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Free **Electronic Bulletin Board** service for Public Law numbers, **Federal Register** finding aids, and a list of documents on public inspection is available on 202–275–1538 or 275–0920.

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Rules and Regulations

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

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AF58

Prevailing Rate Systems; Definition of Oscoda-Alpena, MI, Wage Area to Northwestern Michigan Wage Area

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing a final rule to abolish the Oscoda-Alpena, Michigan, Federal Wage System wage area for pay-setting purposes. The host activity for the Oscoda-Alpena wage area survey, Wurtsmith Air Force Base, closed at the end of June 1993. No other activity in the Oscoda-Alpena wage area had the capability to conduct the local wage survey scheduled to begin in the wage area in August 1993. This regulation redefines all counties presently included in the Oscoda-Alpena, Michigan, wage area to the area of application of the Northwestern Michigan wage area.

EFFECTIVE DATE: June 27, 1994.

FOR FURTHER INFORMATION CONTACT: Mark Allen, (202) 606–2848.

SUPPLEMENTARY INFORMATION: On December 7, 1993, OPM published an interim rule (58 FR 64365) to abolish the Oscoda-Alpena, Michigan, wage area for pay-setting purposes and reassign its constituent counties to the Northwestern Michigan wage area as areas of application. The interim rule provided a 30-day period for public comment. OPM received no comments during the comment period. Therefore, the interim rule is being adopted as a final rule.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

Accordingly, under the authority of 5 U.S.C. 5343, the interim rule amending 5 CFR part 532 published on December 7, 1993 (58 FR 64365), is adopted as final without any changes.

U.S. Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 94–12812 Filed 5–25–94; 8:45 am]

BILLING CODE 6325–01–M

5 CFR Part 532

RIN 3206–AF73

Prevailing Rate Systems; Definition of Santa Clara, CA, NAF Wage Area to Alameda-Contra Costa, CA, NAF Wage Area

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing a final rule to abolish the Santa Clara, California, Nonappropriated Fund (NAF) Federal Wage System wage area for paysetting purposes. The Santa Clara NAF wage area is composed of Santa Clara County (survey area) and San Mateo County (area of application). The host activity for the Santa Clara NAF wage area survey, Naval Air Station Moffett Field, will close on July 1, 1994, and did not have the capability to carry out the local wage survey scheduled to begin in the Santa Clara NAF wage area in September 1993. No other installation in the Santa Clara NAF wage area had the capability to conduct a wage survey. This regulation redefines Santa Clara and San Mateo Counties to the area of application of the Alameda-Contra Costa, California, NAF wage area.

EFFECTIVE DATE: June 27, 1994.

FOR FURTHER INFORMATION CONTACT: Mark Allen, (202) 606–2848.

SUPPLEMENTARY INFORMATION: On December 29, 1993, OPM published an interim rule (58 FR 68715) to abolish the Santa Clara, California, NAF wage area for pay-setting purposes and redefine its constituent counties to the Alameda-Contra Costa, California, NAF wage area as areas of application. The interim rule provided a 30-day period for public comment. OPM received no comments during the comment period. Therefore, the interim rule is adopted as a final rule.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

Accordingly, under the authority of 5 U.S.C. 5343, the interim rule amending 5 CFR part 532 published on December 29, 1993 (58 FR 68715), is adopted as final without any changes.

U.S. Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 94–12813 Filed 5–25–94; 8:45 am]

BILLING CODE 6325–01–M

5 CFR Part 831

RIN 3206–AF79

Civil Service Retirement System; Reemployment of Annuitants

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations concerning the reemployment of disability annuitants. These regulations merely eliminate duplicative regulatory language and are intended to clarify existing regulations.

EFFECTIVE DATE: October 22, 1993.

FOR FURTHER INFORMATION CONTACT: Mary Ellen Wilson, (202) 606–0299.

SUPPLEMENTARY INFORMATION: On September 15, 1993, OPM published a final rule in the **Federal Register**, (58 FR 48265), that, among other things, added subpart D of part 837 of title 5, Code of Federal Regulations, concerning reemployment of disability annuitants.

This change was effective October 15, 1993.

On September 22, 1993, OPM published a final rule in the **Federal Register**, (58 FR 49177), effective October 22, 1993, that contained § 831.1211 entitled "Reemployment of disability annuitants." The September 22 publication contained many, but not all, of the instructions contained in the new subpart D of part 837.

The publication of two sets of substantially identical rules on the reemployment of disability annuitants was inadvertent. Retaining these rules in two different parts of the Code of Federal Regulations could cause confusion, especially if a reader were to review § 831 1211 alone, and erroneously conclude that he or she had reviewed the entirety of the rules governing reemployment of disability annuitants. Also, the existence of § 831 1211 is inconsistent with the Office of Personnel Management's stated intent to incorporate all retirement program rules affecting reemployed annuitants in part 837. Consequently, OPM has decided to delete § 831.1211.

Under sections 553(b)(3)(B) and 553(d)(3) of title 5, United States Code, I find that good cause exists for waiving the general notice of proposed rulemaking and for making these amendments effective October 22, the same effective date as the regulations published on September 22, 1993. Notice of proposed rulemaking is unnecessary because this final rule only corrects nonsubstantive errors in the recently published regulations. This date is appropriate for the same reason.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation only makes nonsubstantive, technical corrections in regulations which only affect the employment of disability annuitants.

List of Subjects in 5 CFR Part 831

Administrative practice and procedure, Alimony, Claims, Disability benefits, Firefighters, Government employees, Income taxes, Intergovernmental relations, Law enforcement officers, Pensions, Reporting and recordkeeping requirements, Retirement.

Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

Accordingly, OPM is amending 5 CFR part 831 as follows:

PART 831—RETIREMENT

1. The authority citation for part 831 continues to read in part as follows:

Authority: 5 U.S.C. 8347 * * *

Subpart L—Disability Retirement

§§ 831.1211, 831.1212, 831.1213 [Amended]

2. Section 831.1211 is removed, § 831.1212 is redesignated as § 831.1211, and § 831.1213 is redesignated as § 831.1212.

[FR Doc. 94–12814 Filed 5–25–94; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

[TB–94–01]

Tobacco Inspection; Growers' Referendum Results

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document contains the determination with respect to the referendum on the merger of Windsor, Williamston, and Robersonville, North Carolina, to become the consolidated market of Windsor-Williamston-Robersonville. A mail referendum was conducted during the period of April 4–8, 1994, among tobacco growers who sold tobacco on these markets in 1993 to determine producer approval/disapproval of the designation of these three markets as one consolidated market. Growers approved the merger. Therefore, for the 1994 and succeeding flue-cured marketing seasons, the Windsor, Williamston, and Robersonvile, North Carolina, tobacco markets shall be designated as and called Windsor-Williamston-Robersonville. The regulations are amended to reflect this new designated market.

EFFECTIVE DATE: June 27, 1994.

FOR FURTHER INFORMATION CONTACT: Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, P.O. Box 96456, Washington, DC 20090–6456; telephone number (202) 205–0567.

SUPPLEMENTARY INFORMATION: A notice was published in the March 25, 1994, issue of the **Federal Register** (59 FR 4124) announcing that a referendum would be conducted among active flue-cured producers who sold tobacco on either Windsor, Williamston, or Robersonville, during the 1993 season to ascertain if such producers favored the consolidation.

The notice of referendum announced the determination by the Secretary that the consolidated market of Windsor-Williamston-Robersonvile, North Carolina, would be designated as a flue-cured tobacco auction market and receive mandatory, Federal grading of tobacco sold at auction for the 1994 and succeeding seasons, subject to the results of the referendum. The determination was based on the evidence and arguments presented at a public hearing held in Williamston, North Carolina, on November 19, 1993, pursuant to applicable provisions of the regulations issued under the Tobacco Inspection Act, as amended. The referendum was held in accordance with the provisions of the Tobacco Inspection Act, as amended (7 U.S.C. 511d) and the regulations set forth in 7 CFR 29.74.

Ballots for the April 4–8 referendum were mailed to 1,054 producers. Approval required votes in favor of the proposal by two-thirds of the eligible voters who cast valid ballots. The department received a total of 365 responses: 274 eligible producers voted in favor of the consolidation; 72 eligible producers voted against the consolidation; and 19 ballots were determined to be invalid.

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

This final rule has been reviewed under Executive Order 12788, Civil Justice Reform. This action is not intended to have retroactive effect. This final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Additionally, in conformance with the provisions of Pub. L. 96–354, the Regulatory Flexibility Act, full consideration has been given to the potential economic impact upon small business. Most tobacco producers and many tobacco warehouses are small businesses as defined in the Regulatory Flexibility Act. It has been determined that this action will not have a significant impact on a substantial number of small entities, and will not substantially affect the normal movement of the commodity in the marketplace.

List of Subjects in 7 CFR Part 29

Administrative Practices and Procedures, Advisory Committees,

Government Publications, Imports, Pesticides and Pests, Reporting and Recordkeeping Procedures, Tobacco. For the reasons set forth in the preamble, 7 CFR part 29, subpart D, is amended as follows:

Subpart D—Order of Designation of Tobacco Markets

1. The authority citation for 7 CFR part 29, subpart D, continues to read as follows:

Authority: Sec. 5, 49 Stat. 732, as amended by sec. 157(a) (1), 95 Stat. 374 (7 U.S.C 511d).

§ 29.8001 Table Amended.

2. In § 29.8001, the table is amended by adding a new entry (ggg) to read as follows:

Territory	Types of tobacco	Auction markets	Order of designation	Citation
* *	*	*	*	*
(ggg) North Carolina	Flue-cured	Windsor-Williamston-Robersonville.	June 27, 1994.	

Dated: May 20, 1994.

Lon Hatamiya,

Administrator.

[FR Doc. 94–12887 Filed 5–25–94; 8:45 am]

BILLING CODE 3410–02–P

Agricultural Stabilization and Conservation Service

7 CFR Part 723

Commodity Credit Corporation

7 CFR Part 1464

RIN 0560–AD23 and 0560–AD28

1994 Marketing Quotas and Price Support Levels for Fire-Cured (Type 21), Fire-Cured (Types 22–23), Dark Air-Cured (Types 35–36), Virginia Sun-Cured (Type 37), Cigar-Filler and Binder (Types 42–44 and 53–55), and Cigar-Filler (Type 46) Tobaccos

AGENCIES: Agricultural Stabilization and Conservation Service and Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to codify the national marketing quotas and price support levels for the 1994 crops for several kinds of tobacco announced by press release on March 1, 1994.

In accordance with the Agricultural Adjustment Act of 1938 (the 1938 Act), as amended, the Secretary determined the 1994 marketing quotas to be as follows: Fire-cured (type 21), 2.150 million pounds; fire-cured (types 22–23), 40.4 million pounds; dark air-cured (types 35–36), 10.6 million pounds; Virginia sun-cured (type 37), 131,000 pounds; cigar-filler and binder (types 42–44 and 53–55), 9.3 million pounds; and cigar-filler (type 46), zero pounds.

This rule is necessary to adjust the production levels of these kinds of tobacco to more fully reflect supply and demand conditions.

In accordance with the Agricultural Act of 1949 (the 1949 Act), as amended, the Secretary determined the 1994 levels of support to be as follows (in cents per pound): Fire-cured (type 21), 140.7; fire-cured (types 22–23), 148.3; dark air-cured (types 35–36), 127.3; Virginia sun-cured (type 37), 124.5; cigar-filler and binder (types 42–44 and 53–55), 108.4; and cigar-filler (type 46), 84.4.

This is required by section 106 of the 1949 Act.

EFFECTIVE DATE: March 1, 1994.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Agricultural Economist, Tobacco and Peanuts Analysis Division, Agricultural Stabilization and Conservation Service (ASCS), United States Department of Agriculture (USDA), room 3736, South Building, P.O. Box 2415, Washington, DC 20013–2415, 202–720–8839.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

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

Executive Order 12778

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

Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies are: Commodity Loans and Purchases—10.051.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since neither ASCS nor the Commodity Credit Corporation is required by 5 U.S.C. 553 or any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Executive Order 12372

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

Paperwork Reduction Act

The amendments to 7 CFR part 723 set forth in this final rule do not contain any new or revised information collection requirements that require clearance through the Office of Management and Budget under the provisions of 44 U.S.C. 35.

Statutory Background

This final rule is issued pursuant to the provisions of the 1938 Act and the 1949 Act.

On March 1, 1994, the Secretary determined and announced the national marketing quotas and price support levels for the 1994 crops of fire-cured (type 21), fire-cured (types 22–23), dark air-cured (types 35–36), Virginia sun-cured (type 37), cigar-filler and binder (types 42–44 and 53–55), and cigar-filler (type 46) tobaccos. A number of related determinations were made at the same time, which this final rule affirms. On the same date, the Secretary also announced that referenda would be conducted by mail with respect to fire-cured (types 21–23) and dark air-cured (types 35–36) tobaccos.

During March 28–31, 1994, eligible fire-cured (types 21–23) and dark air-cured (types 35–36) tobacco producers voted in separate referenda to determine whether such producers disapprove marketing quotas for the 1994, 1995, and 1996 marketing years (MYs) for these tobaccos. Of the producers voting,

89.8 percent favored marketing quotas for fire-cured tobacco and 90.0 percent favored marketing quotas for dark air-cured tobacco. Accordingly, quotas and price supports for both kinds are in effect for the 1994 MY.

In accordance with section 312(a) of the 1938 Act, the Secretary of Agriculture is required to proclaim not later than March 1 of any MY with respect to any kind of tobacco, other than burley and flue-cured tobacco, a national marketing quota for any such kind of tobacco for each of the next three MYs if such MY is the last year of three consecutive years for which marketing quotas previously proclaimed will be in effect. With respect to both fire-cured (type 21–23) and dark air-cured (types 35–36) tobaccos, the 1993 MY is the last year of three such consecutive years. Accordingly, marketing quotas for fire-cured (types 21–23) and dark air-cured (types 35–36) tobaccos have been proclaimed for each of the three MYs beginning October 1, 1994; October 1, 1995; and October 1, 1996.

Sections 312 and 313 of the 1938 Act also provide that the Secretary shall announce not later than March 1 of any MY the reserve supply level and the total supply of fire-cured (type 21), fire-cured (types 22–23), dark air-cured (types 35–36), Virginia sun-cured (type 37), cigar-filler and binder (types 42–44 and 53–55), and cigar-filler (type 46) tobaccos for the MY beginning October 1, 1993, and the amounts of the national marketing quotas, national acreage allotments, national acreage factors for apportioning the national acreage allotments (less reserves) to old farms, and the amounts of the national reserves and parts thereof available for (1) new farms and (2) making corrections and adjusting inequities in old farm allotments for fire-cured (type 21), fire-cured (types 22–23), dark air-cured (types 35–36), Virginia sun-cured (type 37), cigar-filler and binder (types 42–44 and 53–55), and cigar-filler (type 46) tobacco for the MY beginning October 1994.

Price support is required to be made available for each crop of a kind of tobacco for which marketing quotas are in effect or for which marketing quotas have not been disapproved by producers. With respect to the 1994 crop of the six kinds of tobacco which are the subject of this rule, the respective maximum level of support is determined in accordance with section 106 of the 1949 Act.

The announcement of the price support levels for the 1994 crops of the six kinds of tobacco must be made insofar as practicable before the beginning of the planting season.

Marketing Quotas

Section 312(b) of the 1938 Act provides, in part, that the amount of the national marketing quota for a kind of tobacco is the total quantity of that kind of tobacco which may be marketed that will make available during such MY a supply of such tobacco equal to the reserve supply level.

Section 313(g) of the 1938 Act provides that the Secretary may convert the national marketing quota into a national acreage allotment for apportionment to individual farms.

Since producers of these kinds of tobacco generally produce less than their respective national acreage allotments would allow, it has been determined that a larger quota would be necessary to make available production equal to the reserve supply level. The amount of the national marketing quota so announced may, not later than the following March 1, be increased by not more than 20 percent if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level.

Section 301(b)(14)(B) of the 1938 Act defines "reserve supply level" as the normal supply, plus 5 percent thereof, to ensure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty. The "normal supply" is defined in section 301(b)(10)(B) of the 1938 Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic use and 65 percent of a normal year's exports as an allowance for a normal year's carryover. A "normal" year's domestic consumption is defined in section 301(b)(11)(B) of the Act as the average quantity produced and consumed in the United States during the 10 MYs immediately preceding the MY in which such consumption is determined, adjusted for current trends in such consumption.

A normal year's exports is defined in section 301(b)(12) of the 1938 Act as the average quantity produced in and exported from the United States during the 10 MYs immediately preceding the MY in which such exports are determined, adjusted for current trends in such exports.

In accordance with section 313(g) of the 1938 Act, the Secretary is authorized to establish a national reserve from the national acreage allotment in an amount equivalent to not more than 1 percent of the national acreage allotment for the purpose of making corrections in farm acreage allotments, adjusting for inequities, and for establishing allotments for new farms. The Secretary has determined that the national reserve, noted herein, for the 1994 crop of each of these kinds of tobacco is adequate for these purposes.

On December 21, 1993, a proposed rule was published (58 FR 67376) in which interested persons were requested to comment with respect to these issues.

Discussion of Comments

Thirty-one written responses were received during the comment period which ended February 4, 1994. Some respondents discussed more than one kind of tobacco. A summary of these comments by kind of tobacco follows:

(1) *Fire-cured (type 21) tobacco.* Eight comments were received. Four comments recommended that quotas be increased by 5 percent. Two others recommended that the marketing quotas be increased by 10 percent from the 1993 MY while two more requested an unspecified increase.

(2) *Fire-cured (types 22–23) tobacco.* Four comments were received, all recommending a five percent increase from the 1993 marketing quota.

(3) *Dark air-cured (types 35–36) tobacco.* Five comments were received. Recommendations ranged from a 5-percent decrease to a 10-percent decrease in the quota.

(4) *Virginia sun-cured (type 37) tobacco.* Eight comments were received. Recommendations ranged from a 5-percent to a 20-percent increase in quota.

(5) *Cigar-filler and binder (types 42–44 and 53–55) tobacco.* Six comments were received. These comments ranged from no change in quota to a 35-percent decrease in quota.

(6) *Cigar-filler (type 46) tobacco.* No comments were received.

Based upon a review of these comments and the latest available statistics of the Federal Government, which appear to be the most reliable data available, the following determinations have been made.

(1) Fire-Cured (Type 21) Tobacco

The yearly average quantity of fire-cured (type 21) tobacco produced in the United States which is estimated to have been consumed in the United States during the 10 MYs preceding the 1993–94 MY is approximately 1.5 million pounds. The average annual quantity of fire-cured (type 21) tobacco produced in the United States and exported from the United States during

the 10 MYs preceding the 1993–94 MY was 2.7 million pounds (farm sales weight basis). Both domestic use and exports have trended sharply downward. For that reason, a normal year's domestic consumption has been determined to be 0.5 million pounds and a normal year's exports have been determined to be 2.1 million pounds. Application of the formula prescribed by section 301(b)(14)(B) of the 1938 Act results in a reserve supply level of 5.61 million pounds.

Manufacturers and dealers reported stocks of fire-cured (type 21) tobacco held on October 1, 1993, of 4.4 million pounds. The 1993 fire-cured (type 21) tobacco crop is estimated to be 1.9 million pounds. Therefore, the total supply of fire-cured (type 21) tobacco for the 1993 MY is 6.3 million pounds. During the 1993 MY, it is estimated that disappearance will total approximately 2.5 million pounds. By deducting this disappearance from the total supply, a carryover of 3.8 million pounds at the beginning of the 1994 MY is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1994, is 1.81 million pounds. This represents the quantity of fire-cured (type 21) tobacco which may be marketed that will make available during such MY a supply equal to the reserve supply level. Less than 85 percent of the announced national marketing quota is expected to be produced. Accordingly, it has been determined that a national marketing quota of 2.15 million pounds is necessary to make available production of 1.81 million pounds. Accordingly, the national marketing quota for the 1994 MY is 2.15 million pounds. In accordance with section 313(g) of the 1938 Act, dividing the 1994 national marketing quota of 2.15 million pounds by the 1989–93, 5-year national average yield of 1,388 pounds per acre results in a 1994 national acreage allotment of 1,548.99 acres.

Pursuant to the provisions of section 313(g) of the 1938 Act, a national acreage factor of 1.05 is determined by dividing the national acreage allotment for the 1994 MY, less a national reserve of 5.0 acres, by the total of 1994 preliminary farm acreage allotments (previous year's allotments). The preliminary farm acreage allotments reflect the factors specified in section 313(g) of the 1938 Act for apportioning the national acreage allotment, less the national reserve, to old farms.

(2) Fire-Cured (Types 22–23) Tobacco

The yearly average quantity of fire-cured (types 22–23) tobacco produced in the United States which is estimated to have been consumed in the United States during the 10 years preceding the 1993 MY was approximately 17.8 million pounds. The average annual quantity of fire-cured (types 22–23) tobacco produced in the United States and exported during the 10 MYs preceding the 1993 MY was 16.9 million pounds (farm sales weight basis). Both domestic use and exports have trended upward recently. A normal year's domestic consumption has for that reason been determined to be 21.8 million pounds and a normal year's exports have been determined to be 20.7 million pounds. Application of the formula prescribed by section 301(b)(14)(B) of the 1938 Act results in a reserve supply level of 98.8 million pounds.

Manufacturers and dealers reported stocks of fire-cured (types 22–23) tobacco held on October 1, 1993, of 64.0 million pounds. The 1993 fire-cured (types 22–23) crop is estimated to be 36.8 million pounds. Therefore, the total supply of fire-cured (types 22–23) tobacco for the MY beginning October 1, 1993, is 100.8 million pounds. During the 1993 MY, it is estimated that disappearance will total approximately 34.0 million pounds. By deducting this disappearance from the total supply, a carryover of 66.8 million pounds at the beginning of the 1994 MY is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1994, is 32.0 million pounds. This represents the quantity of fire-cured (types 22–23) tobacco which may be marketed that will make available during the 1994 MY a supply equal to the reserve supply level. About 95 percent of the announced national marketing quota is expected to be produced.

Accordingly, it has been determined that a national marketing quota for the 1994 MY of 33.7 million pounds is necessary to make available production of 32.0 million pounds. In accordance with section 312(b) of the 1938 Act, it has been further determined that the 1994 national marketing quota must be increased by 20 percent in order to avoid undue restriction of marketings. This results in a national marketing quota for the 1994 MY of 40.4 million pounds.

In accordance with section 313(g) of the 1938 Act, dividing the 1994 national marketing quota of 40.4 million pounds by the 1989–93, 5-year national average yield of 2,275 pounds per acre results in a 1994 national acreage allotment of 17,758.24 acres.

Pursuant to the provisions of section 313(g) of the 1938 Act, a national acreage factor of 1.05 is determined by dividing the national acreage allotment for the 1994 MY, less a national reserve of 40 acres, by the total of 1994 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) of the 1938 Act for apportioning the national acreage allotment, less the national reserve, to old farms.

(3) Dark Air-Cured (Types 35–36) Tobacco

The yearly average quantity of dark air-cured (types 35–36) tobacco produced in the United States, which is estimated to have been consumed in the United States, during the 10 MYs preceding the 1993–94 MY was approximately 10.6 million pounds. The average annual quantity of dark air-cured (types 35–36) tobacco produced in the United States and exported from the United States during the 10 MYs preceding the 1993 MY was 1.9 million pounds (farm sales weight basis). Both domestic use and exports have trended downward. Accordingly, a normal year's domestic consumption has been determined to be 10.0 million pounds and a normal year's exports have been determined to be 1.6 million pounds. Application of the formula prescribed by section 301(b)(14)(B) of the 1938 Act results in a reserve supply level of 31.6 million pounds.

Manufacturers and dealers reported stocks of dark air-cured (types 35–36) tobacco held on October 1, 1993, of 24.2 million pounds. The 1993 dark air-cured (types 35–36) tobacco crop is estimated to be 9.9 million pounds. Therefore, the total supply of dark air-cured (types 35–36) tobacco for the 1993 MY is 34.1 million pounds. During the 1993 MY, it is estimated that disappearance will total approximately 10.0 million pounds. By deducting this disappearance from the total supply, a carryover of 24.1 million pounds at the beginning of the 1994 MY is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1994, is 7.5 million pounds. This represents the quantity of dark air-cured (types 35–36) tobacco which may be marketed which will make available during such MY a supply equal to the reserve supply level.

More than 80 percent of the announced national marketing quota is expected to be produced. Accordingly, it has been determined that a national marketing quota of 8.8 million pounds is necessary to make available production of 7.5 million pounds. In accordance with section 312(b) of the 1938 Act, it has been further determined that the 1994 national marketing quota must be increased by 20 percent in

order to avoid undue restriction of marketings. This results in a national marketing quota for the 1994 MY of 10.6 million pounds.

