilities, visual and psychological, raised no objection to accessibility. As noted above, the Bureau is committed to making reasonable accommodations to meet the needs of all disabled inmates in providing telephone access.

j. Commenters objected that the proposed rule did not define terms such as "emergency" or "rehabilitative goals." A commenter claimed that staff was not available to inmates on a twenty-four hour a day, seven-days a week basis. The Bureau wishes to assure this commenter that every Bureau facility is staffed on a twenty-four hour a day, seven-day a week basis.

As for a definition of rehabilitative goals, the final rule does not include the term rehabilitation as a grounds for rejection of a telephone number from an inmate's telephone list. The Bureau notes, however, that while rehabilitation remains an important goal for the Bureau's management of inmates, a specific definition cannot be given because each situation is characterized by the facts and circumstances existing for a particular inmate. For example, an inmate's unit team will work with the inmate concerning areas of interest to that inmate in preparation for the inmate's own self-improvement.

As for the definition of an emergency, this also must be predicated on the given situation, e.g., loss of contact with the family or death of a family member. See 28 CFR 540.101(e) and 540.105(d).

k. A commenter related an incident where she placed a collect call to a Senator's office from an institution where the ITS is not yet available and was asked for a return number, which she provided. The commenter alleged that she never received a return call and was subsequently informed by institution staff that she should no longer call the Senator's office collect. We are unable to address this complaint as it is unrelated to the proposed rule and is more properly addressed through the Administrative Remedy Program discussed previously. However, we note that, under the amended regulations, inmates may choose to submit telephone numbers for Senators and other elected officials on their telephone lists.

l. A commenter objected that the proposed rule was unfair to inmates who were medically idle (i.e., unable to participate in a work assignment because of a medical condition). If a medically idle inmate is also an "inmate without funds," as defined herein, then the final rule accommodates this comment, because all inmates without funds may make some collect calls or have the Bureau pay for the call in a compelling circumstance. See 28 CFR 540.105(b) and 540.105(d)).

m. Former § 540.105 is removed because its provisions are now incorporated in other portions of the final rule or are no longer necessary, due to changes in the Bureau's discipline policy.

The Bureau of Prisons has determined that this rule is not a significant regulatory action for the purpose of Executive Order 12866. This rule has been reviewed by OMB pursuant to Executive Order 12866. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–354), does not have a significant impact on a substantial number of small entities.

List of Subjects in 28 CFR Parts 540 and 545

Prisoners.

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(p), parts 540 and

545 in subchapter C of 28 CFR, chapter V are amended as set forth below.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 540—CONTACT WITH PERSONS IN THE COMMUNITY

1. The authority citation for 28 CFR part 540 is revised to read as follows:

Authority: 5 U.S.C. 301, 551, 552a; 18 U.S.C. 1791, 3013, 3571, 3572, 3621, 3622, 3624, 3663, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

2. Section 540.100 is revised to read as follows:

§ 540.100 Purpose and scope.

(a) The Bureau of Prisons extends telephone privileges to inmates as part of its overall correctional management. Telephone privileges are a supplemental means of maintaining community and family ties that will contribute to an inmate's personal development. An inmate may request to call a person of his or her choice outside the institution on a telephone provided for that purpose. However, limitations and conditions may be imposed upon an inmate's telephone privileges to ensure that these are consistent with other aspects of the Bureau's correctional management responsibilities. In addition to the procedures set forth in this subpart, inmate telephone use is subject to those limitations set forth under the inmate financial responsibility program (see 28 CFR 545.11) and those which the Warden determines are necessary to ensure the security or good order, including discipline, of the institution or to protect the public. Restrictions on inmate telephone use may also be imposed as a disciplinary sanction (see 28 CFR part 541).

(b) Except as provided in this rule, the Warden shall permit an inmate who has not been restricted from telephone use as the result of a specific institutional disciplinary sanction to make at least one telephone call each month.