In accordance with section 313(g) of the 1938 Act, dividing the 1994 national marketing quota of 10.6 million pounds by the 1989–93, 5-year average yield of 2,105 pounds per acre results in a 1994 national acreage allotment of 5,035.63 acres.

Pursuant to the provisions of section 313(g) of the 1938 Act, a national acreage factor of 0.95 is determined by dividing the national acreage allotment for the 1994 MY, less a national reserve of 28.0 acres, by the total of 1994 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) of the 1938 Act for apportioning the national acreage allotment, less the national reserve, to old farms.

(4) Virginia Sun-Cured (Type 37) Tobacco

The yearly average quantity of Virginia sun-cured (type 37) tobacco produced in the United States which is estimated to have been consumed in the United States during the 10 MYs preceding the 1993–94 MY was approximately 220,000 pounds. The average annual quantity produced in the United States and exported during the same period was approximately 120,000 pounds (farm sales weight basis). Domestic use has shown a sharp downward trend, and exports have shown a moderate downward trend. Accordingly, a quantity of 92,000 pounds has been determined to be a normal year's domestic consumption and a quantity of 20,000 pounds has been determined to be a normal year's exports. Application of the formula prescribed by section 301(b)(14)(B) of the 1938 Act results in a reserve supply level of 300,000 pounds.

Manufacturers and dealers reported stocks of Virginia sun-cured (type 37) tobacco held on October 1, 1993, of 200,000 pounds. The 1993 Virginia sun-cured (type 37) tobacco crop is estimated to be 100,000 pounds. Therefore, the total supply of Virginia sun-cured (type 37) tobacco for the 1993 MY is 300,000 pounds. During the 1993 MY, it is estimated that disappearance will total approximately 120,000 pounds. By deducting this disappearance from the total supply, a carryover of 180,000 pounds at the beginning of the 1994 MY is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1994, is 120,000 pounds. This represents the quantity of Virginia sun-cured (type 37) tobacco which may be marketed that will make available during such MY a supply equal to the reserve supply level. Around 90 percent of the announced national marketing quota is expected to be produced. Accordingly, it has been determined that a national marketing quota of 131,000 pounds is necessary to make available production of 120,000 pounds. Accordingly, the national marketing quota for the 1994 MY is 131,000 pounds.

In accordance with section 313(g) of the 1938 Act, dividing the 1994 national marketing quota of 131,000 pounds by the 1989–93, 5-year national yield of 1,286 pounds per acre results in a 1994 national acreage allotment of 101.87 acres.

Pursuant to the provisions of section 313(g) of the 1938 Act, a national acreage factor of 1.05 is determined by dividing the national acreage allotment for the 1994 MY, less a national reserve of 0.08 acre, by the total of the 1994 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) of the 1938 Act for apportioning the national acreage allotment, less the national reserve, to old farms.

(5) Cigar-Filler and Binder (Types 42–44 and 53–55) Tobacco

The yearly average quantity of cigar-filler and binder (types 42–44 and 53–55) tobacco produced in the United States which is estimated to have been consumed in the United States during the 10 years preceding the 1993 MY was approximately 16.0 million pounds. The average annual quantity of cigar-filler and binder (types 42–44 and 53–55) tobacco produced in the United States and exported from the United States during the 10 MYs preceding the 1993 MY was less than 100,000 pounds. Domestic use has trended downward and exports are almost nonexistent. Accordingly, a normal year's domestic consumption has been established at 12.0 million pounds while a normal year's export has been established at 60,000 pounds. Application of the formula prescribed by section 301(b)(14)(B) of the 1938 Act results in a reserve supply level of 34.8 million pounds.

Manufacturers and dealers report stocks of cigar-filler and binder (types 42–44 and 53–55) tobacco held on October 1, 1993, of 30.8 million pounds. The 1993 cigar-filler and binder crop is estimated to be 7.7 million pounds. Therefore, the total supply of cigar-filler and binder (types 42–44 and 53–55) tobacco for the 1993 MY is 38.5 million pounds. During the 1993 MY, it is estimated that disappearance will total about 9.0 million pounds. By deducting this disappearance from the total supply, a carryover of 29.5 million pounds at the beginning of the 1994 MY is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1994, is 5.3 million pounds. This represents the quantity of cigar-filler and binder tobacco which may be marketed that will make available during such MY a supply equal to the reserve supply level. Slightly less than 70 percent of the announced national marketing quota may be produced. Accordingly, it has been determined that a 1994 national marketing quota of 7.75 million pounds is necessary to make available production of 5.3 million pounds. In accordance with section 312(b) of the 1938 Act, it has been further determined that the 1994 national marketing quota must be increased by 20 percent in order to avoid undue restriction of marketings. This results in a national marketing quota for the 1994 MY of 9.3 million pounds.

In accordance with section 313(g) of the 1938 Act, dividing the 1994 national marketing quota of 9.3 million pounds by the 1989–93, 5-year national average yield of 1,879 pounds per acre results in a 1994 national acreage allotment of 4,949.44 acres.

Pursuant to the provisions of section 313(g), of the 1938 Act, a national factor of 0.70 is determined by dividing the national acreage allotment for the 1994 MY, less a national reserve of 4 acres, by the total of the 1994 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) of the 1938 Act for apportioning the national acreage allotment, less the national reserve, to old farms.

(6) Cigar-Filler (Type 46) Tobacco

There is no demand for cigar-filler (type 46) tobacco. Accordingly, the reserve supply level is zero. The estimated carryover at the start of MY 1994 is 0.6 million pounds.

Because the estimated carryover exceeds the reserve supply level, the quantity of tobacco which may be marketed during MY 1994 and the 1994 acreage allotment are both zero.

(7) Referendum Results for Fire-Cured (Types 21–23) and Dark Air-Cured (Types 35–36) Tobaccos

Marketing quotas shall be in effect for the 1994 MY for fire-cured (types 21–23) and dark air-cured (types 35–36) tobaccos. In referenda held March 28–31, 1994, 89.8 percent of producers of fire-cured (types 21–23) tobacco and

90.0 percent of producers of dark air-cured (types 35–36) tobacco voted in favor of marketing quotas.

The following is a summary of the results of the separate referenda:

State	Total votes	Yes votes	No votes	Percent yes votes
Fire-Cured Tobacco				
Virginia	720	671	49	93.2
Kentucky	2,695	2,414	281	89.6
Tennessee	2,052	1,826	226	89.0
Dark Air-Cured Tobacco				
Indiana	11	11	0	100.0
Kentucky	4,597	4,105	492	89.3
Tennessee	1,034	959	75	92.7

Price Support

Section 106(f)(6)(A) of the 1949 Act provides that the level of support for the 1994 crop of a kind of tobacco (other than flue-cured and burley) shall be the level in cents per pound at which the 1993 crop of such kind of tobacco was supported, plus or minus, respectively, the amount by which (i) the support level for the 1994 crop, as determined under section 106(b) of the 1949 Act, is greater or less than (ii) the support level for the 1993 crop, as determined under section 106(d) of the 1949 Act if the support level under clause (i) is greater than the support level under clause (ii).

Accordingly, the support level for the 1994 crop of such kind of tobacco will be the 1993 level, adjusted by the difference (plus or minus) between the 1993 "basic support level" and the 1994 "basic support level."

In addition, section 106(f)(6)(B) of the 1949 Act provides that to the extent requested by the board of directors of an association, through which price support is made available to producers (producer association), the Secretary may reduce the support level determined under section 106(f)(6)(A) of the 1949 Act for the respective kind of tobacco to more accurately reflect the market value and improve the marketability of such tobacco. Accordingly, the price support level for a kind of tobacco set forth in this rule could be reduced if such a request is made.

Determinations

The following levels of price support for the 1993 crops of various kinds of tobacco were determined in accordance with section 106(f)(6)(A) of the 1949 Act:

Kind and type	Support level (cents per pound)
Virginia fire-cured (type 21)	139.5
KY–TN fire-cured (types 22–23)	146.4
Dark air-cured (types 35–36)	125.5
Virginia sun-cured (type 37)	123.3
Cigar-filler and binder (type 42–44 and 53–55)	107.4
Cigar-filler (type 46)	83.4

Section 106(b) of the 1949 Act provides that the "basic support level" for any year is determined by multiplying the support level for the 1959 crop of such kind of tobacco by the ratio of the average of the index of prices paid by farmers, including wage rates, interest, and taxes (referred to as the "parity index") for the three previous calendar years to the average index of such prices paid by farmers, including wage rates, interest, and taxes for the 1959 calendar year. For the 1994 crop year:

(1) Average parity indexes for calendar years 1990–1993 are as follows.

Year	Index	Year	Index
1990	1,265	1991	1,285
1991	1,298	1992	1,303
1992	1,298	1993	1,340
Average	1,287	Average	1,309

(2) Average parity index, calendar year 1959=298.

(3) 1993 ratio of 1,287 to 298=4.32; 1994 ratio of 1,287 to 298=4.39.

(4) Ratios times 1959 support levels and 1994 increase in basic support levels are as follows:

Kind and type	1959 support level	Basic support level[1]		Increase from 1993 to 1994	
	(cent/lb.)	1993 (cent/lb.)	1994 (cent/lb.)	100% (cent/lb.)	65% (cent/lb.)
VA 21	38.8	168.4	170.3	1.9	1.2
KY-Tenn 22–23	38.8	168.4	170.3	1.9	1.2
KY-Tenn 35–36	34.5	149.7	151.5	1.8	1.2
VA 37	34.5	149.7	151.5	1.8	1.2
Cigar-filler and binder 42–44, 54–55	28.6	124.1	125.6	1.5	1.0
Cigar-filler 46	29.7	128.9	130.4	1.5	1.0

[1] 1993 ratio is 4.32, 1994 ratio is 4.39.

Section 106(d) of the 1949 Act provides that the Secretary of Agriculture may reduce the level of support which would otherwise be established for any grade of such kind of tobacco which the Secretary determines will likely be in excess supply. In addition, the weighted average of the level of support for all eligible grades of such tobacco must, after such reduction, reflect not less than 65 percent of the increase in the support level for such kind of tobacco which would otherwise be established under section 106 of the Act if the support level is higher than the support level for the preceding crop. Before any such reduction is made, the Secretary

must consult with the associations handling price support loans and consideration must be given to the supply and anticipated demand of such tobacco, including the effect of such reduction on other kinds of quota tobacco. In determining whether the supply of any grade of any kind of tobacco of a crop will be excessive, the Secretary shall take into consideration the domestic supply, including domestic inventories, the amount of such tobacco pledged as security for price support loans, anticipated domestic and export demand, based on the maturity, uniformity, and stalk position of such tobacco.

For MY 1994, the flue-cured support level was increased by 65 percent of the formula increase to within about 9 percent of 1993's average market price. For the kinds of tobacco that are the subject of this rule, MY 1993 prices were further above the support level, and overall loan receipts remained low. Only loan placements for cigar-filler and binder (types 42–44 and 53–55) were as much as 10 percent of production for MY 1993. Although fire-cured (type 21) and Virginia sun-cured (type 37) supply-use ratios suggest slightly short supplies, their respective loan associations prefer lower price support levels. Therefore, for fire-cured tobacco (type 21), Virginia sun-cured tobacco (type 37), and cigar-filler and binder tobacco (types 42–44 and 53–55), the MY 1994 support levels consist of the 1993 support levels increased by 65 percent of the difference between the 1994 "basic support level" and the 1993 "basic support level." The supply-use ratios for Kentucky-Tennessee fire-cured (types 22–23) and dark air-cured (types 35–36) suggest adequate supplies. Accordingly, for these tobaccos, the MY 1994 support level consists of the MY 1993 level of support increased by the difference between the MY 1994 "basic support level" and the MY 1993 "basic support level." Also, chewing tobacco, smoking tobacco, and snuff manufacturing formulas limit the substitutability of one of these kinds of tobacco for another. Cigarettes, the principal outlet for flue-cured and burley tobaccos, do not require any of these six kinds of tobacco in their blends.

Accordingly, the following determinations announced by the Secretary of Agriculture on March 1, 1994, in accordance with section 106(f)(8)(A) of the 1949 Act are established for MY 1994 for fire-cured (type 21), fire-cured (types 22–23), dark air-cured (types 35–36), Virginia sun-cured (type 37), cigar-filler and binder (types 42–44 and 53–55), and cigar-filler (type 46) tobaccos.

Kind and type	Support level (cents per pound)
Virginia fire-cured (type 21)	140.7
Kentucky-Tennessee fire-cured (types 22–23)	148.3
Dark air-cured (types 35–36)	127.3
Virginia sun-cured (type 37)	124.5
Cigar-filler and binder (types 42–44 and 53–55)	108.4
Cigar-filler (type 46)	84.4

List of Subjects

7 CFR Part 723

Acreage allotments, Marketing quotas, Penalties, Reporting and recordkeeping requirements, Tobacco.

7 CFR Part 1464

Loan programs-agriculture, Price support programs, Reporting and recordkeeping requirements, Tobacco, Warehouses.

Accordingly, 7 CFR parts 723 and 1464 are amended as follows:

PART 723—TOBACCO

1. The authority citation for 7 CFR part 723 continues to read as follows:

Authority: 7 U.S.C. 1301, 1311–1314, 1314–1, 1314c, 1314d, 1314f, 1314h, 1315, 1316, 1363, 1372–75, 1377–1379, 1421, 1445–1, and 1445–2.

2. Section 723.113 is amended by:

A. Redesignating existing text as paragraph (a), and

B. Adding paragraph (b) to read as follows:

§ 723.113 Fire-cured (type 21) tobacco.

* * * * *

(b) The 1994-crop national marketing quota is 2.15 million pounds.

3. Section 723.114 is amended by:

A. Redesignating existing text as paragraph (a), and

B. Adding paragraph (b) to read as follows:

§ 723.114 Fire-cured (types 22–23) tobacco.

* * * * *

(b) The 1994-crop national marketing quota is 40.4 million pounds.

4. Section 723.115 is amended by:

A. Redesignating existing text as paragraph (a), and

B. Adding paragraph (b) to read as follows:

§ 723.115 Dark air-cured (types 35–36) tobacco.

* * * * *

(b) The 1994-crop national marketing quota is 10.6 million pounds.

5. Section 723.116 is amended by:

A. Redesignating existing text as paragraph (a), and

B. Adding paragraph (b) to read as follows:

§ 723.116 Sun-cured (type 37) tobacco.

* * * * *

(b) The 1994-crop national marketing quota is 131,000 pounds.

6. Section 723.117 is amended by:

A. Redesignating existing text as paragraph (a), and

B. Adding paragraph (b) to read as follows:

§ 723.117 Cigar-filler and binder (types 42–44 and 53–55) tobacco.

* * * * *

(b) The 1994-crop national marketing quota is 9.3 million pounds.

7. Section 723.118 is amended by:

A. Redesignating existing text as paragraph (a), and

B. Adding paragraph (b) to read as follows:

§ 723.118 Cigar-filler (type 46) tobacco.

* * * * *

(b) The 1994-crop national marketing quota is zero pounds.

PART 1464—TOBACCO

8. The authority citation for 7 CFR part 1464 continues to read as follows:

Authority: 7 U.S.C. 1421, 1423, 1441, 1445, 1445–1 and 1445–2; 15 U.S.C. 714b and 714c.

9. Section 1464.13 is amended by:

A. Redesignating existing text as paragraph (a), and

B. Adding paragraph (b) to read as follows:

§ 1464.13 Fire-cured (type 21) tobacco.

* * * * *

(b) The 1994-crop national price support level is 140.7 cents per pound.

10. Section 1464.14 is amended by:

A. Redesignating existing text as paragraph (a), and

B. Adding paragraph (b) to read as follows:

§ 1464.14 Fire-cured (types 22–23) tobacco.

* * * * *

(b) The 1994-crop national price support level is 148.3 cents per pound.

11. Section 1464.15 is amended by:

A. Redesignating existing text as paragraph (a), and

B. Adding paragraph (b) to read as follows:

§ 1464.15 Dark air-cured (types 35–36) tobacco.

* * * * *

(b) The 1994-crop national price support level is 127.3 cents per pound.

12. Section 1464.16 is amended by:

A. Redesignating existing text as paragraph (a), and

B. Adding paragraph (b) to read as follows:

§ 1464.16 Virginia sun-cured (type 37) tobacco.

* * * * *

(b) The 1994-crop national price support is 124.5 cents per pound.

13. Section 1464.17 is amended by:

A. Redesignating existing text as paragraph (a), and

B. Adding paragraph (b) to read as follows:

§ 1464.17 Cigar-filler and binder (types 42–44 and 55–53) tobacco.

* * * * *

(b) The 1994-crop national price support level is 108.4 cents per pound.

14. Section 1464.18 is amended by:

A. Redesignating existing text as paragraph (a), and

B. Adding paragraph (b) to read as follows:

§ 1464.18 Cigar-filler (type 46) tobacco.

* * * * *

(b) The 1994-crop national price support level is 84.4 cents per pound.

Signed at Washington, DC, on May 20, 1994.

Bruce R. Weber,

Acting Administrator, Agricultural Stabilization and Conservation Service and Executive Vice President, Commodity Credit Corporation.

[FR Doc. 94–12888 Filed 5–25–94; 8:45 am]

BILLING CODE 3410–05–P

Agricultural Marketing Service

7 CFR Part 946

[Docket No. FV94–946–1FIR]

Irish Potatoes Grown in Washington; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of an amended interim final rule that authorized expenses and established an assessment rate that generated funds to pay those expenses. Authorization of this budget enables the State of Washington Potato Committee (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

EFFECTIVE DATE: July 1, 1994, through June 30, 1995.

FOR FURTHER INFORMATION CONTACT: Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone 202–720–9918, or Dennis L. West, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, Green-Wyatt Federal Building, room 369, 1220 Southwest Third Avenue, Portland, OR 97204, telephone 503–326–2724.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 113 and Order No. 946, both as amended (7 CFR part 946), regulating the handling of Irish potatoes grown in Washington. 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 rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the provisions of the marketing order now in effect, Washington potatoes are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable potatoes handled during the 1994–95 fiscal period, which begins July 1, 1994, and ends June 30, 1995. This interim 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 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 rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued hereunder, 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 450 producers of Washington potatoes under this marketing order, and approximately 35 handlers. 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 $5,000,000. The majority of Washington potato producers and handlers may be classified as small entities.

The budget of expenses for the 1994–95 fiscal period was prepared by the State of Washington Potato Committee, the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Committee are producers and handlers of Washington potatoes. They are familiar with the Committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Washington potatoes. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the Committee's expenses.

The Committee met February 23, 1994, and unanimously recommended a 1994–95 budget of $38,100, the same as the previous year. The Committee also unanimously recommended an assessment rate of $0.005 per hundredweight, the same as last season. This rate, when applied to anticipated shipments of 7.5 million hundredweight, will yield $37,500 in assessment income. This, along with $600 from the Committee's authorized reserve will be adequate to cover

budgeted expenses. Funds in the reserve at the beginning of the 1994–95 fiscal period, estimated at $51,953, will be within the maximum permitted by the order of two fiscal periods' expenses.

An increase in the 1994–95 budget of $700 for compliance audits, $200 for salary expense, $100 for audit expense, and $500 for postage will be offset by a decrease of $1,000 in Committee expense and $500 in the miscellaneous category. Major expense items include $4,000 for Committee member compensation for meeting attendance, $2,000 for surveillance inspection, $1,800 for office supplies, $3,000 for postage, $1,500 for miscellaneous, $1,000 for audit, $2,400 for Washington Potato Commission contract fees, $11,200 for salaries, $1,800 for salary expense, and $5,200 for compliance audits. The Commission provides certain services to the Committee as specified in a memorandum of understanding.

An interim final rule was published in the **Federal Register** on March 31, 1994 (59 FR 15039). That interim final rule added § 946.246 to authorize expenses and establish an assessment rate for the Committee. That rule provided that interested persons could file comments through May 2, 1994. No comments were received.

While this rule 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 by the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this rule will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 946

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 946 is amended as follows:

PART 946—IRISH POTATOES GROWN IN WASHINGTON

1. The authority citation for 7 CFR part 946 continues to read as follows:

Authority: 7 U.S.C. 601–674.

Accordingly, the interim final rule adding § 946.246 which was published at 59 FR 15039, is adopted as a final rule without change.

Dated: May 20, 1994.

Eric M. Forman,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94–12882 Filed 5–25–94; 8:45 am]

BILLING CODE 3410–02–P

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7 CFR Part 953

[Docket No. FV94–953–1IFR]

Southeastern Potatoes; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures and establishes an assessment rate under Marketing Order No. 953 for the 1994–95 fiscal period. Authorization of this budget enables the Southeastern Potato Committee (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Effective June 1, 1994, through May 31, 1995. Comments received by June 27, 1994, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this action. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, FAX 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: Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone 202–720–9918.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR part 953), regulating the handling of Irish potatoes grown in Southeastern States (Virginia and North Carolina). 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 interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order now in effect, Virginia-North Carolina potato handlers are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable potatoes during the 1994–95 fiscal period, which begins June 1, 1994, and ends May 31, 1995. This interim 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 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. 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 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 rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the 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 150 producers of Southeastern potatoes under this marketing order, and approximately 60 handlers. 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 $5,000,000. The majority of Southeastern potato producers and handlers may be classified as small entities.

The budget of expenses for the 1994–95 fiscal period was prepared by the Southeastern Potato Committee, the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Committee are producers and handlers of Southeastern potatoes. They are familiar with the Committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Southeastern potatoes, based on last season's crop of approximately 1,335,000 hundredweight. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the Committee's expenses.

The Committee met April 20, 1994, and unanimously recommended a 1994-95 budget of $11,000, the same as last year. Major expense items include $6,800 for Committee staff salaries and $900 for travel expenses.

The Committee also recommended an assessment rate of $0.0075 per hundredweight, $0.0025 less than last season's rate. Planting for the 1994-95 crop season has not been completed. However, the manager estimates shipments will generate about $7,000 in assessment income. This, along with funds from the Committee's $15,000 reserve, will be adequate to cover the expenses incurred. Funds remaining at the end of the 1994-95 fiscal period should be about the maximum permitted by the order of approximately one fiscal period's expenses.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. 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.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the fiscal period begins on June 1, 1994, and the marketing order requires that the rate of assessment for the fiscal period apply to all assessable Irish potatoes handled during the fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other budget actions issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 953

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 953 is amended as follows:

PART 953—IRISH POTATOES GROWN IN SOUTHEASTERN STATES

1. The authority citation for 7 CFR part 953 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 953.251 is added to read as follows:

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

§ 953.251 Expenses and assessment rate.

Expenses of $11,000 by the Southeastern Potato Committee are authorized, and an assessment rate of $0.0075 per hundredweight of assessable potatoes is established for the fiscal period ending May 31, 1995. Unexpended funds may be carried over as a reserve.

Dated: May 20, 1994.

Eric M. Forman,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94–12883 Filed 5–25–94; 8:45 am]

BILLING CODE 3410–02–P

7 CFR Part 948

[Docket No. FV94–948–1IFR]

Irish Potatoes Grown in Colorado; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures and establishes an assessment rate under Marketing Order No. 948 for the 1994–95 fiscal period. Authorization of this budget enables the Colorado Potato Administrative Committee, Northern Colorado Office (Area III) (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Effective July 1, 1994, through June 30, 1995. Comments received by June 27, 1994, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this interim final 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, DC 20090–6456, FAX 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: Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, DC 20090–6456, telephone 202–720–9918, or Dennis L. West, Northwest Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, Green-Wyatt Federal Building, room 369, 1220 Southwest Third Avenue, Portland, OR 97204, telephone 503–326–2724.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 97 and Marketing Order No. 948, both as amended (7 CFR part 948), regulating the handling of Irish potatoes grown in Colorado. 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 interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order now in effect, Colorado potatoes are subject to assessments. Funds to administer the Colorado potato marketing order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable potatoes during the 1994–95 fiscal period, which begins July 1, 1994, and ends June 30, 1995. This interim 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 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. 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 the 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 rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the 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 85 producers of Colorado Area III potatoes under the marketing order and approximately 15 handlers. 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 $5,000,000. The majority of Colorado Area III potato producers and handlers may be classified as small entities.

The budget of expenses for the 1994–95 fiscal period was prepared by the Colorado Potato Administrative Committee, Northern Colorado Office (Area III), the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Committee are producers and handlers of Colorado Area III potatoes. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Colorado Area III potatoes. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the Committee's expenses.

In Colorado, both a State and a Federal marketing order operate simultaneously. The State order authorizes promotion, including paid advertising, which the Federal order does not. All expenses in this category are financed under the State order. The jointly operated programs consume about equal administrative time and the two orders continue to split administrative costs equally.

The Committee met on April 14, 1994, and unanimously recommended a 1994–95 budget of $24,325, $7,474 more than the previous year. Increases in the Federal portion of the administrative budget include $200 for Committee meetings, $450 for Committee mileage, $50 for insurance and bond, $2,860 for the manager's salary, $620 for medical insurance, $1,750 for office equipment, $500 for office supplies, $219 for payroll taxes, $200 for telephone, $250 for miscellaneous, $125 for manager's expense, and $250 for Federal meetings.

The major expense item is $11,500 for the manager's salary. The actual salary will be $10,781.50, based on nine months full-time work and three months at three-quarter time. An additional $718.50 was budgeted to have available and will only be spent if the workload necessitates full-time work.

The Committee also unanimously recommended an assessment rate of $0.02 per hundredweight, the same as last season. This rate, when applied to anticipated potato shipments of 1,476,750 hundredweight, will yield $29,535 in assessment income, which is adequate to cover budgeted expenses. Funds in the reserve at the beginning of the 1994–95 fiscal period, estimated at $31,113, will be within the maximum permitted by the order of two fiscal periods' expenses.

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 by the operation of the marketing order. 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.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the fiscal period begins on July 1, 1994, and the marketing order requires that the rate of assessment for the fiscal period apply to all assessable potatoes handled during the fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other budget actions issued in past years; and (4) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 948

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 948 is amended as follows:

PART 948—IRISH POTATOES GROWN IN COLORADO

1. The authority citation for 7 CFR part 948 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 948.211 is added to read as follows:

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

§ 948.211 Expenses and assessment rate.

Expenses of $24,325 by the Colorado Potato Administrative Committee, Northern Colorado Office (Area III) are authorized, and an assessment rate of $0.02 per hundredweight of assessable potatoes is established for the fiscal period ending June 30, 1995. Unexpended funds may be carried over as a reserve.

Dated: May 20, 1994.

Eric M. Forman,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94–12881 Filed 5–25–94; 8:45 am]

BILLING CODE 3410–02–P

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7 CFR Part 989

[Docket No. FV94–989–21FR]

Raisins Produced From Grapes Grown in California; Reapportionment of Independent Handler Representation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule revises the administrative rules and regulations established under the Federal marketing order for raisins produced from grapes grown in California. This rule reapportions the representation established for independent and small cooperative marketing association handlers on the Raisin Administrative Committee (Committee), to provide for more equitable representation. This rule is based on a unanimous recommendation of the Committee, which is responsible for local administration of the order.

EFFECTIVE DATE: The interim final rule is effective May 26, 1994. Comments which are received by June 27, 1994 will be considered prior to any finalization of this interim final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this interim final rule. Comments must be sent in triplicate to the Docket Clerk, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523–S, P.O. Box 96456, Washington, DC 20090–6456, FAX number (202) 720–5698. Comments should reference this 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: Richard P. Van Diest or Peter I. Parks, Marketing Specialists, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, Suite 102B, Fresno, California 93721; telephone: (209) 487–5901, or FAX (209) 487–5906; or Valerie L. Emmer, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523–S, P.O. Box 96456, Washington, DC 20090–6456; Telephone: (202) 205–2829, or FAX (202) 720–5698.

SUPPLEMENTARY INFORMATION: This interim final rule is issued under Marketing Agreement and Order No. 989 [7 CFR Part 989], both as amended, regulating the handling of raisins produced from grapes grown in California. The 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 rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have any retroactive effect. This action will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this 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 California raisins who are subject to regulation under the raisin marketing order, and approximately 5,000 producers 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. A majority of producers and a minority of handlers of California raisins may be classified as small entities.

This interim final rule reapportions the Committee representation established for independent and small cooperative marketing association handlers on the Committee. This interim rule provides for broader independent handler/small cooperative handler representation on the Committee to reflect the different handler segments in the raisin industry. The change will not impose any additional regulatory, informational, or cost requirements on handlers or producers.

This action revises Section 989.126 of Subpart—Administrative Rules and Regulations and is based on a unanimous recommendation of the Committee and other available information.

Section 989.26 of the order provides that the Committee shall consist of 47 members, of whom 35 shall represent producers, 10 shall represent handlers, 1 shall represent the cooperative bargaining association, and 1 shall be a public member. The 10 handler positions are allocated between: (1) Cooperative marketing associations, each of which acquired not less than 10 percent of the total raisin acquisitions during the preceding crop year (referred to as major cooperative handlers); and (2) independent handlers and small cooperative marketing associations; i.e., those who acquired less than 10 percent of the total raisin acquisitions during the preceding crop year. Currently, there is one cooperative in group (1) engaged in handling raisins. That handler is allocated three positions on the Committee. Group (2) handlers are

allocated seven positions. The allocation of members between the two handler groups is based on the provisions specified in paragraph (d) of § 989.26.

Section 989.126(b) of the Administrative Rules and Regulations currently provides for independent and small cooperative handler representation on the Committee as follows:

(1) Two members selected from and representing the four handler(s) other than major cooperative handler(s) who acquired the largest percentage of the total raisin acquisitions during the preceding crop year;

(2) Two members selected from and representing the six handlers other than major cooperative marketing association handler(s) who acquired the next largest percentage of the total raisin acquisitions during the preceding crop year; and

(3) The remaining member(s) selected from and representing all other handlers, including small cooperative marketing association handler(s) and all processors.

For the purposes of this interim final rule, category (1) is referred to as the "large-sized handler" group, category (2) is referred to as the "medium-sized handler" group, and category (3) is referred to as the "all other handler" group. The number of handlers in the "all other handler" group has decreased from 10 to 7 since the 1990–91 crop year. Also, during the 1992–93 crop year, the "medium-sized handler" group acquired more than four times the tonnage acquired by the "all other handler" group.

On the basis of this information, the Committee unanimously recommended on March 9, 1994, that one handler position be moved from the "all other handler" group to the "medium-sized handler" group. The current and recommended independent handler/small cooperative handler representation, are shown as follows:

Independent handler/small cooperative handler category	Representation	
	Current	Recommended
Largest 4 Handlers	2	2
Next Largest 6 Handlers	2	3
Remaining Handlers	3	2

The shift in membership recognizes the relative importance of the "large-sized handler," "medium-sized handler," and "all other handler. groups," and will provide an opportunity for the ten largest independent/small cooperative handlers to be represented on the Committee either as a member or as an alternate member. The "all other handler" group will be eligible to nominate two members and two alternate members.

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

After consideration of all relevant information presented, including the Committee's unanimous recommendation and other available information, it is found that this regulation, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that, upon good cause, it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) The 1994–96 term of office begins May 1, 1994, and this action should be effective as soon as possible so that these positions can be filled as close to May 1, 1994, as possible; (2) this action does not impose additional regulatory requirements on handlers or producers and, therefore, neither handlers nor producers need additional time to comply; (3) the industry is aware of this action, which was unanimously recommended by the Committee at an open meeting; and (4) this rule provides a 30-day comment period and any comments received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 989 is amended as follows:

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 989 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 989.126 is amended by revising paragraph (b) introductory text and (b)(2) to read as follows:

§ 989.126 Representation of the Committee.

(a) * * *

(b) Pursuant to section 989.26(d) and commencing with the term of office beginning May 1, 1994, apportionment of the independent and small cooperative marketing association handlers shall be:

(1) * * *

(2) Three members selected from and representing the six handlers other than major cooperative marketing association handler(s) who acquired the next largest percentage of the total raisin acquisitions during the preceding crop year; and

(3) * * *

Dated: May 20, 1994.

Eric M. Forman,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94–12884 Filed 5–25–94; 8:45 am]

BILLING CODE 3410–02–P

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7 CFR Part 989

[FV94–989–1FIR]

Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for the 1993–94 Crop Year for Natural (Sun-Dried) Seedless Raisins

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of an interim final rule that established final free and reserve percentages for 1993 crop Natural (sun-dried) Seedless raisins. The percentages are 74 percent free and 26 percent reserve. These percentages help stabilize supplies and prices and counter the destabilizing effects of the burdensome oversupply situation facing the raisin industry. This rule was unanimously recommended by the Raisin Administrative Committee (Committee), which is responsible for local administration of the marketing order.

EFFECTIVE DATE: June 27, 1994.

FOR FURTHER INFORMATION CONTACT: Richard Van Diest, Marketing Specialist, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (209) 487–5901 or Richard Lower, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2523–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2020.

SUPPLEMENTARY INFORMATION: This final rule is issued under marketing agreement and Order No. 989 [7 CFR Part 989], both as amended, regulating

the handling of raisins produced from grapes grown in California, hereinafter referred to as the "order." The 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 final rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the marketing order provisions now in effect, final free and reserve percentages may be established for raisins acquired by handlers during the crop year. This action finalizes final free and reserve percentages for Natural (sun-dried) Seedless raisins for the 1993–94 crop year, beginning August 1, 1993, through July 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 exempt 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/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 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 California raisins who are subject to regulation under the raisin marketing order, and approximately 5,000 producers 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 $5,000,000. A majority of producers and a minority of handlers of California raisins may be classified as small entities.

An interim final rule was published in the Federal Register on March 17, 1994 [59 FR 12528], with an effective date of March 17, 1994. That rule established final free and reserve percentages for Natural (sun-dried) Seedless raisins for the 1993–94 crop year. The percentages were established in a new section 989.246 of the rules and regulations in effect under the marketing order. That rule provided a 30-day comment period which ended April 18, 1994. No comments were received.

The order prescribes procedures for computing trade demands and preliminary and final percentages that establish the amount of raisins that can be marketed throughout the season. The regulations apply to all handlers of California raisins. Raisins in the free percentage category may be shipped immediately to any market, while reserve raisins must be held by handlers in a reserve pool for the account of the Committee, which is responsible for local administration of the order. Under the order, reserve raisins may be: Sold at a later date by the Committee to handlers for free use; used in diversion programs; exported to authorized countries; carried over as a hedge against a short crop the following year; or disposed of in other outlets noncompetitive with those for free tonnage raisins. While this rule may restrict the amount of Natural (sun-dried) Seedless raisins that enter domestic markets, final free and reserve percentages are intended to lessen the impact of the oversupply situation facing the industry and promote stronger marketing conditions, thus stabilizing prices and supplies and improving grower returns. In addition to the quantity of raisins released under the preliminary percentages and the final percentages, the order specifies methods to make available additional raisins to handlers by requiring sales of reserve pool raisins for use as free tonnage raisins under "10 plus 10" offers, and authorizing sales of reserve raisins under certain conditions.

The Department's "Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders" specifies that 110 percent of recent years' sales should be made available to primary markets each season before recommendations for volume regulation are approved. This goal is met by the establishment of a final percentage which releases 100 percent of the computed trade demand and the additional release of reserve raisins to handlers under "10 plus 10" offers. The "10 plus 10" offers are two simultaneous offers of reserve pool raisins which are made available to handlers each season. For each such offer, a quantity of raisins equal to 10 percent of the prior year's shipments is made available for free use.

Pursuant to § 989.54(a) of the order, the Committee which is responsible for local administration of the order, met on August 16, 1993, to review shipment and inventory data, and other matters relating to the supplies of raisins of all varietal types. The Committee computed a trade demand for each varietal type for which a free tonnage percentage might be recommended. The trade demand is 90 percent of the prior year's shipments of free tonnage and reserve tonnage raisins sold for free use for each varietal type into all market outlets, adjusted by subtracting the carryin of each varietal type on August 1 of the current crop year and by adding to the trade demand the desirable carryout for each varietal type at the end of that crop year. As specified in § 989.154, the desirable carryout for each varietal type shall be equal to the shipments of free tonnage raisins of the prior crop year during the months of August, September, and one half of October. If the prior year's shipments are limited because of crop conditions, the total shipments during that period of time during one of the three years preceding the prior crop year may be used. In accordance with these provisions, the Committee computed and announced a 1993–94 trade demand of 282,909 tons for Natural (sun-dried) Seedless raisins.

As required under section 989.54(b) of the order, the Committee met on October 5, 1993, and computed and announced a preliminary crop estimate and preliminary free and reserve percentages for Natural (sun-dried) Seedless raisins which released 85 percent of the trade demand since field prices had been established. The preliminary crop estimate and preliminary free and reserve percentages were as follows: 387,947 tons, and 62 percent free and 38 percent reserve. Also at that meeting, the Committee computed and announced preliminary crop estimates and preliminary free and

reserve percentages for Dipped Seedless, Oleate and Related Seedless, Golden Seedless, Zante Currant, Sultana, Muscat, Monukka, and Other Seedless raisins. On November 15, 1993, the Committee decided that volume control percentages only were warranted for Natural (sun-dried) Seedless raisins, which would remain at 62 percent free and 38 percent reserve. It determined that the supplies of the other varietal types would be less than or close enough to the computed trade demands for each of these varietals or could be substituted to relieve anticipated shortages in some size ranges of Natural (sun-dried) Seedless raisins used for baking. In view of these factors, volume control percentages would not be necessary to maintain market stability.

Pursuant to § 989.54(c), the Committee may adopt interim free and reserve percentages. Interim percentages may release less than the computed trade demand for each varietal type. Interim percentages for Natural (sun-dried) Seedless raisins of 73.75 percent free and 26.25 percent reserve were computed and announced on January 13, 1994. That action released most, but not all, of the computed trade demand for Natural (sun-dried) Seedless raisins.

Under § 989.54(d) of the order, the Committee is required to recommend to the Secretary, no later than February 15 of each crop year, final free and reserve percentages which, when applied to the final production estimate of a varietal type, will tend to release the full trade demand for any varietal type.

The Committee's final estimate of 1993–94 production of Natural (sun-dried) Seedless raisins is 384,501 tons. Dividing the computed trade demand of 282,909 tons by the final estimate of production results in a final free percentage of 74 percent and a final reserve percentage of 26 percent.

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

After consideration of all relevant information presented, including the Committee's recommendations and other information, it is found that finalizing the interim final rule, without change, as published in the **Federal Register** on March 17, 1994 [59 FR 12528], will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 989

Grapes, Marketing agreements, Raisins, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 989 is amended as follows:

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 989 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Accordingly, the interim final rule adding § 989.246, which was published at 59 FR 12528 on March 17, 1994, is adopted as a final rule without change.

Dated: May 20, 1994.

Eric M. Forman,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 94–12886 Filed 5–25–94; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 204

[INS No. 1436–94]

RIN 1115–AC71

Immigrant Petitions; Religious Workers

AGENCY: Immigration and Naturalization Service.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule amends the Immigration and Naturalization Service (Service) regulations by providing that all persons, other than ministers, immigrating to the United States as religious workers, must immigrate or adjust status to permanent residence before October 1, 1994. This interim rule implements section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (Act) which provides that religious workers who have two years of membership and experience in a religious occupation or vocation qualify as special immigrant religious workers. By statute, this immigrant category for religious workers expires on October 1, 1994. This rule codifies, in regulatory form, the October 1, 1994, statutory deadline.

DATES: This rule is effective May 26, 1994. Written comments must be submitted on or before June 27, 1994.

ADDRESSES: Please submit written comments, in triplicate, to the Records Systems Division, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street NW., room 5307, Washington, DC 20536. To ensure proper handling please reference INS No. 1436–94 on your correspondence.

FOR FURTHER INFORMATION CONTACT: Michael W. Straus, Senior Immigration Examiner, Adjudications Division, Immigration and Naturalization Service, 425 I Street NW., room 7122, Washington, DC 20536, telephone (202) 514–5014.

SUPPLEMENTARY INFORMATION: Section 151(a) of the Immigration Act of 1990 (IMMACT), Public Law 101–649, November 29, 1990, created a new special immigrant category for religious workers and ministers by amending section 101(a)(27)(C) of the Act. In order to qualify as a minister, the applicant must be an ordained minister of a religious denomination and have carried on the vocation of minister during the two years immediately preceding the application for admission. Section 101(a)(27)(C) also provides for special immigrant status for persons, other than ministers, who will work in a religious occupation or vocation for a religious organization in a professional or other capacity. Such religious workers must have carried on the religious occupation or vocation during the two-year period immediately preceding the petition for special immigrant status. See section 101(a)(27)(C)(i)(I) of the Act.

Unlike the provision for ministers, which does not contain a sunset provision, section 101(a)(27)(C)(ii) (II) and (III) of the Act states that the other two types of religious workers must "seek to enter the United States before October 1, 1994." By requiring special immigrant religious workers (with the exception of ministers) to enter the United States before October 1, 1994, Congress clearly intended that this immigrant category terminate or "sunset" on that date. The Immigration and Nationality Act requires that a petition be filed with the Service to establish the alien's eligibility for special immigrant status as a religious worker. See section 204(a)(1)(E)(i) of the Act. The next step in the immigration process is for the alien to enter the United States as a permanent resident or adjust status to permanent residence under the religious worker category. By requiring special immigrant religious workers to immigrate before October 1, 1994, Congress mandated that the entire immigration process for these persons must be completed before October 1, 1994. In other words, in order to immigrate under the special immigrant religious worker category, aliens who are not ministers must have a petition approved on their behalf and either enter the United States as an immigrant

or adjust their status to permanent residence before October 1, 1994. On or after October 1, 1994, the Service will lack the statutory authority to accord permanent resident status to a religious worker. The Department of State regulations already provide that an immigrant visa issued to a special immigrant religious worker shall be valid no later than September 30, 1994. See 22 CFR 42.32(d)(1)(ii). This interim rule is consistent with both the statute and the Department of State regulation.

8 CFR 204.5(m)(1) currently states that petitions for professional religious workers and other religious workers must be filed on or before September 30, 1994. For the sake of clarification, 8 CFR 204.5(m)(1) will be amended to provide specifically that aliens must obtain permanent resident status through immigration or adjustment of status on or before September 30, 1994, to qualify under the special immigrant religious worker category.

The Service's implementation of this rule as an interim rule, with provision for post-promulgation public comment, is based on the "good cause" exception found at 5 U.S.C. 553(b)(B) and (d)(3). The reason and necessity for immediate implementation of this interim rule is as follows: Immediate promulgation of this interim rule is necessary to remove any ambiguity regarding the September 30, 1994, sunset date well in advance of the statutory deadline, thereby reminding qualified religious workers other than ministers and sponsoring religious organizations of the need to complete the permanent residence process if they wish to immigrate pursuant to section 203(b)(4) of the Act.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and by approving it certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule merely clarifies a statutory deadline for a limited number of aliens to become special immigrant religious workers.

Executive Order 12866

This rule is not considered by the Department of Justice, Immigration and Naturalization Service, to be a "significant regulatory action" under Executive Order 12866, Section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section (6)(a)(3)(A).

Executive Order 12612

The regulation 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 rule does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12606

The Commissioner of the Immigration and Naturalization Service certifies that she has addressed this rule in light of the criteria in Executive Order 12606 and has determined that it will have no effect on family well-being.

List of Subjects in 8 CFR Part 204

Administrative practice and procedure, Aliens, Employment, Immigration, Petitions.

Accordingly, part 204 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 204—IMMIGRANT PETITIONS

1. The authority citation for part 204 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1151, 1153, 1154, 1182, 1186a, 1255; 8 CFR part 2.

2. In § 204.5, paragraph (m)(1) is amended by revising the last sentence to read as follows:

§ 204.5 Petitions for employment-based immigrants.

* * * * *

(m) *Religious workers*—(1) * * * Professional workers and other workers must obtain permanent resident status through immigration or adjustment of status on or before September 30, 1994, in order to immigrate under section 203(b)(4) of the Act as section 101(a)(27)(C) special immigrant religious workers.

* * * * *

Dated: May 11, 1994.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 94–12849 Filed 5–25–94; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–NM–60–AD; Amendment 39–8918; AD 94–11–02

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to all Boeing Model 767 series airplanes. This action requires repetitive detailed visual and eddy current inspections to detect cracks of certain midspar fuse pins, and replacement of any cracked midspar fuse pin with a new fuse pin. This amendment is prompted by reports of longitudinal fatigue cracks on certain midspar fuse pins installed on Boeing Model 767 series airplanes. The actions specified in this AD are intended to prevent loss of the strut and engine due to cracking of both fuse pins on the same strut.

DATES: Effective June 10, 1994.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 10, 1994.

Comments for inclusion in the Rules Docket must be received on or before July 25, 1994.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–60–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tim Backman, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2776; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: The FAA has received several reports of

longitudinal fatigue cracks on certain midspar fuse pins installed on Boeing Model 767 series airplanes. A total of five cracked fuse pins have been found on two airplanes that had accumulated between 15,628 and 23,056 total landings. Cracks were found on both midspar fuse pins of the same strut on one of these airplanes. A possible cause of this cracking is ovalization of the fuse pin due to stress. Results of testing of fuse pins having a design similar to those that cracked have revealed no significant reduction in shear strength with longitudinal cracks up to one inch in length. Cracking of both fuse pins on the same strut, if not corrected, could result in loss of the strut and engine.

All reported cracks have occurred on midspar fuse pins having part number 311T3102–1. Midspar fuse pins having part numbers 311T3102–2 and 311T2102–1 are similar in design to the fuse pins on which cracking was found and, therefore, also are subject to the addressed unsafe condition.

The FAA has reviewed and approved Boeing Alert Service Bulletin 767–54A0062, dated April 14, 1994, that describes procedures for repetitive detailed visual and eddy current inspections to detect cracks of certain midspar fuse pins, and replacement of any cracked midspar fuse pin with a new fuse pin. Accomplishment of these inspections will provide early detection of cracks in the midspar fuse pins of both struts.

Since an unsafe condition has been identified that is likely to exist or develop on other Model 767 series airplanes of the same type design, this AD is being issued to prevent cracking of both fuse pins on the same strut, which could result in loss of the strut and engine. This AD requires repetitive detailed visual and eddy current inspections to detect cracks of certain midspar fuse pins, and replacement of any cracked midspar fuse pin with a new fuse pin. The actions are required to be accomplished in accordance with the alert service bulletin 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 shall 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–NM–60–AD." 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. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

94–11–02 Boeing: Amendment 39–8918 Docket 94–NM–60–AD.

Applicability: All Model 767 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent cracking of both fuse pins on the same strut, which could result in loss of the strut and engine, accomplish the following:

(a) For airplanes having midspar fuse pins, part number 311T3102–1: Perform a detailed visual inspection and an eddy current inspection to detect cracks of the midspar fuse pins, in accordance with Boeing Alert Service Bulletin 767–54A0062, dated April 14, 1994, at the time specified in paragraph (a)(1), (a)(2), (a)(3), or (a)(4) of this AD, as applicable. Repeat these inspections thereafter at intervals not to exceed 3,000 landings.

(1) For airplanes having midspar fuse pins that have accumulated 18,000 or more total landings as of the effective date of this AD, accomplish the inspections within 60 days after the effective date of this AD.

(2) For airplanes having midspar fuse pins that have accumulated 15,000 or more total landings, but less than 18,000 total landings, as of the effective date of this AD, accomplish the inspections within 90 days after the effective date of this AD.

(3) For airplanes having midspar fuse pins that have accumulated 10,000 or more total landings, but less than 15,000 total landings, as of the effective date of this AD, accomplish the inspections within 120 days after the effective date of this AD.

(4) For airplanes having midspar fuse pins that have accumulated less than 10,000 total landings as of the effective date of this AD, accomplish the inspections prior to the accumulation of 10,000 total landings on the fuse pin, or within 120 days after the

effective date of this AD, whichever occurs later.

(b) For airplanes having a midspar fuse pin, part number 311T3102–2 or 311T2102–1: Prior to the accumulation of 15,000 total landings on the fuse pin, or within 90 days after the effective date of this AD, whichever occurs later, perform a detailed visual inspection and an eddy current inspection to detect cracks on the midspar fuse pins, in accordance with Boeing Alert Service Bulletin 767–54A0062, dated April 14, 1994. Repeat these inspections thereafter at intervals not to exceed 3,000 landings.

(c) If any crack is found during an inspection required by paragraph (a) or (b) of this AD, prior to further flight, replace the cracked midspar fuse pin with a new fuse pin, in accordance with Boeing Alert Service Bulletin 767–54A0062, dated April 14, 1994. Thereafter, perform the detailed visual and eddy current inspections specified in paragraph (a) or (b) of this AD, as applicable, on the new fuse pin at the time specified in paragraph (c)(1) or (c)(2) of this AD.