§ 540.105 [Removed]

§§ 540.101 through 540.104 [Redesignated as §§ 540.102 through 540.105]

3. Section 540.105 is removed and §§ 540.101 through 540.104 are redesignated as §§ 540.102 through 540.105.

4. New § 540.101 is added to read as follows:

§ 540.101 Procedures.

(a) *Telephone list preparation.* An inmate telephone call shall ordinarily be made to a number identified on the inmate's official telephone list. This list ordinarily may contain up to 30 numbers. The Associate Warden may authorize the placement of additional numbers on an inmate's telephone list based on the inmate's individual situation, e.g., size of family.

(1) During the admission and orientation process, an inmate who chooses to have telephone privileges shall prepare a proposed telephone list. At the time of submission, the inmate shall acknowledge that, to the best of the inmate's knowledge, the person or persons on the list are agreeable to receiving the inmate's telephone call and that the proposed calls are to be made for a purpose allowable under Bureau policy or institution guidelines.

(2) Except as provided in paragraph (a)(3) of this section, telephone numbers requested by an inmate will ordinarily be placed on the inmate's telephone list. When an inmate requests the placement of numbers for persons other than for immediate family or those persons already approved for the inmate's visiting list, staff ordinarily will notify those persons in writing that their numbers have been placed on the inmate's telephone list. The notice advises the recipient that the recipient's number will be removed from the list if the recipient makes a written request to the institution, or upon the written request of the inmate, or as provided in paragraph (a)(3) of this section.

(3) The Associate Warden may deny placement of a telephone number on an inmate's telephone list if the Associate Warden determines that there is a threat to institution security or good order, or a threat to the public. Any disapproval must be documented in writing to both the inmate and the proposed recipient. As with concerns about any correctional issue, including any portion of these telephone regulations, an inmate may appeal the denial through the administrative remedy procedure (see 28 CFR part 542). The Associate Warden will notify the denied recipient that he or she may appeal the denial by writing to the Warden within 15 days of the receipt of the denial.

(b) *Telephone list update.* Each Warden shall establish procedures to allow an inmate the opportunity to submit telephone list changes on at least a quarterly basis.

(c) *Telephone access codes.* An inmate may not possess another inmate's telephone access code number. An inmate may not give his or her telephone access code number to another inmate, and is to report a compromised telephone access code number immediately to unit staff.

(d) *Placement and duration of telephone call.* The placement and duration of any telephone call is subject to availability of inmate funds. Ordinarily, an inmate who has sufficient funds is allowed at least three minutes for a telephone call. The Warden may limit the maximum length of telephone calling based on the situation at that institution (e.g., institution population or usage demand).

(e) *Exception.* The Warden may allow the placement of collect calls for good cause. Examples of good cause include, but are not limited to, inmates who are new arrivals to the institution, including new commitments and transfers; inmates confined at Metropolitan Correctional Centers, Metropolitan Detention Centers, or Federal Detention Centers; pretrial inmates; inmates in holdover status; inmates who are without funds (see § 540.105(b)); and in cases of family emergencies.

5. Newly designated § 540.105 is revised to read as follows:

§ 540.105 Expenses of inmate telephone use.

(a) An inmate is responsible for the expenses of inmate telephone use. Such expenses may include a fee for replacement of an inmate's telephone access code that is used in an institution which has implemented debit billing for inmate telephone calls. Each inmate is responsible for staying aware of his or her account balance through the automated process provided by the system. Third party billing and electronic transfer of a call to a third party are prohibited.

(b) The Warden shall provide at least one collect call each month for an inmate who is without funds. An inmate without funds is defined as an inmate who has not had a trust fund account balance of $6.00 for the past 30 days. The Warden may increase the number of collect calls based upon local institution conditions (e.g., institution population, staff resources, and usage demand). To prevent abuses of this provision (e.g., inmate shows a pattern of depleting his or her commissary funds prior to placing collect calls), the Warden may impose restrictions on the provisions of this paragraph (b).