(1) For airplanes having midspar fuse pins, part number 311T3102–1: Perform the initial inspection of the new fuse pin prior to the accumulation of 10,000 total landings on the new fuse pin. Repeat the inspection thereafter at intervals not to exceed 3,000 landings.

(2) For airplanes having midspar fuse pins, part numbers 311T3102–2 and 311T2102–1: Perform the initial inspection of the new fuse pin prior to the accumulation of 15,000 total landings on the new fuse pin. Repeat the inspection thereafter at intervals not to exceed 3,000 landings.

(d) When any fuse pin is removed from a strut equipped with a General Electric engine, the engine must be removed in accordance with procedures described in the Boeing 767 Maintenance Manual, subject 71–00–02; or supported in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(e) When any fuse pin is removed from a strut equipped with a Pratt & Whitney engine, the engine must be removed in accordance with procedures described in the Boeing 767 Maintenance Manual, subject 71–00–02; or supported in accordance with procedures described in the Boeing 767 Maintenance Manual, subject 54–51–02, Temporary Revisions (TR), dated April 22, 1994; or supported in accordance with a method approved by the Manager, Seattle ACO, FAA, Transport Airplane Directorate.

(f) When any fuse pin is removed from a strut equipped with a Rolls-Royce engine, the engine must be removed in accordance with procedures described in the Boeing 767 Maintenance Manual, subject 71–00–02; or supported in accordance with procedures described in the Boeing 767 Maintenance Manual, subject 54–51–02; or supported in accordance with a method approved by the Manager, Seattle ACO, FAA, Transport Airplane Directorate.

(g) Any midspar fuse pin, part number 311T3102–1, 311T3102–2, or 311T2102–1, that has been removed from the strut and inspected for cracks using the 100 percent magnetic particle inspection technique described in Boeing Alert Service Bulletin 767–54A0062, dated April 14, 1994, may be reinstalled on the strut provided that the fuse pin is found to be crack-free during the magnetic particle inspection. Prior to the accumulation of 3,000 total landings after reinstallation of the fuse pin, the fuse pin must be inspected in accordance with the requirements of paragraph (a) or (b) of this AD, as applicable.

(h) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(i) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(j) The inspections and replacement shall be done in accordance with Boeing Alert Service Bulletin 767–54A0062, dated April 14, 1994. 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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(k) This amendment becomes effective on June 10, 1994.

Issued in Renton, Washington, on May 18, 1994.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 94–12599 Filed 5–25–94; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 94–NM–69–AD; Amendment 39–8919; AD 94–11–03]

Airworthiness Directives; Raytheon Corporate Jets Model DH/BH/HS/BAe 125 and Hawker 800 and 1000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Raytheon Corporate Jets Model DH/BH/HS BAe 125 and Hawker 800 and 1000 series airplanes. This action requires a visual inspection to determine whether adequate clearance exists between the fan venturi motor casing and the adjacent equipment, and adjustments, if necessary; and a visual inspection to detect signs of overheating, degradation of insulating materials, and ingestion of debris into the motor, and replacement of discrepant parts with serviceable parts. This amendment is prompted by reports of smoke emanating from the lavatory due to overheating of the fan venturi motor. The actions specified in this AD are intended to prevent smoke or fire in the cabin while the airplane is in flight.

DATES: Effective June 10, 1994.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 10, 1994.

Comments for inclusion in the Rules Docket must be received on or before July 25, 1994.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–69–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Raytheon Corporate Jets, Inc., 3 Bishops Square, St. Albans Road West, Hatfield, Hertfordshire, AL109NE, United Kingdom. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain Raytheon Corporate Jets Model DH/BH/HS/BAe 125 and Hawker 800 and 1000 series airplanes. The CAA advises it has received reports of smoke emanating from the lavatory in the rear of the cabin while several airplanes were being prepared for departure. Investigation revealed that the venturi fan motor overheated due to insufficient clearance between the motor and the adjacent

sound insulation and wiring. This condition, if not corrected, could result in smoke or fire in the cabin while the airplane is in flight.

Raytheon Corporate Jets, Inc., has issued Alert Service Bulletin SB 21–A150, dated February 22, 1994, that describes procedures for a one-time visual inspection to determine whether adequate clearance exists between the fan venturi motor casing and the adjacent equipment (including insulating materials, ducting, and wire looms) and adjustment of the insulating materials, ducting, and/or looms, if necessary. This alert service bulletin also describes procedures for a one-time visual inspection to detect signs of overheating, degradation of insulating materials, and ingestion of debris into the motor, and replacement of discrepant parts with serviceable parts. The CAA classified this alert service bulletin as mandatory and issued a British airworthiness directive in order to assure the continued airworthiness of these airplanes in the United Kingdom.

These airplane models are manufactured in the United Kingdom and are type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent smoke or fire in the cabin while the airplane is in flight. This AD requires a one-time visual inspection to determine whether adequate clearance exists between the fan venturi motor casing and the adjacent equipment (including insulating materials, ducting, and wire looms) and adjustment of the insulating materials, ducting, and/or looms, if necessary. This AD also requires a one-time visual inspection to detect signs of overheating, degradation of insulating materials, and ingestion of debris into the motor, and replacement of discrepant parts with serviceable parts. The actions are required to be accomplished in accordance with the alert service bulletin 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 shall 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–NM–69–AD." 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 part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

94–11–03 Raytheon Corporate Jets, Inc. Amendment 39–8919. Docket 94–NM–69–AD.

Applicability: Model DH/BH/HS/BAe 125 and Hawker 800 and 1000 series airplanes on which Modification 253514A has not been installed, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent smoke or fire in the cabin while the airplane is in flight, accomplish the following:

(a) Within 30 days after the effective date of this AD, perform a visual inspection to determine whether clearance between the fan venturi motor casing and the adjacent equipment (including insulating materials, ducting, and wire looms) is within the limits specified in Raytheon Corporate Alert Jets Service Bulletin SB 21–A150, dated February 22, 1994, and to detect signs of overheating, degradation of insulating materials in the vicinity of the fan venturi, and ingestion of debris into the motor; in accordance with that alert service bulletin.

(1) If clearance is less than the limits specified in the alert service bulletin, prior to further flight, adjust insulating materials, ducting, and/or looms to ensure that contact

with other equipment is avoided; in accordance with the alert service bulletin.

(2) If any sign of overheating or ingestion of debris into the motor is detected, prior to further flight, replace the fan venturi, and any adjacent equipment (including cables) that shows signs of overheating, with serviceable parts; in accordance with the alert service bulletin.

(3) If any sign of degradation of insulation materials is detected, prior to further flight, replace the insulating material with serviceable parts in accordance with the service bulletin.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The inspections, adjustments, and replacements shall be done in accordance with Raytheon Corporate Jets Alert Service Bulletin SB 21–A150, dated February 22, 1994. 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 Raytheon Corporate Jets, Inc., 3 Bishops Square, St. Albans Road West, Hatfield, Hertfordshire, AL109NE, United Kingdom. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on June 10, 1994.

Issued in Renton, Washington, on May 18, 1994.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 94–12600 Filed 5–25–94; 8:45 am]

BILLING CODE 4910–13–U

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 30

Foreign Option Transactions

AGENCY: Commodity Futures Trading Commission.

ACTION: Order.

SUMMARY: The Commodity Futures Trading Commission (Commission) is authorizing option contracts on the Long-Term Japanese Government Bond futures contract traded on the Singapore International Monetary Exchange Limited (SIMEX) to be offered or sold to persons located in the United States. This Order is issued pursuant to:

(1) Commission rule 30.3(a), 17 CFR 30.3(a) (1993), which makes it unlawful for any person to engage in the offer or sale of a foreign option product until the Commission, by order, authorizes such foreign option to be offered or sold in the United States; and

(2) The Commission's Order issued on July 20, 1988, 53 FR 28826 (July 29, 1988), authorizing certain option products traded on SIMEX to be offered or sold in the United States.

EFFECTIVE DATE: June 27, 1994.

FOR FURTHER INFORMATION CONTACT: Jane C. Kang, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION: The Commission has issued the following Order:

Order Under Commission Rule 30.3(a) Permitting Option Contracts on the Long-Term Japanese Government Bond Futures Contract Traded on the Singapore International Monetary Exchange Limited To Be Offered or Sold in the United States Thirty Days After Publication of This Notice in the Federal Register

By Order issued on July 20, 1988 (Initial Order), the Commission authorized, pursuant to Commission rule 30.3(a),[1] certain option products traded on the Singapore International Monetary Exchange Limited (SIMEX) to be offered or sold in the United States. 53 FR 28826 (July 29, 1988). Among other conditions, the Initial Order specified that:

Except as otherwise permitted under the Commodity Exchange Act and regulations thereunder, * * * no offer or sale of any SIMEX option product in the United States shall be made until thirty days after publication in the **Federal Register** of notice specifying the particular option(s) to be offered or sold pursuant to this Order.

By letter dated April 28, 1994, SIMEX through its counsel represented that it would be introducing an option contract based on the Long-Term Japanese Government Bond futures contract. SIMEX has requested that the Commission supplement its Initial Order and subsequent Orders[2] authorizing options on the Eurodollar, Japanese Yen, Deutsche Mark, 3-Month Euroyen Interest Rate and Nikkei Stock Average futures contracts by also authorizing SIMEX's option contracts on the Long-Term Japanese Government Bond futures contract to be offered or sold to persons in the United States. Upon due consideration, and for the reasons previously discussed in the Initial Order, the Commission believes that the request for authorization to offer or sell option contracts on the Long-Term Japanese Government Bond futures contract[3] should be granted.

Accordingly, pursuant to Commission rule 30.3(a) and the Commission's Initial Order issued on July 20, 1988, and subject to the terms and conditions specified therein, the Commission hereby authorizes SIMEX's option contracts on the Long-Term Japanese Government Bond futures contract to be offered or sold to persons located in the United States thirty days after publication of this Order in the **Federal Register**.

Contract Specifications, Options on Long-Term Japanese Government Bond Futures

Underlying Interest

One (1) Long-Term Japanese Government Bond (JGB) Futures contract representing 50,000,000 face value notional long term 10-year JGB with 6% coupon.

Description

A buyer of one option on long term JGB Futures may exercise the option to assume a position in one long term JGB Futures contract (long position if the option is a call and short position if the option is a put) of a specified contract month at a specified strike price.

The seller of one option on long term JGB Futures has the obligation of assuming, if the option is exercised by the buyer, a position in one long term JGB Futures contract (short position if the option is a call and long position if the option is a put) of a specified contract month at a specified strike price.

[1] Commission rule 30.3(a), 17 CFR 30.3(a) (1993), makes it unlawful for any person to engage in the offer or sale of a foreign option product until the Commission, by order, authorizes such foreign option to be offered or sold in the United States.

[2] See 55 FR 26428 (June 28, 1990) and 57 FR 2675 (January 23, 1992).

[3] See section 2(a)(1) of the Commodity Exchange Act, section 3(a)12 of the Securities Exchange Act of 1934 (34 Act) and rule 3a12–8 promulgated thereunder. On July 11, 1986, the Securities and Exchange Commission designated the government debt securities of the Government of Japan as exempted securities for purposes of the 34 Act's application to the marketing in the United States of futures contracts of those securities.

Price Quotation

Quoted in multiples of one hundredth (1/100) points. Each one hundredth point per 100 points represents ¥ 5,000. For example, a quote of 0.46 represents a total option premium of ¥ 230,000 (i.e., 46 basis points × ¥ 5,000).

Minimum Price Increment (Tick Size and Value)

0.01 point (also known as one tick) = ¥ 5,000 per contract (same as for underlying futures).

Strike Prices

Strike prices are set at maximum 0.50 point intervals. Sixteen (16) strike prices, eight above and eight below the previous day's settlement price for the underlying JGB futures contract (for example, if a specific JGB futures settlement price is 100.80, option strike prices may be set at 97.00, 97.50, 98.00, 98.50, 99.00, 99.50, 100.00, 100.50, 101.00, 101.50, 102.00, 102.50, 103.00, 103.50, 104.00 and 104.50), will be available from the first day of trading. Thereafter, the Exchange shall, if necessary, list additional options at such new exercise prices as may be necessary to ensure that the next eight exercise prices above and below the previous day's settlement price are listed for trading.

Contract Months

Options available on the two nearest serial months and two nearest quarterly months chosen from March, June, September and December. For example, on 21 April 1994, the available contract months will be May, June, July and September.

Trading Hours

7:45 a.m. to 10:30 a.m.
11:30 a.m. to 5 p.m.

Trading Hours on the Last Trading Day

7:45 a.m. to 10:30 a.m.
11:30 a.m. to 2 p.m.

Last Trading Day

Options trading shall terminate on the last Tokyo Stock Exchange business day of the month preceding the contract month.

Exercise

American style, i.e., buyers of futures options may exercise their options on any business day up to and including the expiration date (prior to the daily cut-off time). The Clearing House assigns exercise notices to sellers of options according to a random selection process. In-the-money options are automatically exercised by the Clearing House at expiry (unless otherwise instructed). The settlement price of the Tokyo Stock Exchange long term JGB futures contract having the same contract month as the underlying SIMEX JGB futures contract will be used as a reference to determine which options may be exercised automatically at expiry.

Expiration

The last trading day.

Minimum Margin Requirements

The minimum margin is subject to periodic changes.

Buyers of Options

• Premium must be paid in full when the option is bought.

Uncovered Writers of Options

• The SPAN margining system shall be applicable to the margining of the JGB Options contract. The short option minimum charge is ¥15,000 (2%) of the existing maintenance margin for the underlying JGB futures contract.

Position Limits

The maximum number of options and underlying futures contract net on the same side of the market in all contract months combined which a person may own or control shall be 1,000 futures-equivalent contracts.

For the purpose of calculating this limit, positions in the options contracts are aggregated with positions in the underlying futures contract. For aggregation purposes, the futures-equivalent of an option is one multiplied by the previous Business Day's SIMEX risk factor for the option series.

SIMEX may from time to time provide exemptions to the foregoing position limits.

Reporting Levels

100 options or 100 futures equivalent contracts for positions involving the option and the underlying futures contract.

Ticker Symbol

CJB and PJB.

Clearing Corporation

SIMEX Clearing House.

List of Subjects in 17 CFR part 30

Commodity futures, Commodity options, Foreign transactions.

Accordingly, 17 CFR part 30 is amended as set forth below:

PART 30—FOREIGN FUTURES AND FOREIGN OPTION TRANSACTIONS

1. The authority citation for part 30 continues to read as follows:

Authority: Secs. 2(a)(1)(A), 4, 4c, and 8a of the Commodity Exchange Act, 7 U.S.C. 2, 6, 6c and 12a.

2. Appendix B to part 30 is amended by adding the following entry after the existing entries for the "Singapore International Monetary Exchange Limited" to read as follows:

APPENDIX B.—OPTION CONTRACTS PERMITTED TO BE OFFERED OR SOLD IN THE U.S. PURSUANT TO § 30.3(A)

Exchange	Type of contract	FR date and citation
* * *	* * *	*
Singapore International Monetary Exchange Limited	Option Contracts on the Long-Term Japanese Government Bond Futures Contract.	1994; ___ FR ___
* * *	* * *	*

Issued in Washington, DC on May 20, 1994.

Jean A. Webb,

Secretary to the Commission.

[FR Doc. 94–12752 Filed 5–25–94; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 602

[TD 8335]

RIN 1545–AO88

OMB Control Numbers Under the Paperwork Reduction Act; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the technical amendments to § 602.101(c) published as TD 8335 on Monday, March 4, 1991 (56 FR 8912). This regulation collects and displays the control numbers assigned to regulations by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 and the Paperwork Reduction Reauthorization Act of 1986, which require that agencies display control numbers assigned by that Office to regulations that solicit or obtain information from the public.

EFFECTIVE DATE: March 4, 1991.

FOR FURTHER INFORMATION CONTACT: Carol Savage, (202) 622–8452 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The technical amendments to § 602.101(c) that are the subject of these corrections comply with the requirements of §§ 1320.7(f), 1320.12 and 1320.15 of 5 CFR part 1320 (OMB regulations implementing the Paperwork Reduction Act and amendments thereto by the Paperwork Reduction Reauthorization Act of 1986), for display of control numbers assigned by OMB to collections of information in Internal Revenue Service regulations.

Need for Correction

As published, the technical amendments to TD 8335 contains errors which may prove to be misleading and are in need of clarification.

List of Subjects in 26 CFR Part 602

Reporting and recordkeeping requirements.

Accordingly, 26 CFR part 602 is corrected as follows:

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Paragraph 1. The authority for part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

§ 602.101 [Corrected]

Par. 2. The table under § 602.101(c) is amended by removing the entry for "1.1–1" and amending the entry for "1.6012–1" by adding in numerical order under "Current OMB Control No." the number "1545–0067."

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 94–12563 Filed 5–25–94; 8:45 am]

BILLING CODE: 4830–01–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

Kentucky Regulatory Program Amendment

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

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is announcing the approval, with an exception, of a proposed program amendment to the Kentucky regulatory program (hereinafter referred to as the Kentucky program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment consists of proposed modifications to Kentucky Administrative Regulations (KAR) relating to surface and underground coal mining permits, and fish and wildlife resources, and replaces two earlier proposed program amendments submitted on June 28, 1991 (Administrative Record No. KY–1059), and March 13, 1992 (Administrative Record No. KY–1119).

EFFECTIVE DATE: May 26, 1994.

FOR FURTHER INFORMATION CONTACT: William J. Kovacic, Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 2675 Regency Road, Lexington, Kentucky 40503, Telephone (606) 233–2896.

SUPPLEMENTARY INFORMATION:

I. Background on the Kentucky Program.
II. Submission of the Proposed Amendment.
III. Director's Findings.
IV. Summary and Disposition of Comments.
V. Director's Decision.
VI. Procedural Determinations.

I. Background on the Kentucky Program

On May 18, 1982, the Secretary of the Interior conditionally approved the Kentucky program. Background information on the Kentucky program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in May 18, 1992, **Federal Register** (47 FR 21404–21435). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 917.11, 917.13, 917.15, 917.16 and 917.17.

II. Submission of the Proposed Amendments

By letter of July 21, 1992 (Administrative Record No. KY–1167), Kentucky resubmitted a proposed program amendment that completed the Kentucky promulgation process under the Kentucky Revised Statutes (KRS) Chapter 13A. This proposed amendment replaces two earlier proposed program amendments dated March 13, 1992 (Administrative Record No. KY–1119), and June 28, 1991 (Administrative Record No. KY–1059).

The July 21, 1992, resubmission contains revisions to 405 KAR 8:030 (Surface coal mining permits), 405 KAR 8:040 (Underground coal mining permits), and 405 KAR 16:180/18:180 (Protection of fish, wildlife, and related environmental values). The proposed revisions pertaining to fish and wildlife resources as set forth at 405 KAR 8:030 and 8:040 sections 20 and 36, and 405 KAR 16:180 and 18:180 sections 1, 2, and 3, were previously considered by OSM, and the Director's decision on those provisions are discussed in the final rule dated December 9, 1992 (57 FR 58139–58144). However, OSM inadvertently failed to finalize the portion of the amendment dealing with non-fish and wildlife resource revisions to 405 KAR 8:030/8:040 contained in Kentucky's submissions dated June 28, 1991, March 13, 1992, and July 21, 1992.

In order to insure that appropriate opportunity for comment on the revisions has been provided, OSM reopened the public comment period in the October 27, 1993, **Federal Register** (58 FR 57767), and in the same notice, provided opportunity for a public hearing on the adequacy of the proposed amendments to 405 KAR 8:030/8:040, other than the revisions to fish and wildlife resources.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR

732.15 ad 732.17 are the Director's findings concerning the proposed amendments.

Revisions not specifically discussed below concern nonsubstantive wording changes, or revised cross-references and paragraph notations to reflect organizational changes resulting from this amendment.

1. 405 KAR 8:030/8:040 Section 1

Kentucky proposes to delete 8:030 section 1(4) (a) and (b), and 8:040 section 1(3) (a) and (b), which contain a listing of the required permit application forms and the location at which they may be obtained. Since the information contained in these subsections is generally duplicative of information currently set forth at 405 KAR 8:010 section 5(1) (c) and (d), the Director finds that the proposed deletions will not render the State's program less effective than the Federal regulations.

2. 405 KAR 8:030/8:040 Section 2

Kentudky proposes to revise subsections (3), (4) and (5)(a) (405 KAR 8:030 only) by deleting cross-references to 405 KAR 7:020 dealing with the definitions of terms. Inasmuch as the Director previously approved the deletion of 405 KAR 7:020 and the relocation of the definition of terms regulations to the specific regulation chapters in which terms are used (57 FR 45295, October 1, 1992), the Director finds that the deletion of these cross-references will not render Kentucky's program inconsistent with the requirements of SMCRA or the Federal regulations.

Kentucky proposes to delete Subsection (6), which requires a statement identifying any pending permit applications, as well as any current or previous coal mining permits held during the preceding five years by the permit applicant or of an owner/controller of the applicant. Section 507(b)(3) requires that the permit applicant identify any permits held or previously held by the applicant and any pending permit applications. The Director agrees with the commenter who asserted that SMCRA requires that this information be supplied by the permit applicant. The Director acknowledges that the information concerning pending applications is requested in Kentucky's permit application. A question in a permit application, by itself without an accompanying regulation, does not satisfy the statutory requirement of 507(b)(3) of SMCRA. Therefore, the Director finds that the deletion of section 2(6) would render that portion of the Kentucky program less stringent than 507(b)(3) of SMCRA and cannot approve the deletion of this requirement.

Kentucky proposes to add subsection (11) which requires the permittee to notify the State immediately of any changes in the permittee's address, if changed at any point prior to final bond release. Kentucky also proposes to add a new subsection (12) which: (1) Requires the permittee to submit updates of certain information within thirty days of the effective date of any such changes, (2) discusses the effect of failure to provide the updates, and (3) provides for suspension of the permit, after opportunity for hearing, for failure to provide updated information upon request. While there are no direct Federal counterparts for these provisions, the Director finds that the proposed revisions will assist Kentucky in having the most current information on the applicant and will not render Kentucky's program inconsistent with the requirements of SMCRA or the Federal regulations.

Finally, Kentucky proposes to delete former subsection (12) which required the applicant to submit required information on appropriate forms which were incorporated by reference in section 1(4) which also has been deleted. These forms are now among those forms listed at 405 KAR 8:010 section 5(1) (c) and (d). Therefore, the Director finds that the deletion of subsection (12) will not render the State's program inconsistent with the requirements of SMCRA or the Federal regulations.

The Director notes that on September 23, 1991, he found subsection (12) to be less effective than 30 CFR 778.13(j) to the extent that subsection (12) did not require the use of a format prescribed by OSM for the submission of information required under 30 CFR 778.13 and 778.14 (56 FR 47907, September 23, 1991). Consistent with the Director's findings, he required Kentucky, at 30 CFR 917.16(f), to amend its program. Since that 1991 finding, the Director has approved 405 KAR 8:010 section 5(1)(c). See 58 FR 3833, January 12, 1993. As stated above, 405 KAR 8:010 section 5(1)(c) includes the forms of former subsection (12). Therefore, the Director is amending his required amendment found at 30 CFR 917.16(f) to delete any reference to subsection (12) and replacing that reference with 405 KAR 8:010 section 5(1) (c) and (d).

3. 405 KAR 8:030/8:040 Section 3

Kentucky proposes to revise subsection (5) by deleting a cross-reference to the definition of "small operator" in KRS 350.450(4)(d). Since this cross-reference is duplicative of the one contained in 405 KAR 8:001 (106), the Director finds that the proposed deletion will not render Kentucky's program inconsistent with the requirements of SMCRA or the Federal regulations.

4. 405 KAR 8:030/8:040 Section 4

Kentucky proposes to revise subsection (2) regarding the information required to be submitted with the permit application if the private mineral estate to be mined has been severed from the private surface estate. As revised, subsection (2) is substantively identical to the Federal rule set forth at 30 CFR 778.15(b). Therefore, the Director finds that the proposal is no less effective than the Federal counterpart.

5. 405 KAR 8:030/8:040 Section 5

Kentucky proposes to add a new subsection (4) which states that the requirements of 405 KAR 24:040 section 2(6) must be met if the applicant proposes to conduct surface mining activities within 100 feet of a public road. The proposal is substantively identical to that portion of the Federal rule concerning public roads as set forth at 30 CFR 778.16(c). Therefore, the Director finds that the proposal is no less effective than its Federal counterpart.

6. 405 KAR 8:030/8:040 Section 10

Kentucky proposes to revise section 10 to clarify that the rule pertains to applications for a permit, major revision, amendment, transfer, or renewal of a permit, and to require that any proof of publication which is filed must be acceptable to the cabinet. The revision to section 10 is substantively identical to the Federal rule set forth at 30 CFR 778.21 except that the Federal rule doesn't require proof of publication for permit transfers. There is no Federal counterpart for proof of publication of a permit transfer, but this is consistent with 30 CFR 774.17 which requires advertisement of the transfer. Therefore, the Director finds that the proposal is no less effective than its Federal counterparts.

7. 405 KAR 8;030/8:040 Section 37

Kentucky proposes to revise the information required in the postmining land use mining and reclamation plan, to include a discussion of how the proposed postmining land use is to be achieved, including management practices to be conducted during the liability period for the commercial forestland, cropland (including hayland), and pastureland land uses.

There is no direct Federal counterpart. However, the proposal is consistent with 30 CFR 780.23(a)(2).

Additionally, Kentucky proposes to delete former subsection (1)(d) which required that the reclamation plan include detailed management practices when the postmining land use was grazing. Pursuant to 405 KAR 16:210, grazing is not one of the approved land uses in Kentucky. Therefore, the Director finds that the deletion of this subsection does not render the State's program inconsistent with the requirements of SMCRA or the Federal regulations and is approving the deletion.

8. 405 KAR 8:030/8:040 Section 38

Kentucky proposes to delete section 38 which deals with the mining and reclamation plan for transportation of coal on public roads. This deletion was appropriate since Kentucky had deleted the statutory authority for this regulation. On August 10, 1990, OSM approved (55 FR 32619) the deletion of this statutory authority, which was previously found at KRS 350.060(11). In addition, there is no corresponding requirement in either SMCRA or the Federal rule. The Director finds that the proposed deletion will not render Kentucky's program inconsistent with SMCRA or the Federal regulations.

IV. Summary and Disposition of Comments

Public Comments

The public comment periods and opportunities to request a public hearing were announced as follows: (1) For the submission dated June 28, 1991 (Administrative Record Number KY–1059), in the July 22, 1991, **Federal Register** (56 FR 33398); (2) For the submission dated March 13, 1992 (Administrative Record Number KY–1119), in the April 23, 1992, **Federal Register** (57 FR 14818); (3) For the submission dated July 21, 1992 (Administrative Record Number KY–1167), in the September 23, 1992, **Federal Register** (57 FR 43946); and (4) The proposed revisions were reopened for public comment in the October 27, 1993, **Federal Register** (58 FR 57767). The public comment periods closed on August 21, 1991, May 8, 1992, October 8, 1992, and November 26, 1993, respectively. No one requested an opportunity to testify at the scheduled public hearings so no hearings were held.

The Kentucky Resources Council (KRC) filed comments regarding Kentucky's proposed deletion of 405 KAR 8:030/8:040 sections 2(6) and 38. In regard to the deletion of section 2(6), the Director has considered the concerns raised by KRC as discussed in Finding III.2. herein, and determined that the proposed deletion would render Kentucky's program less effective than the Federal program.

With regard to the proposed deletion of section 38, KRC questioned the wisdom of the deletion since KRC felt that information required by section 38 "provided an important source of information linking numerous contract mines to the companies who controlled the extraction and the processing of the coal." KRC stated that "[T]he maps have provided information that has resulted in the imposition of reclamation liability on companies that owned or controlled the contract mines, based on linkages that might otherwise not have been possible to support absent such information." In addition to the reasons discussed in the Director's Findings, there are no comparable requirements in the Federal regulations for the submission of such information. OSM cannot require states to enforce provisions for which there are no Federal requirements. Therefore, the Director is approving the proposed deletion. The Director notes that he found Kentucky's ownership and/or control information requirements, with two exceptions, to be no less effective than the Federal regulations. See 56 FR 47907, September 23, 1991).

On November 23, 1993, CONSOL, Inc. filed comments regarding the proposed addition of 405 KAR 8:030/8:040 section 2(12), expressing its concern regarding the proposed 30-day time limit for submitting updated ownership and control information. CONSOL, Inc. recommended that the proposal be changed for large corporations, to allow for the submittal of updated information within thirty days of the date when it is released by the corporate secretary rather than thirty days from the effective date.

In responding to CONSOL's comments, the Kentucky Natural Resources and Environmental Protection Cabinet (Cabinet) indicated that it understood the commenter's concern that the proposed language could be read to allow sanctions to be imposed for failure to submit ownership and control updates within thirty days. The Cabinet went on the state that it recognized that "multi-level corporate entities require a reasonable amount of time in which to submit corporate changes. The failure for an entity to submit updated information within the thirty (30) day timeframe does not automatically constitute a violation. The Cabinet does not intend to initiate suspension procedures unless a permittee has refused or failed to submit information to the Cabinet upon request." The proposed language in 405 KAR 8:030/8:040 section 2(12) provides that "[A]fter the permittee's refusal or failure to timely submit the information to the cabinet upon request, the Cabinet may suspend the permit after opportunity for hearing * * *." The Director feels that Kentucky's response to the concerns raised by CONSOL, Inc. is adequate and he has approved the proposed language herein.

Agency Comments

Pursuant to section 503(b) of SMCRA and the implementing regulations at 30 CFR 732.17(h)(11)(i), comments were solicited from various government agencies with an actual or potential interest in the Kentucky program. The Kentucky Heritage Council, Soil Conservation Service, Tennessee Valley Authority, Bureau of Land Management, Maine Safety and Health Administration, U.S. Forest Service, and the Bureau of Mines generally considered the amendment to be acceptable or submitted an acknowledgement with no comment.

Environmental Protection Agency (EPA) Concurrence

Under 30 CFR 732.17(h)(11)(ii), the Director is required to obtain the written concurrence of the Administrator of the EPA with respect to any provisions of a State program amendment that relate to air or water quality standards promulgated under the authority of the Clean Air Act (42 U.S.C. 7401 *et seq.*) or the Clean Water Act (22 U.S.C. 1251 *et seq.*). The Director has determined that this amendment contains no provisions in these categories and that EPA's concurrence is not required.

V. Director's Decision

Based on the above findings, the Director is approving, with the exception discussed in Finding 2, the program amendment submitted by Kentucky on June 28, 1991, and modified and resubmitted on March 13, 1992, and July 21, 1992, consisting of revisions to various provisions of 405 KAR 8:030 and 8:040, other than fish and wildlife resources. In addition, as discussed in Finding 2, the Director is continuing his required amendment.

The Federal regulations at 30 CFR Part 917 codifying decisions concerning the Kentucky program are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs

into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

Effect of Director's Decision

Section 503 of SMCRA provides that a State may not exercise jurisdiction under SMCRA unless the State program is approved by the Secretary. Similarly, 30 CFR 732.17(a) requires that any alteration of an approved State program be submitted to OSM for review as a program amendment. Thus, any changes to a State program are not enforceable until approved by OSM. The Federal regulations at 30 CFR 732.17(g) prohibit any unilateral changes to approved programs. In the oversight of the Kentucky program, the Director will recognize only the approved program, together with any consistent implementing policies, directives and other materials, and will require the enforcement by Kentucky of such provisions.

VI. Procedural Determinations

Executive Order No. 12866

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

Executive Order 12778

The Department of the Interior has conducted the review required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of the Surface Mining Control and Reclamation Act (SMCRA) (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15 and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731 and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA [30 U.S.C. 1292(d)] provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

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

Regulatory Flexibility Act

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

List of Subjects in 30 CFR Part 917

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 19, 1994.

Robert J. Biggi,

Acting Assistant Director, Eastern Support Center.

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

PART 917—KENTUCKY

1. The authority citation for part 917 continues to read as follows:

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

2. Section 917.15, is revised to add paragraph (tt) to read as follows:

§ 917.15 Approval of regulatory program amendments.

* * * * * * *

(tt) The following amendments submitted to OSM on June 28, 1991, and on March 13, 1992, and replaced with the July 21, 1992, submittal are approved, with an exception, effective May 26, 1994. The amendments consist of the following modifications or deletions to the Kentucky program:

Revisions to the following provisions of the Kentucky Administrative Regulations (KAR):

8:030 Section 1(4) (a) & (b)—General
8:040 Section 1(3) (a) & (b)—General
8:030/8:040 Section 2 (3), (4), (5)(a) (8:030 only), (11) and (12)—Identification of interests
8:030/8:040 Section 3(5)—Violation information
8:030/8:040 Section 4(2)—Right of entry and right to surface mine
8:030/8:040 Section 5(4)—Relationship to areas designated unsuitable for mining
8:030/8:040 Section 10—Newspaper advertisement and proof of publication
8:030/8:040 Section 37—MRP; postmining land use
8:030/8:040 Section 38—MRP; transportation on public roads
405 KAR 8:030/8:040 Section 2(6) is not approved.

* * * * * * *

3. Section 917.16(f) is revised to read as follows:

§ 917.16 Required program amendments.

* * * * * * *

(f) By July 25, 1994 Kentucky shall submit either an amendment or a description of a proposed amendment with a timetable for adoption, that would amend its rules at 405 KAR 8:010 section 5(1) (c) and (d) to require that information required by sections 2 and 3 of 405 KAR 8:030 and 8:040 shall be submitted on any format prescribed by OSM as well as any format prescribed by the Cabinet.

* * * * * * *

[FR Doc. 94–12860 Filed 5–25–94; 8:45 am]
BILLING CODE 4310–05–M

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30 CFR Part 917

Permanent Program Amendment

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

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final rule that was published on Friday, April 15, 1994, (59 FR 17928). The regulations related to technical revisions throughout 30 CFR chapter VII, subchapter T. This document corrects addresses for the Kentucky abandoned mine land reclamation plan.

EFFECTIVE DATE: May 26, 1994.

FOR FURTHER INFORMATION CONTACT: Gloria Prettiman, Branch of Environmental and Economic Analysis, Office of Surface Mining Reclamation and Enforcement, Headquarters, 1951 Constitution Ave NW., Washington, DC 20240; Telephone: 202–343–5143.

SUPPLEMENTARY INFORMATION:

I. Background

Since July 1, 1993, the date of the most recent revision to the *Code of Federal Regulations* (30 CFR part 700 to End), the addresses of certain State and Federal offices involved in the State regulatory program have changed. The addresses were corrected in order to indicate where copies of the State programs are available for inspection in accordance with the provisions of 30 CFR 900.12(a).

Need for Correction

As published the final regulation contained incorrect information for Kentucky's Abandoned Mine Land Reclamation Plan.

Correction of Publication

Accordingly, the final rule technical amendment which was published on April 15, 1994 (State Program Amendments; Alabama et al.), at 59 FR 17928 is corrected as follows:

1. On page 17929, in the second column, in § 917.20, paragraph (b) is corrected to read as follows:

§ 917.20 Approval of the Kentucky abandoned mine reclamation plan.

* * * * *

(b) Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet, Division of Abandoned Lands, 618 Teton Trail, Frankfort, Kentucky 40601.

2. On page 17929, in the third column, in § 917.21, paragraphs (a)(1) and (b)(1) are corrected to read as follows:

§ 917.21 Amendment to approved Kentucky abandoned mine land reclamation plan.

(a) * * *

(1) Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet, Division of Abandoned Lands, 618 Teton Trail, Frankfort, Kentucky 40601.

* * * * *

(b) * * *

(1) Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet, Division of Abandoned Lands, 618 Teton Trail, Frankfort, Kentucky 40601.

* * * * *

Dated: May 19, 1994.

Robert J. Biggi,

Acting Assistant Director, Eastern Support Center.

[FR Doc. 94–12861 Filed 5–25–94; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Judge Advocate General of the Navy has determined that USS MERRILL (DD 976) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special functions as a naval destroyer. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: May 9, 1994.

FOR FURTHER INFORMATION CONTACT: Captain R.R. Rossi, JAGC, U.S. Navy Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332–2400, telephone number: (703) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the Judge Advocate General of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS MERRILL (DD 976) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the following specific rule of 72 COLREGS: In that portion of Annex I, Section 3(a) pertaining to the placement of the after masthead light and the horizontal distance between the forward and after masthead lights, without interfering with its special functions as a naval vessel. The Judge Advocate General of the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), and Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR part 706 is amended as follows:

1. The authority citation for 32 CFR part 706 continues to read:

Authority: 33 U.S.C. 1605.

2. The entry for USS MERRILL (DD 976) in Table Five of 706.2 is revised to read as follows:

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions. annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light. annex I, sec. (3)(a)	Percentage horizontal separation attained
USS MERRILL	DD 976			X	46.1

Date: May 9, 1994.

Approved:

R.E. Grant,

Rear Admiral, JACG, U.S. Navy, Judge Advocate General.

[FR Doc. 94–12841 Filed 5–25–94; 8:45 am]

BILLING CODE 3810–AE–P

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Judge Advocate General of the Navy has determined that USS SQUALL (PC 7), USS ZEPHYR (PC 8), USS CHINOOK (PC 9), USS FIREBOLT (PC 10), USS WHIRLWIND (PC 11), USS THUNDERBOLT (PC 12), USS SHAMAL (PC 13) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with their special functions as naval patrol vessels. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: May 6, 1994.

FOR FURTHER INFORMATION CONTACT: Captain R.R. Rossi, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332–2400, Telephone number: (703) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the Judge Advocate General of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS SQUALL (PC 7), USS ZEPHYR (PC 8), USS CHINOOK (PC 9), USS FIREBOLT (PC 10), USS WHIRLWIND (PC 11), USS THUNDERBOLT (PC 12), USS SHAMAL (PC 13) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with 72 COLREGS, Rule 23(a)(ii), pertaining to display of a masthead light and a second (after) masthead light on vessels exceeding 50 meters in length; Annex I, paragraph 2(k), pertaining to the vertical distance between the forward and after anchor lights and the height of the forward anchor light above the hull; Rule 21(c), pertaining to location of the sternlight, without interfering with their special functions as naval patrol vessels. The Judge Advocate General of the Navy has also certified that the number of masthead lights displayed and the location of the other mentioned lights are in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the number and placement of lights on USS SQUALL (PC 7), USS ZEPHYR (PC 8), USS CHINOOK (PC 9), USS FIREBOLT (PC 10), USS WHIRLWIND (PC 11), USS THUNDERBOLT (PC 12), USS SHAMAL (PC 13) in a manner differently from that prescribed herein will adversely affect the vessels ability to perform their military functions.

List of Subjects in 32 CFR Part 706

Marine Safety, Navigation (Water), and Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR part 706 is amended as follows:

1. The authority citation for 32 CFR part 706 continues to read:

Authority: 33 U.S.C. 1605.

2. Table Three of 706.2 is amended by revising the column headings and adding the following ships:

TABLE THREE

Vessel	No.	Masthead lights arc of visibility; rule 21(a)	Side lights arc of visibility; rule 21(b)	Stern light arc of visibility; rule 21(c)	Side lights distance inboard of ship's sides in meters §3(b) annex 1	Stern light, distance forward of stern in meters; rule 21(c)	Forward anchor light, height above hull in meters; §2(K) annex 1	Anchor lights relationship of aft light to forward light in meters §2 (K) annex 1
USS SQUALL	PC 7					[1] 25.5	3.0	1.0
USS ZEPHYR	PC 8					[1] 25.5	3.0	1.0
USS CHINOOK	PC 9					[1] 25.5	3.0	1.0
USS FIREBOLT	PC 10					[1] 25.5	3.0	1.0
USS WHIRLWIND	PC 11					[1] 25.5	3.0	1.0
USS THUNDERBOLT	PC 12					[1] 25.5	3.0	1.0
USS SHAMAL	PC 13					[1] 25.5	3.0	1.0

[1] Only when towing.

Date: May 6, 1994.

Approved:

H.E. Grant,

Rear Admiral, JACG, U.S. Navy, Judge Advocate General.

[FR Doc. 94–12842 Filed 5–25–94; 8:45 am]

BILLING CODE 3810–AE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 301

[Docket No. 940381–4144; I.D. 031194B]

RIN 0648–AG09

Pacific Halibut Fisheries

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement 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 conservation and management objectives of the Council with respect to the Pacific halibut fishery.

EFFECTIVE DATE: June 6, 1994, at 12:00 hours Alaska local time.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review/Final Regulatory Flexibility Analysis (EA/RIR/FRFA) may be obtained by contacting the Council, P.O. Box 103136, Anchorage, AK 99510, 907–271–2809.

FOR FURTHER INFORMATION CONTACT: Jay J. C. Ginter, Fisheries Management Division, 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). The Convention is carried out by the International Pacific Halibut Commission (IPHC), which develops regulations to manage the fishery. The Northern Pacific Halibut Act of 1982 (Halibut Act) was subsequently enacted to give effect to the 1979 Protocol to the Convention.

Section 5(c) of the Halibut Act provides for the appropriate Regional Fishery Management Council under the Magnuson Fishery Conservation and Management Act to develop regulations, including limited access regulations, governing the United States 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.

Area 4B Allocation

This action is designed to ameliorate the effects caused by the differing harvest abilities of vessels that catch and land all their halibut harvest in Area 4B, principally at the Aleutian Islands community of Atka (single-area vessels), and vessels that 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 be fished in weather conditions that would prevent smaller vessels from being fished).

To limit this competitive disadvantage, the Council, after reviewing data presented in the EA/RIR/Initial Regulatory Flexibility Analysis and public testimony, decided at its January 1994 meeting to recommend to the Secretary of Commerce that 15 percent of the Area 4B catch limit be reserved for the early season fishery, in which there would be a 10,000 lb (4.5 mt) fishing period (trip) limit. The IPHC, at its meeting of January 25–28, 1994, established the 1994 halibut catch limit for Area 4B to be 2,100,000 lb (953 mt); 15 percent of this amount is 315,000 lb (143 mt). The IPHC also established the Area 4B early season to include one 24-hour period on June 6 through 7, 1994, followed by 31 12-hour periods to occur on every other day between June 15 and August 14, 1994. The IPHC will close all remaining 12-hour periods after the 315,000 lb (143 mt) early season catch limit is reached or add the unharvested remainder to the subsequent unrestricted fishing periods scheduled by the IPHC to begin on August 15, 1994.

A proposed rule to implement the Council's recommended action was published in the **Federal Register** April 4, 1994 (59 FR 15700). A complete description and justification for this action was presented in the preamble to the proposed rule. Additional information is also available in the EA/RIR/FRFA. Comments on the proposed rule were invited through April 28, 1994. No comments were received during the comment period.

Classification

Analysis supporting this action can be found in the EA/RIR/FRFA (see **ADDRESSES**).

This final rule has been determined to be not significant for purposes of E.O. 12866.

The Assistant Administrator for Fisheries, NOAA (AA), has determined under section 553(d)(3) of the Administrative Procedure Act that good cause exists for waiving the 30-day delayed effectiveness period for this action. NMFS has proceeded with rulemaking expeditiously after receiving the EA/RIR/IRFA from the Council on February 7, 1994. The 10,000 pound (4.5 mt) fishing period (trip) limit established for the early season fishery in Regulatory Area 4B must be effective upon the opening date of that fishery (June 6, 1994). To delay the effective date beyond June 6 would severely undermine the intent of the Council to provide single-area vessels additional harvest opportunities in the halibut fishery of Regulatory Area 4B. To meet the intent of the Council for the 1994 fishery, the AA is waiving the 30-day delayed effectiveness period for this action.

List of Subjects in 50 CFR Part 301

Fisheries, Treaties.

Dated: May 20, 1994.

Charles Karnella,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 301 is 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, paragraph (f) is revised 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 mt) of the catch limit specified in § 301.10(a) has been taken, and will reopen as scheduled on August 15 for the remaining catch limit.

* * * * *

3. Section 301.11, paragraph (g) is revised 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.

* * * * *

[FR Doc. 94–12833 Filed 5–25–94; 8:45 am]
BILLING CODE 3510–22–P

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50 CFR Part 646

[Docket No. 940246–4137; I.D. 013194B]

RIN 0648–AE51

Snapper-Grouper Fishery of the South Atlantic

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 6 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic (FMP). Amendment 6 establishes management measures necessary to conserve overfished stocks of snowy grouper, golden tilefish, speckled hind, and warsaw grouper in the South Atlantic exclusive economic zone (EEZ). The intended effects of this rule are to rebuild the snapper-grouper resources and to clarify the regulations implementing the FMP.

EFFECTIVE DATE: June 27, 1994, except for § 646.25, which is effective June 6, 1994.

ADDRESSES: Copies of Regulatory Impact Review, Regulatory Flexibility Analysis and Environmental Assessment are available from the South Atlantic Fishery Management Council, 1 Southpark Circle, suite 306, Charleston, SC 29407–4699; FAX 803–769–4520.

FOR FURTHER INFORMATION CONTACT: Peter J. Eldridge, 813–893–3161.

SUPPLEMENTARY INFORMATION: Snapper-grouper species off the southern Atlantic states are managed under the FMP. The FMP was prepared by the South Atlantic Fishery Management Council (Council) and is implemented through regulations at 50 CFR part 646 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

Detailed description, background, and rationale for the management measures in Amendment 6 and the additional measures proposed by NMFS were included in the proposed rule (59 FR 9721, March 1, 1994) and are not repeated here.

Comments and Responses

Eighteen comments were received during the public comment period. Most of the comments concerned the proposed closure of the Oculina Bank habitat area of particular concern (HAPC) to fishing for species in the snapper-grouper management unit.

Comment: Five commercial fishermen opposed the closure of the HAPC to fishing for snapper-grouper species. They stated that the closure would reduce income to fishermen and reduce the supply of locally caught fish to wholesale and retail dealers. They also stated that the closure of the HAPC to bottom fishing could result in a shift of fishing effort to adjacent areas and result in overfishing of species in the open areas. They concluded that the action would result in a negative economic impact for the Fort Pierce area, which is adjacent to the HAPC.

Response: In general, the Council and NMFS agree that some fishing income could be lost and a reduction may occur in the flow of locally caught fish to commercial channels. Also, some fishing effort may shift to open areas. A minor negative economic impact on local communities may occur. Fishermen may target other species within the HAPC and fish in other nearby areas; however, quantitative data do not exist to estimate these potential impacts. The HAPC is not a major fishing area for snapper-grouper species and commercial landings from that area have never been sufficient to supply local demand. The closure will not create a shortage of seafood in the Fort Pierce area. Some fishing effort may shift to open areas; however, there are sufficient management measures in place and under development to regulate any additional fishing effort.

Presently, 13 species in the snapper-grouper fishery management unit are overfished and 14 others, with similar life history characteristics, are thought to be overfished. The Council is concerned that traditional fishery management measures, such as minimum size limits and quotas, may not be sufficient to protect fully the snapper-grouper resource. The Council considered establishing marine reserves in the EEZ off the southern Atlantic states but deferred action after considering public opposition and lack of information on benefits derived from marine reserves. This HAPC closure is a management experiment to determine the consequences of establishing a marine reserve. This measure will "sunset" after 10 years if not reauthorized by the Council. NMFS is to report to the Council on the effectiveness of the closure as soon as data are available, but no later than the end of 2000. The HAPC area was selected because it is relatively small compared to the total area that may be fished, will have a relatively small impact on fishermen, is already familiar to the industry, and is already subject to certain fishing restrictions under regulations implementing the Fishery Management Plan for Coral and Coral Reefs of the Gulf of Mexico and the South Atlantic and the FMP (see 50 CFR parts 638 and 646). The Council believes, and NMFS agrees, that the benefits derived from this management experiment will exceed the temporary costs to some fishermen.

Comment: Five recreational fishermen and two sports fishing clubs opposed closure of the HAPC because it may result in reduced catches. They claimed that recreational anglers might not come to the Fort Pierce area to fish, which would be detrimental to the local economy. Also, they stated that fishing effort would shift to open areas and result in overfishing.

Response: The Council and NMFS agree that some reductions in catch may occur and some anglers may switch to other fishing grounds within and outside of the Fort Pierce area. Resulting impacts on the local economy are uncertain, but are not expected to be significant. Since anglers can still target pelagic species such as mackerels, billfish, and sharks in the HAPC and surrounding areas, the impacts on overall catch rates should not be major. No significant net change in domestic economic activity will result if anglers switch to other fishing grounds located in U.S. waters. The majority of recreational anglers do not possess vessels of sufficient size to fish the HAPC. As stated earlier, the Council and NMFS agree that there may be some temporary, relatively minor negative impacts. In this context, if fish become abundant in the HAPC as expected, some will move into adjacent open areas where they will be available to fishermen. Also, total recruitment may

be increased, which would result in higher catches in open areas due to the increased abundance of spawners in the HAPC. The Council believes, and NMFS agrees, that the benefits derived from this management experiment will exceed the temporary costs to some fishermen. If this experiment does not produce desired benefits, the fishing restrictions will be reconsidered.