(c) The Warden shall limit the telephone privileges (collect and debit billed calls) of an inmate who has refused to participate in the Inmate Financial Responsibility Program (IFRP) as specified in 28 CFR part 545. (Effective date of this paragraph

(§ 540.105(c)) is delayed until January 3, 1995.)

(d) The Warden may direct the government to bear the expense of inmate telephone use or allow a call to be made collect under compelling circumstances such as when an inmate has lost contact with his family or has a family emergency.

PART 545—WORK AND COMPENSATION

6. The authority citation for 28 CFR part 545 is revised to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3013, 3571, 3572, 3621, 3622, 3624, 3663, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4126, 5006–5024 (Repealed October 12, 1984 as to offenses committed after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

7. In § 545.11, the following concluding sentences are added to introductory paragraph (b) and paragraph (d)(10) is added to read as follows:

§ 545.11 Procedures.

* * * * *

(b) * * * In developing an inmate's financial plan, the unit team shall exclude from its assessment $50 a month deposited into the inmate's trust fund account. This $50 exemption shall be calculated after subtracting from the trust fund account the inmate's IFRP minimum payment schedule for UNICOR or non-UNICOR work assignments, set forth below in paragraph (b)(1) and (b)(2) of this section. This $50.00 is excluded to allow the inmate the opportunity to better maintain telephone communication under the Inmate Telephone System (ITS).

* * * * *

(d) * * *

(10) The inmate will be allowed to place no more than one telephone call every month, as provided in 28 CFR 540.100(b). Any exception to this provision requires approval of the Warden, and is to be based on compelling circumstances. (Effective date of this paragraph (§ 545.11(d)(10)) is delayed until January 3, 1995.)

Dated: March 30, 1994.

Wade B. Houk,

Acting Director, Bureau of Prisons.

[FR Doc. 94–8008 Filed 4–1–94; 8:45 am]

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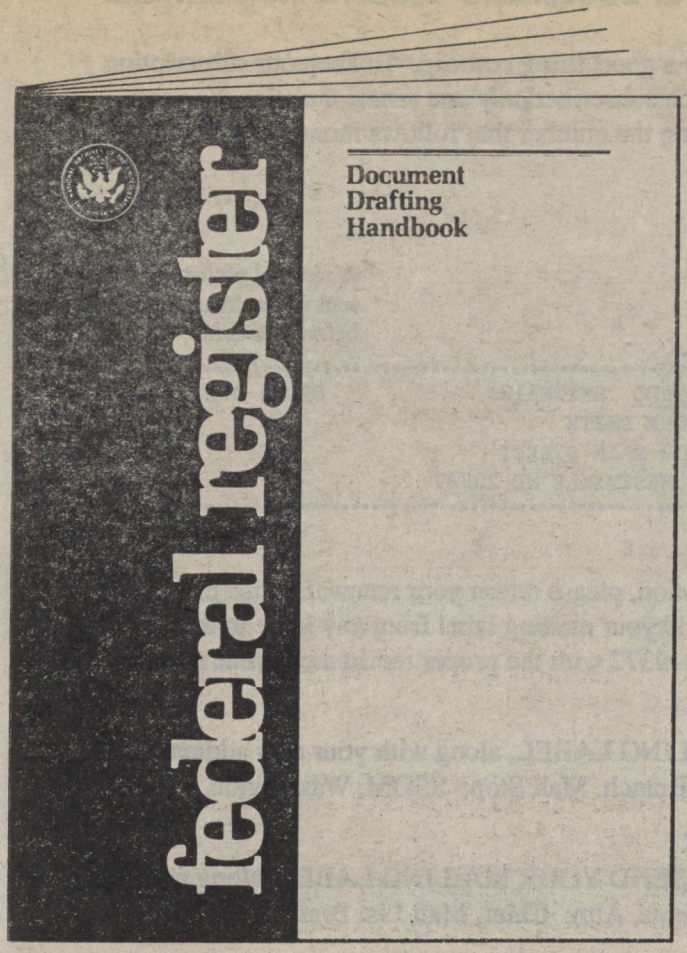

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