Comment: The Deputy Executive Director of the Council commented that the proposed rule does not prohibit anchoring in the HAPC, contrary to Amendment 6.

Response: Amendment 6 includes a prohibition on anchoring in the HAPC as an aid to enforcement of the prohibition on fishing in the HAPC for snapper-grouper species. Under the Magnuson Act, the scope of these regulations may not extend to a *per se* anchoring prohibition in the HAPC, or to non-fishing vessels. The Council did not intend to prohibit fishing in the HAPC for fish other than snapper-grouper species. Accordingly, a prohibition on the combination of fishing and anchoring in the HAPC more effectively meets the intent of the Council. NMFS is not aware of any fishing that would be conducted while anchored in the HAPC other than fishing for snapper-grouper species. Accordingly, the proposed rule and this final rule establish a rebuttable presumption that fishing while anchored in the HAPC constitutes fishing for snapper-grouper species, which is prohibited. Further, snapper-grouper species taken in the HAPC may not be retained. Thus, a vessel fishing in the HAPC, whether or not anchored, may not possess snapper-grouper species.

NMFS believes this final rule meets the intent of the Council regarding anchoring in the HAPC, to the extent allowable under the Magnuson Act.

Comment: Two fishermen stated that anchoring in the HAPC should not be prohibited because of safety reasons.

Response: NMFS agrees; this final rule merely establishes a rebuttable presumption that a vessel fishing while at anchor in the HAPC is fishing for snapper-grouper.

Comment: One fisherman stated that the HAPC coordinates were not published in the public hearing draft of Amendment 6; therefore, no one knew where the area was proposed to be situated. He concluded that this resulted in reduced public comment during public hearings.

Response: The coordinates of the HAPC were published on page 25 of the public hearing draft under Action 9. Figure 3 of the same document showed the location of the HAPC, including major cities in the immediate area. Each participant at the public hearings received a copy of Figure 3. Final Amendment 6 and the proposed rule provide similar information. Moreover, the coordinates of the HAPC have been established in Federal regulations since July 23, 1984 (50 CFR 638.22(c)). Appendix E (Summary of Public Comments) in Amendment 6 shows that five comments favored closing the HAPC to fishing, while seven comments opposed it. The above information indicates that the public had adequate notice concerning the location of the HAPC during the public hearing and proposed rule stages.

Comment: One fisherman stated that a plan for scientific study of fish stocks in the HAPC was lacking and this was a violation of the Magnuson Act.

Response: Basic research needs are listed and updated periodically for each fishery management plan in the southeastern United States. In addition, NMFS and Council staff prepare annual research plans for each fishery management plan. Research pertaining to the HAPC will be addressed by the NMFS Science and Research Director and incorporated into the annual research plans. NMFS must present the results of the research to the Council no later than the end of the year 2000. Finally, sections III. B. and III. C. of FMP Amendment 4 also specifically provide for fishery data collection and periodic scientific assessment of the condition of managed snapper and grouper stocks; these particular FMP provisions fulfill sections 303(a) (3) and (5) of the Magnuson Act requiring the evaluation of the condition of fish stocks. In summary, the Council and NMFS are meeting research needs indicated in this instance and are in compliance with the Magnuson Act.

Comment: Two commercial fishermen opposed the quotas for snowy grouper and golden tilefish because they believed that the quotas would discriminate against fishermen with smaller vessels, especially those that fished in the Florida Keys. A representative of a commercial fishing organization opposed the quotas because he felt they were not needed.

Response: Both snowy grouper and golden tilefish are overfished. Therefore, regulatory guidelines require stock rebuilding programs. The Council and NMFS believe that fishing pressure must be reduced to rebuild these species. The use of commercial quotas is an acceptable and traditional method to reduce fishing pressure. The Council has chosen to implement quota reductions over a 3-year period to minimize the economic impact upon commercial fishermen. Also, the Council recognizes that some snowy grouper and golden tilefish would likely be taken as bycatch by fishermen targeting other species. Consequently, the Council is reserving a portion of the annual snowy grouper and golden tilefish quotas as a bycatch allowance. Fishermen will be allowed a trip limit (allowance) of 300 pounds (lb) (136 kilograms (kg)) after initial quotas are reached. Since fishermen in the Florida Keys with smaller vessels rarely catch 300 lb (136 kg) of either species in a trip, their catches should not be affected by either quota.

Comment: Two fishermen in the Florida Keys, who represented fishermen with smaller vessels, supported trip limits for snowy grouper and golden tilefish. A representative of a commercial fishing organization located in the Florida Keys did not think trip limits would adversely affect the members of that organization.

Response: NMFS agrees that the commercial trip limits for snowy grouper and golden tilefish, together with the bycatch allowance (300 lb (136 kg)) that applies after the fishing year quotas are filled, should not adversely affect fishermen with smaller vessels.

Comment: Three commercial fishermen and a representative of a commercial fishing organization were opposed to the prohibition on sale of warsaw grouper and speckled hind. They stated that harvest of warsaw grouper and speckled hind is rare, and these species would not survive release because of the depth of capture. One of the fishermen stated that it would not be practical to donate these fish to a charitable organization. The representative of the commercial fishing organization stated that the prohibition on sale would create confusion in the market and result in law enforcement difficulties.

Response: Warsaw grouper and speckled hind are rare and overfished. The Council recognizes that most harvest of warsaw and speckled hind is bycatch and that survival of released individuals is low. However, the Council is following stock rebuilding guidelines with regard to these species. The Council received public testimony that some fishermen may target these species at certain times during the year. The Council proposed the prohibition on sale to reduce directed fishing mortality, but allowed retention of one warsaw and one speckled hind per vessel per trip to minimize waste. Fishermen are encouraged to donate these fish to "good causes," such as charitable organizations. Many marine

species in the United States are subject to restrictions on sale, either seasonally or geographically. Both the market and law enforcement agencies have adjusted accounting procedures and other practices to implement such restrictions.

Partial Disapproval of Amendment 6

On May 5, 1994, the Regional Director, Southeast Region, NMFS (Regional Director), partially disapproved Amendment 6. Specifically, the Regional Director disapproved Action 12 of the amendment, which would have required all permitted vessels to maintain and submit vessel logbooks. The Regional Director believes that the methods of obtaining necessary management data and the appropriate sampling system for such data are determinations properly made by NMFS.

The regulations at 50 CFR 646.5(a) require vessel logbooks to be maintained and submitted by all vessels fishing for wreckfish and for other permitted vessels selected by the Science and Research Director, Southeast Fisheries Science Center, NMFS. Currently all permitted vessels are selected to maintain and submit logbooks.

Vessel logbooks provide catch and effort data, which the Council believes are needed for quota monitoring, stock assessments, catch histories, and indications of shifts in fishing effort. NMFS agrees that catch and effort data via logbooks are needed for all of these purposes except for quota monitoring. In the snapper-grouper fishery, NMFS has chosen to use dealer reports for quota monitoring rather than vessel logbooks. These collections of information have been approved previously under Office of Management and Budget control numbers 0648–0016 (logbooks) and 0648–0013 (dealer reports). NMFS agrees with the Council that good and sufficient reasons continue to exist for the current requirement that all permitted vessels maintain and submit vessel logbooks. Accordingly, NMFS intends to continue to select all permitted vessels to maintain and submit logbooks. When NMFS believes that the 100-percent level of submission is no longer required, it will reduce the percentage of vessels required to maintain and submit logbooks, without the necessity of amending the FMP.

Changes From the Proposed Rule

As a consequence of the partial disapproval of Amendment 6, discussed above, the proposed change to § 646.5(a)(1) is not included in this final rule and the proposed change to § 646.5(d) introductory text is modified.

Classification

The Regional Director determined that Amendment 6 is necessary for the conservation and management of the snapper-grouper fishery and that it is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law, with the exception of the measure that would have required all permitted vessels to maintain and submit vessel logbooks.

This final rule has been determined to be not significant for purposes of E.O. 12866.

The Council prepared an initial regulatory flexibility analysis (initial RFA) for this action. The initial RFA has been adopted as final without change. The final RFA concludes that this final rule may have a significant economic impact on a substantial number of small entities, as summarized in the proposed rule.

The commercial vessel trip limits established in § 646.25 of this final rule are intended to prolong the commercial seasons for snowy grouper and golden tilefish under the newly established commercial quotas. Prolonging the seasons will have considerable economic benefits for the fisheries. Delay in implementing these trip limits will reduce significantly the potential benefits. However, immediate implementation might adversely affect commercial fishermen when this final rule is published because they may be at sea. Accordingly, to maximize the potential economic benefits of the trip limits without undue adverse effect on fishermen now on fishing trips, the Assistant Administrator for Fisheries, NOAA, finds for good cause under section 553(d)(3) of the Administrative Procedure Act that the effective date of § 646.25 should not be delayed beyond 10 days from the date of publication of this final rule.

List of Subjects in 50 CFR Part 646

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: May 20, 1994.

Charles Karnella,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 646 is amended as follows:

PART 646—SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC

1. The authority citation for part 646 continues to read as follows:

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

2. In § 646.1, paragraph (b) is revised to read as follows:

§ 646.1 Purpose and scope.

* * * * *

(b) This part governs conservation and management of fish in the snapper-grouper fishery in or from the South Atlantic EEZ, except that §§ 646.5 and 646.24 also apply to such fish in or from adjoining state waters.

§ 646.2 [Amended]

3. In § 646.2, in the definition for "Fish in the snapper-grouper fishery", under the family designation "Tilefishes—Malacanthidae", the listing for "Tilefish (Golden)" is revised to read "Golden tilefish"; and the family designation "Triggerfishes—Balistidae" is revised to read "Leatherjackets—Balistidae"; and in the definition for "Sea bass pot", in paragraph (3) introductory text, the parenthetical phrase "(see Figure 3)" is revised to read "(see Figure 2)".

§ 646.4 [Amended]

4. In § 646.4, in paragraph (b)(2)(vi)(A), the word "and" is added after the concluding semi-colon; in paragraph (b)(2)(vi)(B), the concluding word "and" is removed; and paragraph (b)(2)(vi)(C) is removed.

5. In § 646.5, paragraphs (d) introductory text and (d)(4) are revised to read as follows:

§ 646.5 Recordkeeping and reporting.

* * * * *

(d) *Commercial vessel, charter vessel and headboat inventory.* A person described under paragraphs (a) or (b) of this section who is not selected to report must provide the following information when interviewed by the Science and Research Director:

* * * * *

(4) Fishing areas;

* * * * *

6. In § 646.7, paragraph (kk) is revised; paragraph (mm) is redesignated as paragraph (ss); and new paragraphs (mm) through (rr) are added to read as follows:

§ 646.7 Prohibitions.

* * * * *

(kk) Transfer at sea—

(1) Warsaw grouper or speckled hind, as specified in § 646.21(j)(6);

(2) Fish in the snapper-grouper fishery subject to a bag limit, as specified in § 646.23(f); or

(3) Snowy grouper or golden tilefish, as specified in § 646.25(e).

* * * * *

(mm) Fish for fish in the snapper-grouper fishery in the Oculina Bank

habitat area of particular concern (HAPC), retain such fish in or from the Oculina Bank HAPC, or fail to release immediately such fish taken in the Oculina Bank HAPC by hook-and-line gear, as specified in § 646.26(d)(2).

(nn) Possess a warsaw grouper or speckled hind in excess of the vessel trip limit, as specified in § 646.21 (j)(1) or (j)(2).

(oo) Sell, purchase, trade, or barter, or attempt to sell, purchase, trade, or barter, a warsaw grouper or speckled hind, as specified in § 646.21(j)(3).

(pp) Exceed a commercial trip limit for snowy grouper or golden tilefish, as specified in § 646.25 (a) or (b).

(qq) Sell, purchase, trade, or barter, or attempt to sell, purchase, trade, or barter, snowy grouper or golden tilefish in excess of an applicable trip limit, as specified in § 646.25(f).

(rr) Make any false statement, oral or written, to an authorized officer concerning the taking, catching, harvesting, landing, purchase, sale, possession, or transfer of a fish in the snapper-grouper fishery.

* * * * *

7. Section 646.20 is revised to read as follows:

§ 646.20 Fishing years.

(a) The fishing year for wreckfish begins on April 16 and ends on April 15.

(b) The fishing year for fish in the snapper-grouper fishery other than wreckfish begins on January 1 and ends on December 31.

8. In § 646.21, a new paragraph (j) is added to read as follows:

§ 646.21 Harvest limitations.

* * * * *

(j) *Warsaw grouper and speckled hind.* (1) The possession of warsaw grouper in or from the EEZ is limited to one per vessel per trip.

(2) The possession of speckled hind in or from the EEZ is limited to one per vessel per trip.

(3) A warsaw grouper or a speckled hind in or from the EEZ may not be sold, purchased, traded, or bartered, or attempted to be sold, purchased, traded, or bartered.

(4) A person who fishes in the EEZ may not combine a possession limit specified in paragraph (j)(1) or (j)(2) of this section with a bag or possession limit applicable to state waters.

(5) The operator of a vessel that fishes in the EEZ is responsible for the possession limit applicable to that vessel.

(6) A warsaw grouper or speckled hind taken in the EEZ may not be transferred at sea, regardless of where such transfer takes place; a warsaw grouper or speckled hind may not be transferred at sea in the EEZ, regardless of where such warsaw grouper or speckled hind was taken.

9. In § 646.23, a new paragraph (a)(4) is added and paragraph (b)(3) is revised to read as follows:

§ 646.23 Bag and possession limits.

(a) * * *

(4) Special limitations on possession of warsaw grouper and speckled hind apply. (See § 646.21(j).)

(b) * * *

(3) Groupers, excluding jewfish and Nassau grouper, and tilefishes, combined—5.

* * * * *

10. Section 646.24 is revised to read as follows:

§ 646.24 Commercial quotas.

Persons who are not subject to the bag limits are subject to the following quotas. (See § 646.23(a)(1) for applicability of the bag limits.)

(a) *Wreckfish* (whole weight)—2 million pounds (907,185 kg) each fishing year.

(b) *Snowy grouper* (gutted weight, that is, eviscerated but otherwise whole)—

(1) 540,314 pounds (245,082 kg) in the fishing year that commences January 1, 1994.

(2) 442,448 pounds (200,691 kg) in the fishing year that commences January 1, 1995.

(3) 344,508 pounds (156,266 kg) in the fishing year that commences January 1, 1996.

(c) *Golden tilefish* (gutted weight, that is, eviscerated but otherwise whole)—

(1) 1,475,795 pounds (669,409 kg) in the fishing year that commences January 1, 1994.

(2) 1,238,818 pounds (561,918 kg) in the fishing year that commences January 1, 1995.

(3) 1,001,663 pounds (454,347 kg) in the fishing year that commences January 1, 1996.

§§ 646.27 and 646.25 [Redesignated as §§ 646.28 and 646.27]

11. Section 646.27 is redesignated as § 646.28; § 646.25 is redesignated as § 646.27; and a new § 646.25 is added to read as follows:

§ 646.25 Commercial trip limits.

Persons who are not subject to the bag limits and who fish in the EEZ on a trip are subject to the following vessel trip limits. (See § 646.23(a)(1) for applicability of the bag limits.)

(a) *Snowy grouper* (whole weight or gutted weight, that is, eviscerated but otherwise whole).

(1) Until the fishing year quota specified in § 646.24(b) is reached, 2,500 pounds (1,134 kg).

(2) After the fishing year quota specified in § 646.24(b) is reached, 300 pounds (136 kg).

(b) *Golden tilefish* (whole weight or gutted weight, that is, eviscerated but otherwise whole).

(1) Until the fishing year quota specified in § 646.24(c) is reached, 5,000 pounds (2,268 kg).

(2) After the fishing year quota specified in § 646.24(c) is reached, 300 pounds (136 kg).

(c) *Reduction of trip limits.* When a commercial quota specified in § 646.24(b) or (c) is reached, or is projected to be reached, the Assistant Administrator will file a notice to that effect with the Office of the Federal Register. On and after the effective date of such notice, for the remainder of the fishing year, the appropriate trip limit applies.

(d) A person who fishes in the EEZ may not combine a trip limit under this section with any trip or possession limit applicable to state waters.

(e) A snowy grouper or golden tilefish taken in the EEZ may not be transferred at sea, regardless of where such transfer takes place; a snowy grouper or golden tilefish may not be transferred at sea in the EEZ, regardless of where such snowy grouper or golden tilefish was taken.

(f) Snowy grouper or golden tilefish in excess of an applicable trip limit specified in paragraph (a) or (b) of this section may not be sold, purchased, traded, or bartered, or attempted to be sold, purchased, traded, or bartered.

12. In § 646.26, a new paragraph (d) is added to read as follows:

§ 646.26 Area limitations.

* * * * *

(d) *Habitat area of particular concern (HAPC).* (1) The Oculina Bank, which is a coral HAPC under § 638.23(c) of this chapter, is bounded on the north by 27°53′N. latitude, on the south by 27°30′N. latitude, on the east by 79°56′W. longitude, and on the west by 80°00′W. longitude.

(2) No fishing for fish in the snapper-grouper fishery may be conducted in the Oculina Bank HAPC; such fish may not be retained in or from the Oculina Bank HAPC. Fish in the snapper-grouper fishery taken incidentally in the Oculina Bank HAPC by hook-and-line gear must be released immediately by cutting the line without removing the fish from the water. It is a rebuttable presumption that fishing aboard a vessel that is anchored in the HAPC constitutes

fishing for fish in the snapper-grouper fishery.

(3) See § 638.23(c) of this chapter for prohibitions on fishing with bottom longlines, traps, pots, dredges, and bottom trawls in the Oculina Bank HAPC.

Figure 3 to Part 646 [Redesignated as Figure 2 to Part 646]

13. Figure 2 to part 646 is removed and Figure 3 to part 646 is redesignated as Figure 2 to part 646.

[FR Doc. 94–12897 Filed 5–25–94; 8:45 am]
BILLING CODE 3510–22–P

50 CFR Part 675

[Docket No. 931100–4043; I.D. 052394A]

Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for aggregate species in the Greenland turbot/arrowtooth flounder/sablefish trawl fishery category by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary because the 1994 Pacific halibut bycatch mortality allowance specified for that category has been reached.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), May 23, 1994, until 12 midnight, A.l.t., December 31, 1994.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, Senior Inseason Manager, Fisheries Management Division, NMFS, 907–586–7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by the Secretary of Commerce according to the Fishery Management Plan for the Groundfish Fishery of the BSAI (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

The 1994 Pacific halibut bycatch mortality allowance for the Greenland turbot/arrowtooth flounder/sablefish trawl fishery category, which is defined at § 675.21(b)(1)(iii)(C), is 137 metric tons (59 FR 7656, February 16, 1994).

The Director, Alaska Region, NMFS, has determined, in accordance with § 675.21(c)(1)(iv), that the Pacific halibut bycatch mortality allowance specified for that category has been reached. Therefore, NMFS is prohibiting directed fishing for aggregate species of the Greenland turbot/arrowtooth flounder/sablefish trawl fishery category by vessels using trawl gear in the BSAI from 12 noon, A.l.t., May 23, 1994, until 12 midnight, A.l.t., December 31, 1994.

Directed fishing standards for applicable gear types may be found in the regulations at § 675.20(h).

Classification

This action is taken under § 675.21 and is exempt from OMB review under E.O. 12866.

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

Dated: May 23, 1994.

David S. Crestin,

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

[FR Doc. 94–12896 Filed 5–23–94; 4:45 pm]
BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 59, No. 101
Thursday, May 26, 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.

FEDERAL RESERVE SYSTEM

12 CFR Part 208

[Regulation H; Docket No. R-0838]

Membership of State Banking Institutions in the Federal Reserve System

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board is proposing to amend Regulation H to implement section 6(b) of the Depository Institutions Disaster Relief Act of 1992, which authorizes state member banks to make investments designed primarily to promote the public welfare to the extent permissible under state law and subject to regulation by the Board. The proposed amendment would permit state member banks to make certain public welfare investments without specific Board approval and other public welfare investments with specific approval. The proposed rule also addresses the procedural aspects of these investments.

DATES: Comments must be submitted on or before July 22, 1994.

ADDRESSES: Comments, which should refer to Docket No. R-0838, may be mailed to the Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, Attention: Mr. William W. Wiles, Secretary; or may be delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. All comments received at the above address will be made available to the public, and may be inspected at the Freedom of Information Office, Room B-1122 between 8:45 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Manley Williams, Attorney (202/736-5565), Legal Division; Sandra Braunstein, Program Manager for Community Affairs, (202/452-3378), Division of Consumer and Community Affairs; Larry Cunningham, Senior Financial Analyst (202/452-2701), Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System. For the hearing impaired *only*, Telecommunications Device for the Deaf (TDD), Dorothea Thompson (202/452-3544), Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: Section 6(b) of the Depository Institutions Disaster Relief Act of 1992 added paragraph 23 to section 9 of the Federal Reserve Act, 12 U.S.C. 338a. Section 6(b) removes the restriction on the ability of state member banks to purchase, sell, underwrite, and hold investment securities provided that the investment is designed primarily to promote the public welfare and that the investment meets certain other criteria. Specifically, the investment must not violate state law or expose the bank to unlimited liability. The aggregate of the bank's public welfare investments must not exceed the sum of five percent of the bank's capital stock actually paid in and unimpaired and five percent of its unimpaired surplus fund. The Board may waive this limit by order, on a case-by-case basis, however, and permit a bank to make investments in an amount not exceeding the sum of ten percent of the capital stock actually paid in and unimpaired and ten percent of the unimpaired surplus fund of the bank. Finally, the Board must limit a bank's investments in any one project.

In the past, requests by state member banks to make public welfare investments have been dealt with on a case-by-case basis. To reflect section 6(b)'s amendment of the Federal Reserve Act and to facilitate public welfare investments under that section, the Board is publishing for comment an amendment to Regulation H to be incorporated in a new section entitled Community Development and Public Welfare Investments. This amendment would permit, in many cases, public welfare investments without Board approval.

Core Public Welfare Investments

The proposed rule identifies classes of public welfare investments that do not require Board approval, leaving less common investments and investments of more than five percent of a bank's capital subject to case-by-case review. The proposed rule's classification seeks to distinguish public welfare investments from entrepreneurial investments--section 6(b) merely states that public welfare investments include investments designed primarily to promote the welfare of low- and moderate-income communities or families. Under the proposed rule, a state member bank may invest, without Board approval, only in a corporation, limited partnership, or other entity established solely to engage in the following activities: low- and moderate-income housing; nonresidential real-estate development in a low- or moderate-income area if that real-estate is used primarily by low- and moderate-income persons; job training or placement for low- and moderate-income persons; small business development in a low- or moderate-income area; technical assistance and credit counseling to benefit community development; and job creation in a low- or moderate-income area for low- and moderate-income persons. The Board is particularly interested in comments on whether the test for low- and moderate-income housing should be based on whether a majority of the units are occupied by low- and moderate-income persons or on other Federal programs such as the low income housing credit in section 42 of the Internal Revenue Code.

In defining low- and moderate-income persons and low- or moderate-income area, the proposed rule uses definitions that will permit a state member bank to look to readily obtainable data. Specifically, the proposed rule uses the Department of Housing and Urban Development's Chapter 69 Community Development definition of low- and moderate-income persons. Similarly, low- or moderate-income area is defined as an area in which the median family income is less than eighty percent of the median family income of the Metropolitan Statistical Area, or, for non-metropolitan areas, the state. Finally, the proposed rule uses the Small Business Administration's definition of small business.

Substantive Requirements

The proposed rule contains a number of substantive requirements based on section 6(b). Specifically, the investment must not violate state law or expose the bank to unlimited liability. In addition, without Board approval, a state member bank's aggregate public welfare investments must not exceed

the sum of 5 percent of the bank's capital stock actually paid in and unimpaired and 5 percent of the bank's unimpaired surplus fund. The Board has previously determined that undivided profits may be considered part of the capital stock and surplus of a state member bank (12 CFR 250.152). Accordingly, the proposed rule limits aggregate public welfare investments without Board approval to up to five percent of the capital stock and surplus of the state member bank.

Section 6(b) also requires that the Board limit investments by a state member bank in any one public welfare investment. Investment of up to two percent of the bank's capital and surplus would not threaten the safety or soundness of a well-run adequately-capitalized bank. In addition, previous community development investments by state member banks have not approached this ceiling. Accordingly, the proposed rule limits a state member bank to investing not more than two percent of its capital and surplus in a single investment without Board approval.

The proposed rule also establishes certain non-statutory substantive requirements for state member banks seeking to make public welfare investments without Board approval. Specifically, the bank must be at least adequately capitalized and rated a composite CAMEL "1" or "2", and the bank must not be subject to any written agreement, cease and desist order, capital directive, or prompt corrective action directive issued by the Board or a Federal Reserve Bank acting under delegated authority. These requirements help to ensure that the investment is consistent with the safe and sound operation of the bank.

Procedural Requirements

The proposed rule sets forth four procedural requirements. First, to keep Federal Reserve Banks apprised of public welfare investments, within 30 days after making a public welfare investment, a state member bank must advise its Reserve Bank of the amount of the investment and the identity of the corporation, limited partnership, or other entity in which the investment is made. Second, a bank seeking to make an investment that falls outside of the investments specified in the proposed rule must receive Board approval. In no event may aggregate investments exceed ten percent of the bank's capital stock and surplus. Third, if a public welfare investment entered into under the proposed rule ceases to meet the statutory requirements or any requirements established by the Board in granting approval, the bank must divest itself of the investment to the extent that the investment ceases to meet those requirements.[1] Finally, if a preexisting public welfare investment meets the requirements for investments which do not need Board approval, or if the Board approved the investment, the bank need only notify its Reserve Bank of the investment within sixty days after the effective date of the final rule. For other preexisting public welfare investments, the bank should apply to the Board for approval of the investment within one year after the final rule's effective date.

Bank Holding Company Investments

In the event that the Board adopts a final rule permitting state member banks to make the proposed public welfare investments discussed above, the Board will consider revising its interpretation of Regulation Y to permit the same class of investments to be made by bank holding companies. If revised accordingly, a bank holding company could apply to make those investments under the existing expedited notice procedures.

To deal with proposed public welfare investments by state member banks during the pendency of the proposed rule, the Board has delegated to the Director of the Division of Bank Supervision and Regulation, in consultation with the General Counsel and the Director of the Division of Consumer and Community Affairs, the authority to approve investments that meet the requirements of the proposed rule.

Regulatory Flexibility Act Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.*), the Board certifies that the proposed amendment will not have a significant economic impact on a substantial number of small entities, and that any impact on those entities should be positive. The proposed amendments will reduce the regulatory burden for many state member banks by permitting them to make certain investments that had previously required Board approval, and will have no effect in other cases.

[1] This divestiture is governed by the same requirements as divestitures of interests acquired by a lending subsidiary of a bank holding company or a bank holding company itself in satisfaction of a debt previously contracted.

Divestiture is not required if the investment ceases to meet the non-statutory requirements concerning capital, CAMEL ratings, and enforcement actions.

List of Subjects in 12 CFR Part 208

Accounting, Agriculture, Banks, banking, Confidential business information, Currency, Federal Reserve System, Reporting and recordkeeping requirements, Securities.

For the reasons set forth in the preamble, the Board is proposing to amend 12 CFR part 208 as follows:

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM (REGULATION H)

1. The authority citation for part 208 is revised to read as follows:

Authority: 12 U.S.C. 36, 248(a), 248(c), 321-338a, 371d, 461, 481-486, 601, 611, 1814, 1823(j), 1828(o), 1831o, 1831p-1, 3105, 3310, 3331-3351, and 3906-3909; 15 U.S.C. l(b), l(g), l(i), 78b, 78o-4(c)(5), 78q, 78q-1, and 78w; 31 U.S.C. 5318.

2. Section 208.21 is added to subpart A to read as follows:

§ 208.21 Community development and public welfare investments.

(a) *Definitions*— (1) *Low- or moderate-income area* means:

(i) One or more census tracts in a Metropolitan Statistical Area where the median family income adjusted for family size in each census tract is less than eighty percent of the median family income adjusted for family size of the Metropolitan Statistical Area; or

(ii) If not in a Metropolitan Statistical Area, one or more census tracts or block-numbered areas where the median family income adjusted for family size in each census tract or block-numbered area is less than eighty percent of the median family income adjusted for family size of the State.

(2) *Low- and moderate-income persons* has the same meaning as low- and moderate-income persons as defined in 42 U.S.C. 5302a(20)(A).

(3) *Small business* means a business that meets the size eligibility standards of 13 CFR 121.802(a)(2).

(b) *Investments that do not require prior Board approval.* Notwithstanding the provisions of R.S. 5136, 12 U.S.C. 24 (Seventh) made applicable to State member banks by paragraph 20 of section 9 of the Federal Reserve Act (12 U.S.C. 335), a State member bank may make an investment, without prior Board approval, if the following conditions are met:

(1) The investment is in a corporation, limited partnership, or other entity:

(i) Where the Board has determined that an investment in that entity is a public welfare investment under paragraph 23 of section 9 of the Federal Reserve Act (12 U.S.C. 338a), or a

community development investment under Regulation Y (12 CFR 225.25(b)(6)); or

(ii) Where that entity engages solely in one or more of the following community development activities:

(A) Investing in, developing, rehabilitating, managing, selling, or renting residential property if a majority of the units will be occupied by low- and moderate-income persons;

(B) Investing in, developing, rehabilitating, managing, selling, or renting nonresidential real property or other assets located in a low- or moderate-income area and to be used primarily by low- and moderate-income persons;

(C) Investing in one or more small businesses located in a low- or moderate-income area to stimulate economic development;

(D) Investing in, developing, or otherwise assisting job training or placement facilities or programs that will be used primarily by low- and moderate-income persons;

(E) Investing in an entity located in a low- or moderate-income area if that entity creates long-term employment opportunities, a majority of which (based on full time equivalent positions) will be held by low- and moderate-income persons; and

(F) Providing technical assistance, credit counseling, research, and program development assistance to low- and moderate-income persons, small businesses, or nonprofit corporations to help achieve community development;

(2) The investment is permitted by State law;

(3) The investment will not expose the bank to liability beyond the amount of the investment;

(4) The investment does not exceed the sum of two percent of the bank's capital stock and surplus as defined under 12 CFR 250.162;

(5) The aggregate of all such investments of the bank does not exceed the sum of five percent of its capital stock and surplus as defined under 12 CFR 250.162;

(6) The bank is well capitalized or adequately capitalized under § 208.33(b)(1) and (2);

(7) The bank received a composite CAMEL rating of "1" or "2" under the Uniform Financial Institutions Rating System as of its most recent examination, and

(8) The bank is not subject to any written agreement, cease and desist order, capital directive, or prompt corrective action directive issued by the Board or a Federal Reserve Bank.

(c) *Notice.* Not more than 30 days after making an investment under paragraph (b) of this section, the bank shall advise its Federal Reserve Bank of the investment, including the amount of the investment and the identity of the entity in which the investment is made.

(d) *Investments requiring Board approval.* With prior Board approval, a State member bank may make public welfare investments under paragraph 23 of section 9 of the Federal Reserve Act (12 U.S.C. 338a), other than those specified in paragraph (b) of this section.

(e) *Divestiture of investments.* A bank shall divest itself of an investment made under paragraph (b), (d) or (f) of this section to the extent that the investment exceeds the scope of, or ceases to meet, the requirements of paragraphs (b)(1) through (5), or paragraph (d) of this section. The divestiture shall be made in the manner specified in Regulation Y (12 CFR 225.140) for interests acquired by a lending subsidiary of a bank holding company or the bank holding company itself in satisfaction of a debt previously contracted.

(f) *Preexisting investments.* (1) For ongoing investments made prior to [the final rule's effective date] that are covered by paragraph (b) of this section, a State member bank shall notify its Federal Reserve Bank of the investment not more than sixty days after [the final rule's effective date].

(2) For other ongoing investments made prior to [the final rule's effective date], a State member bank shall request Board approval not more than one year after [the final rule's effective date].

By order of the Board of Governors of the Federal Reserve System, May 19, 1994.

William W. Wiles,

Secretary of the Board.

[FR Doc. 94-12718 Filed 5-25-94; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–SW–03–AD]

Airworthiness Directives: Terra Corporation TRT 250 Series Transponder

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to the Terra Corporation TRT 250 series transponder (transponder). This proposal would require removing the transponder from the aircraft, inspecting it to determine if the AD applies, and replacing any affected transponder with a modified Terra Corporation transponder or another transponder that responds properly to Mode S interrogations from both an ATCRBS/Mode S ground station and TCAS II airborne equipment. This proposal is prompted by FAA tests that show that the transponder does not reply to certain interrogations by a Mode S or Traffic Collision Avoidance System (TCAS) II signal. The actions specified by the proposed AD are intended to prevent failure of the transponder to reply to Mode S interrogations from both Mode S ground stations and TCAS II airborne equipment which could result in loss of airspace separation.

DATES: Comments must be received by June 27, 1994.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94–SW–03–AD, 2601 Meacham Boulevard, room 663, Fort Worth, Texas 76137–4298. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Terra Corporation, 3520 Pan American Freeway NE, Albuquerque, New Mexico 87107–4796. This information may be examined at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Boulevard, room 663, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. George R. Hash, Aerospace Engineer, Airplane Certification Office, FAA, Rotorcraft Directorate, 2601 Meacham Boulevard, Fort Worth, Texas 76137, telephone (817) 222–5134, fax (817) 222–5959.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained is this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

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

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 94–SW–03–AD, 2601 Meacham Boulevard, room 663, Fort Worth, Texas 76137–4298.

Discussion

This notice proposes the adoption of a new airworthiness directive (AD), that is applicable to the Terra Corporation TRT 250 transponder, part number (P/N) 0900–0250–00, with serial numbers (S/N) 4194 and below, Modification Level (Mod Level) 4 and below; 3-inch ATI-mounted TRT 250 push-button transponders, P/N 0900–0250–20, with S/N 5324 and below, Mod Level 4 and below; and, TRT 250 D digital display transponders, P/N 0900–0250–30, with S/N 1155 and below, Mod Level 1 and below (transponder). Recent FAA tests have shown that these transponders do not reply to Air Traffic Control Radio Beacon System (ATCRBS) only or ATCRBS/Mode S "all-call" interrogations by a Mode S ground sensor. The affected transponder processes interrogation data beyond the P_3 pulse as an invalid interrogation, which causes it to suppress the reply. The Mode S ground stations and the TCAS II airborne equipment interrogates beyond the P_3 pulse. This inability of the affected transponder to reply to valid interrogations creates an unsafe condition. This condition, if not corrected, could result in failure of the transponder to reply to Mode S interrogations from Mode S ground stations and TCAS II airborne equipment, which could result in loss of airspace separation.

The FAA has reviewed and approved Terra Corporation Mandatory Service Bulletin SB–104, dated March 14, 1994, that describes procedures for modifying the transponder and then performing a final test procedure on the transponder unit.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require, within 6 months after the effective date of this AD, removal of the transponders to determine the P/N, S/N, and Mod Level. This proposal would also require replacement of any affected transponder with an appropriately modified Terra Corporation transponder or another transponder that responds properly to Mode S interrogations from both an ATCRBS/Mode S ground station and TCAS II airborne equipment.

The FAA has temporarily altered the Mode S ground sensors to permit the affected transponder to function normally. However, in order to make the Mode S ground sensors operational in support of the new national digital communication data link implementation, this temporary alteration will be removed following the replacement of all the affected transponders. The AD proposes to allow 6 months for replacement of the affected transponders.

The FAA estimates that 5,000 aircraft of U.S. registry would be affected by this proposed AD, that it would take approximately 1.5 work hours to accomplish the proposed actions, and that the average labor rate is $55 per work hour. Required parts would cost approximately $298 per transponder. Based on these figures, the total cost impact of the proposal on U.S. operators is estimated to be $1,902,500.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Terra Corporation: Docket No. 94–SW–03–AD.

Applicability: Model TRT 250 transponders, part number (P/N) 0900–0250–00, with serial numbers (S/N) 4194 and below, Modification Level (Mod Leval) 4 and below; 3-inch ATI-mounted TRT 250 push-button transponders, P/N 0900–0250–20, with S/N 5324 and below, Mod Levels 4 and below; and, TRT 250 D digital display transponders, P/N 0900–0250–30, with S/N 1155 and below, Mod Level 1 and below (transponder).

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the transponder to respond properly to Mode S interrogations from Mode S ground stations and Traffic Collision Avoidance System (TCAS) II airborne equipment, which could result in loss of airspace separation, accomplish the following:

(a) Within 6 months after the effective date of this AD, remove the TRT 250 series transponder in accordance with the procedures stated in the Accomplishment Section of Terra Corporation Mandatory Service Bulletin No. SB–104 (SB–104), dated March 14, 1994, and determine the part number (P/N), serial number (S/N), and modification level (Mod Level).

(b) If the determination made in paragraph (a) reveals one of the affected part numbers, serial numbers, and modification levels indicated in this AD, replace the affected transponder with:

(1) A Terra Corporation transponder that has modified in accordance with the provisions of SB–104, dated March 14, 1994;

(2) An unaffected Terra Corporation transponder; or,

(3) Another manufacturer's transponder that responds properly to Mode S

interrogations from both an ATCRBS/Mode S ground station and TCAS II airborne equipment.

(c) If installing a replacement Terra Corporation transponder that has been modified in accordance with the provisions of SB–104, dated March 14, 1994, perform a ramp test in accordance with the Testing section of SB–104, dated March 14, 1994. Conduct the tests and checks required by § 91.413 of the Federal Aviation Regulations (14 CFR 91.413) prior to approving the aircraft for return to service.

(d) Installation of an affected Terra Corporation transponder modified and tested in accordance with SB–104, dated March 14, 1994, or another transponder that responds properly to Mode S interrogations from both an ATCRBS/Mode S ground station and TCAS II airborne equipment constitutes terminating action for the requirements of this AD.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used when approved by the Manager, Airplane Certification Office, FAA, Rotorcraft Directorate. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Airplane Certification Office.

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

Issued in Fort Worth, Texas, on May 18, 1994.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 94–12868 Filed 5–25–94; 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

May 20, 1994.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of new leadership for the electronic bulletin board working group.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is providing notice of the new leadership of the industry Working Group developing standards relating to Electronic Bulletin Boards.

EFFECTIVE DATE: May 20, 1994.

ADDRESSES: Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT:

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

Michael Goldenberg, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 208–2294

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in room 3104, 941 North Capitol Street NE., Washington DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208–1397. To access CIPS, set your communications software to use 300, 1200 or 2400 bps, full duplex, no parity, 8 data bits, and 1 stop bit. CIPS can also be accessed at 9600 bps by dialing (202) 208–1781. The full text of this notice will be available on CIPS for 30 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in room 3104, 941 North Capitol Street, NE., Washington DC 20426.

At the Commission's informal conference on electronic bulletin boards (EBBs) on April 12, 1994, it was decided to consolidate the five EBB working groups into a single joint group. At a meeting held April 28, 1994, the Working Group appointed the American Gas Association as Chair and established an Agenda Committee consisting of representatives of five industry segments. The individuals who will be serving as the Chair and Agenda Committee members are:

Working Group Chair

Brian White, American Gas Association, 1515 Wilson Blvd., Arlington, VA 22209
PH: 703–841–8496
FAX: 703–841–8697

Agenda Committee Members

Fred Wolgel (Pipelines), Transco Energy, 2800 Post Oak Blvd., Houston, TX 77056–6106
PH: 713–439–3372
FAX: 713–439–4608

Steve Salese (Distributors), Consolidated Edison Co. of New York, 4 Irving Place, New York, NY 10003
PH: 212–460–3367
FAX: 212–529–1452

Gary Gannon (Marketers), Enron Gas Services, 1400 Smith Street, P.O. Box 1188, Houston, TX 77251–1188
PH: 713–853–6922
FAX: 713–646–3375

Randall N. Mills (Producers), Chevron U.S.A., 1301 McKinney, suite 2330, Houston, TX 77010
PH: 713–754–2563
FAX: 713–754–3840

Michael Mishkin (End Users), Sutherland, Asbill & Brennan, 1275 Pennsylvania Ave., NW., Washington, DC 20004–2404
PH: 202–383–0707
FAX: 202–637–3593

Persons who wish to participate in the Working Group process, and who are not currently on the mailing lists of any of the previous five working groups, should contact the Working Group Chair.

Lois D. Cashell,

Secretary.

[FR Doc. 94–12876 Filed 5–25–94; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

Indiana Regulatory Program

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

ACTION: Proposed rule; correction.

SUMMARY: OSM is correcting a typographical error in the proposed rule document announcing the public comment period on an amendment to the Indiana regulatory program published on Thursday, May 5, 1994 (59 FR 23176–23177). The proposed amendment consists of revisions to the Indiana statutes as made by the Indiana General Assembly and contained in Senate Enrolled Act (SEA) 179. The amendment is intended to revise the Indiana regulatory program concerning

disturbances in a floodway on a mine site.

FOR FURTHER INFORMATION CONTACT:

Roger W. Calhoun, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, room 301, Indianapolis, Indiana 46204, Telephone: (317) 226–6166.

SUPPLEMENTARY INFORMATION: On page 23176, third column, first full paragraph, the second sentence should be corrected to read "New subdivision 13(e)(3) is added to IC 13–2–22–13 to provide that operations conducted under IC 13–4.1 (Indiana SMCRA) are exempted from the need for a 'construction in a floodway' permit issued by the IDNR, Division of Water."

Dated: May 20, 1994.

Ronald C. Recker,

Acting Assistant Director, Eastern Support Center.

[FR Doc. 94–12862 Filed 5–25–94; 8:45 am]

BILLING CODE 4310–05–M

30 CFR Part 918

Louisiana Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Louisiana regulatory program (hereinafter, the "Louisiana program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to the Louisiana Surface Mining Regulations (LSMR) pertaining to revegetation success standards regarding tree and shrub stocking and ground cover for forest land. The amendment is intended to specify revegetation success standards for areas with a postmining land use of forestry.

DATES: Written comments must be received by 4 p.m., c.d.t. June 27, 1994. If requested, a public hearing on the proposed amendment will be held on June 20, 1994. Requests to present oral testimony at the hearing must be received by 4 p.m., c.d.t. on June 10, 1994. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under FOR FURTHER INFORMATION CONTACT.

ADDRESSES: Written comments should be mailed or hand delivered to James H. Moncrief at the address listed below.

Copies of the Louisiana program, the proposed amendment, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Tulsa Field Office.

James H. Moncrief, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, suite 550, Tulsa, OK 74135–6548.

Louisiana Department of Natural Resources, Office of Conservation, P.O. Box 94275, Baton Rouge, Louisiana 70804–9275, Telephone: (504) 342–5540.

FOR FURTHER INFORMATION CONTACT: James H. Moncrief Telephone: (918) 581–6430.

SUPPLEMENTARY INFORMATION:

I. Background on the Louisiana Program

On October 10, 1980, the Secretary of the Interior conditionally approved the Louisiana program. General background information on the Louisiana program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Louisiana program can be found in the October 10, 1980, **Federal Register** (45 FR 67340). Subsequent actions concerning Louisiana's program and program amendments can be found at 30 CFR 918.15.

II. Proposed Amendment

By letter dated May 3, 1994, Louisiana submitted a proposed amendment to its program pursuant to SMCRA (administrative record No. LA–348). Louisiana submitted the proposed amendment at its own initiative. The provision of LSMR that Louisiana proposes to revise is § 53123.B.4, standards for success of revegetation at final bond release on reclaimed lands developed for forestry.

Specifically, Louisiana proposes to review § 53123.B.4 to require that the success standards for (1) "live stems per acre" shall be

> 450 well-distributed free-to-grow live pine trees per acre of the same age or 250 well-distributed live hardwood trees per acre of the same age. Countable stems shall be a minimum of 3 years old.

and (2) "vegetative ground cover" shall be not less than 70 percent.

Louisiana also proposed to define at § 53123.B.4, "well-distributed" to mean uniform stocking levels over an entire planting site, "free-to-grow" to mean pine seedlings or saplings without significant hardwood competition, and to require that

> Competing vegetation shade the pine's crown on less than 30% of the crown's circumference and the pines are judged to have better than a 90% chance of capturing a place in the crown canopy.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Louisiana program.

1. Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under DATES or at locations other than the Tulsa Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

2. Public Hearing

Persons wishing to testify at the public hearing should contact the person listed under FOR FURTHER INFORMATION CONTACT by 4 p.m., c.d.t. on June 10, 1994. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to testify at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to testify have been heard. Persons in the audience who have not been scheduled to testify, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to testify have been heard.

3. Public Meeting

If only one person requests an opportunity to testify at a hearing, a

public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES.** A written summary of each meeting will be made a part of the administrative record.

IV. Procedural Determinations

1. Executive Order 12866

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

2. Executive Order 12778

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

3. National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

4. Paperwork Reduction Act

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

5. Regulatory Flexibility Act

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

V. List of Subjects in 30 CFR Part 918

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 20, 1994.

Linda M. Wagner,

Acting Assistant Director, Western Support Center.

[FR Doc. 94–12863 Filed 5–25–94; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 935

Ohio Permanent Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: OSM is announcing the receipt of proposed Program Amendment Number 68 to the Ohio permanent regulatory program (hereinafter the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment was initiated by Ohio and is intended to make the Ohio program as effective as the corresponding Federal regulations concerning contemporaneous reclamation. Specifically, the amendment proposes to define the terms "area mining" and "contour mining," to establish time and distance schedules for backfilling and grading for mining methods other than area and contour mining, to require the contemporaneous commencement of augering, and to require a description of the mining method in the operation plan contained in the permit.

DATES: Written comments must be received on or before 4 p.m., E.D.T., on June 27, 1994. If requested, a public hearing on the proposed amendments will be held on June 20, 1994. Requests to speak at the hearing must be received by 4 p.m., E.D.T., on June 10, 1994. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Richard J. Seibel, Director, at the address listed below.

Copies of the Ohio program, the proposed amendments, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Columbus Field Office.

Richard J. Seibel, Director, Columbus Field Office, Office of Surface Mining Reclamation and Enforcement, 4480 Refugee Road, suite 201, Columbus, Ohio 43232, Telephone: (614) 866–0578.

Ohio Department of Natural Resources, Division of Reclamation, 1855 Fountain Square Court, Building H–3 Columbus, Ohio 43224, Telephone: (614) 265–6675.

FOR FURTHER INFORMATION CONTACT: Richard J. Seibel, Director, Columbus Field Office, (614) 866–0578.

SUPPLEMENTARY INFORMATION:

I. Background on the Ohio Program

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Background information on the Ohio program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the August 10, 1982, **Federal Register** (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 935.11, 935.12, 935.15, and 935.16.

II. Description of the Proposed Amendment

By letter dated May 17, 1994 (Administrative Record No. OH–2018), the Ohio Department of Natural Resources, Division of Reclamation (Ohio), submitted proposed Program Amendment Number 68. In this amendment, Ohio proposes to revise three rules in the Ohio Administrative

Code (OAC) to make the Ohio program as effective as the corresponding Federal regulations concerning contemporaneous reclamation. The specific rule revisions proposed by Ohio in this amendment are briefly described below.

1. *OAC section 1501:13–1–02 paragraph (J):* Ohio is adding this new paragraph to define the term "mining area."

2. *OAC section 1501:13–4–02 paragraph (CC):* Ohio is adding this new paragraph to define the term "contour mining."

3. *OAC section 1501:13–4–05 paragraphs (A)(2)(a) (i) through (iv):* Ohio is adding these new paragraphs to require that the mining operation plan in permit applications shall identify the mining method to be used and, depending on that proposed mining method, the maximum extent of cover to be mined, the beginning and ending point of the mining, the direction of mining, spoil placement plans, the locations of haul roads, the intended timing of the mining operation, and any other information that demonstrates an orderly and reasonable progression of mining and that specifies how the mining operation will meet the contemporaneous reclamation requirements of OAC section 1501:13–9–13.

4. *OAC section 1501:13–4–05 paragraph (D)(2)(a):* Ohio is revising this paragraph to require that reclamation plans in the permit application shall contain a detailed timetable for the completion of each major step of the reclamation plan specific to the described mining method and addressing the contemporaneous reclamation requirements of OAC section 1501:13–9–13.

5. *OAC section 1501:13–9–13 paragraphs (A) (1) through (6):* Ohio is revising these paragraphs to clarify the rule language, to specify minimum time and distance requirements for backfilling and grading for mining methods other than contour or area mining, and to require the contemporaneous commencement of augering after the creation of the highwall to be augered.

6. *OAC section 1501:13–9–13 paragraph (A)(7):* Ohio is adding this new paragraph to clarify that areas that are backfilled and rough graded shall closely resemble the final ground surface configuration approved in the mining and reclamation plan but that these areas are not necessarily ready for resoiling or eligible for Phase I bond release.

As part of and in support of proposed Program Amendment Number 68, Ohio has also submitted a draft Policy/Procedure Directive which provides additional clarification and guidance on the proposed Ohio rule requirements for contemporaneous reclamation.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendment proposed by Ohio satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Ohio program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATES" or at locations other than the Columbus Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m., E.D.T., on June 10, 1994. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and who wish to do so will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings will be open to the public and, if possible, notices of the meetings will be posted at the locations listed under **ADDRESSES.** A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

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

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15 and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA [30 U.S.C. 1292(d)] provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

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

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for

which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 20, 1994.

Ronald C. Recker,

Acting Assistant Director, Eastern Support Center.

[FR Doc. 94–12864 Filed 5–25–94; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 935

Ohio Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: OSM is announcing the receipt of proposed Program Amendment Number 67 to the Ohio permanent regulatory program (hereinafter the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment was initiated by Ohio and is intended to make the Ohio program as effective as the corresponding Federal regulations concerning postmining land uses. Specifically, the amendment proposes to clearly identify postmining land use categories, to clarify the comparison of premining and postmining land uses, to clarify that "undeveloped land" may be the designated postmining land use only if the premining land use is undeveloped land, to clarify that "forestland" and "fish and wildlife habitat" are distinct postmining land uses, and to eliminate redundant provisions more stringent than the Federal regulations for notice and approval of alternative postmining land uses by other reviewing agencies and for the design of postmining land use plans by an engineer.

DATES: Written comments must be received on or before 4 p.m. e.d.t., on June 27, 1994. If requested, a public hearing on the proposed amendments will be held on June 20, 1994. Requests to speak at the hearing must be received by 4 p.m. e.d.t., on June 10, 1994. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Richard J. Seibel, Director, at the address listed below.

Copies of the Ohio program, the proposed amendments, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Columbus Field Office.

Richard J. Seibel, Director, Columbus Field Office, Office of Surface Mining Reclamation and Enforcement, 4480 Refugee Road, suite 201, Columbus, Ohio 43232, Telephone: (614) 866–0578.

Ohio Department of Natural Resources, Division of Reclamation, 1855 Fountain Square Court, Building H–3, Columbus, Ohio 43226, Telephone: (614) 265–6675.

FOR FURTHER INFORMATION CONTACT: Richard J. Seibel, Director, Columbus Field Office, (614) 866–0578.

SUPPLEMENTARY INFORMATION:

I. Background on the Ohio Program

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Background information on the Ohio program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the August 10, 1982, **Federal Register** (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 935.11, 935.12, 935.15, and 935.16.

II. Description of the Proposed Amendment

By letter dated May 17, 1994 (Administrative Record No. OH–2017), the Ohio Department of Natural Resources, Division of Reclamation (Ohio), submitted proposed Program Amendment Number 67. In this amendment, Ohio proposes to revise one rule at Ohio Administrative Code (OAC) section 1501:13–9–17 to make the Ohio program as effective as the corresponding Federal regulations concerning postmining land uses. The specific rule revisions proposed by Ohio in this amendment are briefly described below.

1. *Postmining land use categories:* Ohio is revising paragraphs (C)(1) through (C)(11) to clarify the titles of the eleven approved postmining land use categories.

2. *Mining prior to April 10, 1972:* Ohio is revising paragraph (B)(1) to clarify that the postmining land use for land that was mined pursuant to a license issued prior to April 10, 1972, shall be judged on the basis of the highest and best use that can be achieved which is compatible with surrounding areas and does not require the disturbance of areas previously unaffected by mining.

3. *Comparison of postmining and premining land uses:* Ohio is deleting the existing requirement in paragraph (B)(2) that, if the premining land use was changed within five years of the beginning of mining, the postmining land use shall be compared to the historic use of the land as well as its use immediately before mining.

4. *Undeveloped land use:* Ohio is adding a new requirement in paragraph (B)(2) that land may be returned to the undeveloped postmining land use category only if the land was categorized as undeveloped prior to mining.

Ohio is revising paragraph (C) to require that all proposed changes of land use, including changes from undeveloped land to forestland or fish and wildlife habitat, shall be considered an alternative land use change subject to approval by the Chief of the Ohio Department of Natural Resources, Division of Reclamation (the Chief).

Ohio is deleting the existing requirement in paragraph (D)(8) that plans to change the postmining land use to undeveloped land from some other land use category must treat the land as if the postmining land use were in the forestland/fish and wildlife habitat category.

5. *Forestland and Fish and Wildlife Habitat:* Ohio is revising paragraphs (C)(9) and (C)(10) to clarify that "forestland" and "fish and wildlife habitat" are distinct postmining land uses. The "forest" category includes land used for commercial or noncommercial production of wood or wood products.

6. *Agency review of postmining land uses:* Ohio is deleting the existing requirement in paragraph (D)(1) that requests for alternative postmining land use must contain a written statement of views from the authorities having statutory responsibilities for land use policies and plans. Ohio is also deleting

the requirement in paragraph (D)(1) that the operator must obtain any required approval of the final land use from local, State, or Federal land management agencies, including any necessary zoning or other required changes.

Ohio is revising paragraph (D)(6) to clarify that, for approval by the Chief, proposed alternative postmining land uses must identify measures to prevent or mitigate adverse effects on fish and wildlife and on threatened or endangered plants or animals or their critical habitats and must demonstrate that an opportunity to comment has been provided in accordance with OAC section 1501:13–9–11 to appropriate State and Federal fish and wildlife management agencies.

Ohio is deleting the existing requirement in paragraph (D)(9) that alternative postmining land use plans must demonstrate that the operator has provided written notice of the proposed land use to appropriate State and Federal agencies with instructions for those agencies to provide any comments on the proposed land use to the Chief.

7. *Design of postmining land use plans by an engineer:* Ohio is deleting the existing requirement at paragraph (D)(2) that postmining land use plans must be designed under the general supervision of a registered engineer or other appropriate professional.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendment proposed by Ohio satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Ohio program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Columbus Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m., E.D.T., on June 10, 1994. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and who wish to do so will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of the meetings will be posted at the location listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

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

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15 and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the State must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section702(d) of SMCRA [30 U.S.C. 1292(d)] provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

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

Regulatory Flexibility Act

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

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 20, 1994.

Ronald C. Recker,

Acting Assistant Director, Eastern Support Center.

[FR Doc. 94–12865 Filed 5–25–94; 8:45 am]

BILLING CODE 4310–05–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1275

RIN 3095–AA59

Preservation and Protection of and Access to the Presidential Historical Materials of the Nixon Administration, Extension of Comment Period on Proposed Amendment of Public Access Regulations

AGENCY: National Archives and Records Administration.

ACTION: Extension of comment period.

SUMMARY: On March 25, 1994 (59 FR at 14128) the National Archives and Records Administration published a proposed rule to amend regulations on procedures for preserving and protecting the Presidential historical materials of the Nixon administration and for providing public access to these materials. Comments were to be received by May 24, 1994. This comment period is hereby extended.

DATES: All comments must be received by close of business June 30, 1994.

ADDRESSES: All comments must be submitted in writing to the Policy and Program Analysis Division (NAA), National Archives and Records Administration, The National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740–6001.

FOR FURTHER INFORMATION CONTACT: Mary Ann Hadyka or Nancy Allard at (301) 713–6730 or TDD (301) 713–6760.

SUPPLEMENTARY INFORMATION: The period for comment is being extended to allow interested parties time for consideration and review of the proposed rule. Supplementary information and the full text of the proposed rule appear in the **Federal Register** of March 25, 1994, (59 FR at 14128).

Dated: May 23, 1994.

Trudy Huskamp Peterson,

Acting Archivist of the United States.

[FR Doc. 94–13007 Filed 5–24–94; 9:58 am]

BILLING CODE 7515–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 84

Respiratory Protective Devices

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Center for Disease Control and Prevention, Public Health Service, HHS.

ACTION: Proposed rule: extension of comment period, and change in dates and location of meeting.

SUMMARY: On May 24, 1994, NIOSH published in the **Federal Register** (59 FR 26850) a proposed rule for certification of respiratory protective devices. Due to requests from the public, this Notice announces that NIOSH is extending the period for public comment on the proposed rule and is rescheduling an informal public meeting announced in the preamble to the proposed rule. The close of the comment period has been changed from July 8, 1994, to July 22, 1994. The meeting has been rescheduled from June 7 and 8, 1994, to June 23 and 24, 1994.

DATES: Written comments on the proposed rule must be received at the NIOSH Docket Office before the close of business on July 22, 1994. The informal pubic meeting on the proposed rule is scheduled to begin at 10 a.m. on June 23, and at 9 a.m. on June 24, 1994. Interested persons wishing to provide oral comments at the informal public meeting should file a request for appearance with the NIOSH Docket Office no later than close of business June 16, 1994. The record of the informal public meeting will remain open for 28 days following the close of the meeting to allow interested persons to submit written statements or comments regarding oral presentations made at the public meeting.

ADDRESSES: Comments on the proposed rule should be mailed in triplicate to the NIOSH Docket Office, Robert A. Taft Laboratories, Mail Stop C34, 4676 Columbia Parkway, Cincinatti, Ohio 45226. Requests to participate in the public meeting should be mailed in duplicate to the NIOSH Docket Officer, at the above address. The public meeting will be held at the Vista Hotel, 1400 M Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Richard W. Metzler, Chief, Certification and Quality Assurance Branch, Division of Safety Research, NIOSH, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505–2888; the telephone number is (304) 284–5713.

Dated: May 24, 1994.

Ted Katz,

Acting Assistant Director for Legislation and Policy, NIOSH.

[FR Doc. 94–13028 Filed 5–25–94; 8:45 am]

BILLING CODE 4160–19–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AC22

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period and Notice of Public Hearing on Proposed Endangered Status for the Barton Springs Salamander

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of public hearing and reopening of comment period.

SUMMARY: The Fish and Wildlife Service (Service) provides notice that a public hearing will be held on the proposed determination of endangered status for the Barton Springs salamander (*Eurycea sosorum*) and that the comment period on the proposal is reopened. This salamander is found only in Barton Springs, Travis County, Texas. All interested parties are invited to submit comments on this proposal.

DATES: the public hearing will be held in two sessions, from 1 p.m. to 4:30 p.m., and from 6 p.m. to 10 p.m., on June 16, 1994, in Austin, Texas. The comment period, which originally closed on April 18, 1994, has been reopened and now closes on July 1, 1994. The Service will accept comments received between April 18, 1994 and July 1, 1994.

ADDRESSES: Both sessions of the public hearing will be held at the Lyndon Baines Johnson Auditorium, Lyndon Baines Johnson Library Complex, 2315 Red River Street, University of Texas campus, Austin, Texas. Written comments and materials should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services, 611 East 6th Street, room 407, Austin, Texas 78701. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Lisa O'Donnell, Biologist, U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, at the above address (telephone 512/482–5436).

SUPPLEMENTARY INFORMATION:

Background

The Baron Springs salamander is completely aquatic and currently known only from Barton Springs in Travis County, Texas. The salamander is threatened by contamination of the

waters that feed Barton Springs, reduced groundwater supplies, and disturbances to its surface habitat in the pools where it is found (such as use of chemicals and high pressure hoses for pool cleaning).

On February 17, 1994, the Service published a proposed rule in the **Federal Register** (59 FR 7968) to list the Barton Springs salamander as endangered under the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). Section 4(b)(5)(E) of the Act requires that a public hearing be held if requested within 45 days of the proposal's publication in the **Federal Register**. The first public hearing request received within the allotted time period came from Mr. Jon Beall, President of the Save Barton Creek Association, Austin, Texas. Several other hearing requests were subsequently received.

The Service has scheduled the requested hearing in two sessions, from 1 p.m. to 4:30 p.m., and from 6 p.m. to 10 p.m., on June 16, 1994, at the Lyndon Baines Johnson Auditorium, Lyndon Baines Johnson Library Complex, 2315 Red River Street, University of Texas campus, Austin, Texas. Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of their statement at the start of the hearing. So that everyone has the opportunity to make an oral statement, each person who wishes to do so should make their statement at only one of the sessions. In the event there is a large attendance, the time allotted for oral statements may have to be limited. Oral and written statements receive equal consideration. There are no limits to the length of written comments presented at this hearing or mailed to the Service.

The comment period on the proposed rule originally closed on April 18, 1994. The Service finds that good cause exists to reopen the comment period to accommodate the hearing. Written comments may now be submitted until July 1, 1994, to the Service office in the ADDRESS section. The Service will also accept comments received between April 18, 1994, and the publication date of this notice.

Author

The primary author of this notice is Lisa O'Donnell (see **ADDRESSES**).

Authority: The authority for this action is the Endangered Species Act of 1973 (16 U.S.C.1531 *et seq.*).

Dated: May 20, 1994.

John Cross,

Acting Regional Director, Region 2, Fish and Wildlife Service.

[FR Doc. 94–12846 Filed 5–25–94; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 641

[Docket No. 940536–4136; I.D. 041994B]

Reef Fish Fishery of the Gulf of Mexico

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

ACTION: Proposed rule.

SUMMARY: NMFS issues this proposed rule to implement Amendment 9 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). Amendment 9 would extend the current reef fish permit moratorium from its scheduled expiration on May 8, 1995, through as late as December 31, 1995. For the red snapper segment of the reef fish fishery, Amendment 9 would authorize the collection of commercial landings data for the years 1990 through 1992 and the collection of information to identify certain participants. It would also extend the red snapper endorsement system and its associated trip and landing limits from their scheduled expiration on December 31, 1994, through as late as December 31, 1995. The intended effects of this rule are to collect information needed to evaluate red snapper effort management alternatives, to identify individuals who may qualify for initial participation in a red snapper effort management regime, and to continue interim management measures until the Gulf of Mexico Fishery Management Council (Council) has an opportunity to implement longer-term measures.

DATES: Written comments must be received on or before July 11, 1994.

ADDRESSES: Comments on the proposed rule must be sent to Robert Sadler, Southeast Regional Office, NMFS, 9721 Executive Center Drive, St. Petersburg, FL 33702.

Requests for copies of Amendment 9, which includes an environmental assessment and a regulatory impact review, should be sent to the Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, suite 331, Tampa, FL 33609.

Comments regarding the collection-of-information requirement contained in this proposed rule should be sent to Edward E. Burgess, Southeast Regional Office, NMFS, 9721 Executive Center Drive, St. Petersburg, FL 33702, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503 (Attention: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Robert Sadler, 813–893–3161.

SUPPLEMENTARY INFORMATION: The reef fish fishery of the Gulf of Mexico is managed under the FMP, which was prepared by the Council and is implemented through regulations at 50 CFR part 641 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

Amendment 9 would: (1) Authorize the collection of historical red snapper landings data needed to evaluate red snapper effort management alternatives and to qualify individuals for initial shares; and (2) extend the moratorium on additional reef fish permits and the red snapper endorsement system, including its associated trip and landing limits, through December 31, 1995, unless replaced earlier by a red snapper effort management system. Red snapper commercial landings data for 1990, 1991, and 1992 would be collected for vessels according to owner and, in the case of permitted vessels for which the permit was based on the earned income qualification of an operator, according to such operator. Data would also be collected to identify "historical captains" in the red snapper fishery and their share arrangements with vessel owners.

Rationale for Proposed Actions

Historical Captains

After review of testimony and recommendations of the Council's Ad Hoc Allocation Advisory Panel, the Council determined that historical captains should be considered for fishing privileges under a red snapper effort management system, as well as vessel owners and operators whose earned income qualified for the vessel permit. The eligibility criteria for determining historical captain status were designed to discourage submission of applications by recent entrants to the fishery desiring to qualify for the effort management system.

To establish status as a historical captain for purposes of the effort management system, a captain must have:

(1) From November 6, 1989, through 1993, fished solely under a verbal or written share agreement with an owner to lease a vessel, such agreement providing for the operator to be responsible for hiring the crew, who were paid from his or her share;

(2) Landed from that vessel at least 5,000 lb (2,268 kg) of red snapper per year in 2 of the 3 years 1990, 1991, and 1992; and

(3) Derived more than 50 percent of his or her earned income from commercial fishing, that is, sale of the catch, in each of the years 1989 through 1993.

Proposed Data Collection

The proposed submittal of red snapper landings data to NMFS was requested by vessel owners, operators whose earned income qualified for the vessel permit, and historical captains who are interested in learning of their possible preliminary shares for planning purposes. This information will help fishermen determine their most likely level of participation in an individual transferable quota (ITQ) system, if adopted for the fishery. This also will help the Council and the industry decide whether to proceed with an ITQ system, as included in draft Amendment 8 to the FMP.

Under Amendment 9, persons wishing to participate in a limited access system must submit their landings data for consideration at this time. These landings data submitted to NMFS will cover all vessel owners, operators whose earned income qualified for the vessel permit, and historical captains who may qualify under a red snapper effort management system. Collection of landings information for the 1990–1992 period, for which data are readily available, will provide the Council with a complete data base and should obviate the need for collecting these data for that time period under proposed Amendment 8.

In its final decisions on Amendment 9, the Council recognized that it would be unnecessarily burdensome for historical captains to submit data that duplicate those provided by the vessel owners/operators. Accordingly, the collection of landings data from fishery participants under this rule is designed to avoid duplication of information available to NMFS.

Extension of Reef Fish Permit Moratorium and Red Snapper Endorsement

The reef fish permit moratorium was implemented on May 8, 1992, for 3 years ending May 8, 1995, to prevent speculative entry, as had previously occurred, while the Council considers other reef fish management alternatives. The red snapper endorsement and trip limit provisions were established by emergency action, and continued through December 31, 1994, under Amendment 6 to the FMP. The purpose of the action was to prevent an extremely short season and a "derby" fishery, such as occurred in 1992.

The problems in the fishery that led to implementation of the permit moratorium and the red snapper endorsement system are expected to persist until a more comprehensive program to limit access to the red snapper fishery is in place. The Council anticipates that the reef fish fishery, particularly for red snapper, would be unnecessarily disrupted if the moratorium and red snapper endorsement provisions were to expire before implementation of a limited access system; but the Council believes the moratorium should not be continued indefinitely. The Council's target date for implementing a limited access system, if one of the current management options under consideration is adopted, is January 1, 1996. Accordingly, the Council determined that the permit moratorium and red snapper endorsement system should be extended through December 31, 1995, or until such limited access system is implemented, whichever is earlier.

Additional Changes Proposed by NMFS

In addition to the measures contained in Amendment 9, NMFS proposes the following changes to clarify the regulations.

In Amendment 4 to the FMP, which contained the moratorium on additional permits in the reef fish fishery, and in Amendment 5 to the FMP, which contained the moratorium on additional participants in the fish trap segment of the reef fish fishery, the Council specified that a permit or fish trap endorsement that is not renewed will not be reissued. A permit/endorsement is considered to have been "not renewed" when a complete application for renewal is not received within one year after the expiration date of the permit. This criterion is based on the fact that permits are generally issued for a period of one year. NMFS considers this criterion to be consistent with the Council's intent, and it has been consistently applied. For clarity, NMFS proposes to include this criterion in the regulations at § 641.4(m)(4) and (p)(5).

Regulations implementing Amendment 7 to the FMP allow the transfer of a fish trap endorsement when ownership of a vessel with a fish trap endorsement is transferred to certain relatives of the owner (see 50 CFR 641.4 as amended on February 7, 1994 (59 FR 6588, February 11, 1994)). In accordance with the Council's intent, NMFS proposes to amend the regulations at § 641.4(p)(4) to clarify that such new owner may renew the fish trap endorsement without having to meet the requirements applicable to the initial issuance of the endorsement, that is, a history of reef fish landings from traps.

In the restrictions applicable in the longline and buoy gear restricted area and in the special management zone (SMZ), at § 641.23(b)(1) and (d)(2), respectively, the specification of what constitutes "fishing for reef fish" may be interpreted as a change in the definition of "fishing," so that possession of reef fish, or certain quantities of reef fish, aboard a vessel while in transit of the restricted area or SMZ would be prohibited. The intent of the measures is to restrict harvesting in these areas, and not possession of reef fish while in transit. To achieve the intended result, NMFS proposes revised language to clarify that the definition of "fishing" is not changed.

Classification

This proposed rule is exempt from prepublication review for purposes of E.O. 12866.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities, because no reduction in gross revenues is expected and capital costs of compliance are not expected to be significant. As a result, a regulatory flexibility analysis was not prepared.

Section 641.10 of this proposed rule, concerning the collection of data on red snapper, contains two collection-of-information requirements subject to the Paperwork Reduction Act— specifically, information on landings of red snapper and documentation of status as a historical captain in the red snapper fishery. Requests to collect this information have been submitted to OMB for approval. The public reporting burdens for these collections of information are estimated to average 2 and 5 hours per response, respectively, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. Send comments regarding these reporting burden estimates or any other aspects of the collections of information, including suggestions for reducing the burdens, to NMFS and OMB (see ADDRESSES).

List of Subjects in 50 CFR Part 641

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: May 20, 1994.

Charles Karnella,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 641 is proposed to be amended as follows:

PART 641—REEF FISH FISHERY OF THE GULF OF MEXICO

1. The authority citation for part 641 continues to read as follows:

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

2. In § 641.4, paragraph (m) introductory text, paragraph (m)(4), paragraph (o) introductory text, and paragraphs (p)(4) and (p)(5) are revised, and introductory text for paragraph (n) is added to read as follows:

§ 641.4 Permits and fees.

* * * * *

(m) *Moratorium on permits.* This paragraph (m) is effective through December 31, 1995.

* * * * *

(4) A permit that is not renewed or that is revoked will not be reissued. A permit is considered to be not renewed when an application for renewal is not received by the Regional Director within one year of the expiration date of the permit.

(n) *Red snapper endorsement.* This paragraph (n) is effective through December 31, 1995.

* * * * *

(o) *Condition of a permit.* Effective through December 31, 1995, as a condition of a reef fish permit issued under this section, without regard to where red snapper are harvested or possessed, a permitted vessel—

* * * * *

(p) * * *

(4) A fish trap endorsement is not transferable upon change of ownership of a vessel with a fish trap endorsement, except when such change of ownership is from one to another of the following: husband, wife, son, daughter, brother, sister, mother, or father. In the event of such transfer of a fish trap endorsement, the new owner of the vessel may renew the endorsement without regard to the requirement of paragraph (p)(1) of this section regarding a record of landing of reef fish from fish traps.

(5) A fish trap endorsement that is not renewed or that is revoked will not be reissued. A fish trap endorsement is considered to be not renewed when an application for renewal is not received by the Regional Director within one year of the expiration date of the permit.

3. In § 641.7, effective from the effective date of the final rule through September 30, 1994, a new paragraph (ee) is added to read as follows:

§ 641.7 Prohibitions.

* * * * *

(ee) Falsify information submitted in accordance with § 641.10.

4. In subpart A, effective from the effective date of the final rule through September 30, 1994, a new § 641.10 is added to read as follows:

§ 641.10 Red snapper data collection.

(a) *General.* (1) To evaluate red snapper effort management alternatives, including individual transferable quota (ITQ) systems and license limitations, it is necessary to obtain commercial red snapper landings data for the years 1990 through 1992. To identify individuals who may qualify for initial participation in a red snapper effort management regime, it is necessary to identify certain participants in the red snapper fishery, specifically, operators of vessels who were the earned income qualifiers for the vessels' reef fish permits and those who are "historical captains." In the latter case, documentation of a historical captain's share agreement with the vessel's owner is also required.

(2) For the purpose of the red snapper effort limitation alternatives, a historical captain means an operator who—

(i) From November 6, 1989, through 1993, fished solely under a verbal or written share agreement with an owner to lease a vessel, such agreement provided for the operator to be responsible for hiring the crew, who were paid from his or her share;

(ii) Landed from that vessel at least 5,000 lb (2,268 kg) of red snapper per year in 2 of the 3 years 1990, 1991, and 1992; and

(iii) Derived more than 50 percent of his or her earned income from commercial fishing, that is, sale of the catch, in each of the years 1989 through 1993.

(3) The data collection described in this section will be the only collection for the effort management alternatives currently being considered by the Council. Accordingly, failure to submit requested data may result in failure to be included among the initial participants in the red snapper fishery under an effort management system and/or failure to obtain the full initial share of red snapper to which a person may be entitled under an ITQ regime.

(b) *Existing data.* (1) NMFS has records of all red snapper landings reported by vessel logbook forms submitted pursuant to § 641.5 (a) or (b) and has access to records of red snapper landings reported under Florida's trip ticket system. NMFS also has records of the earned income qualifier for each vessel permit issued for reef fish. Data duplicating these records are not needed.

(2) Landings of red snapper reported by vessel logbook forms and received by the Science and Research Director prior to September 16, 1992, are conclusive as to red snapper landed during the months that such logbook forms were required of, or voluntarily submitted by, a vessel—landings data from other sources will not be considered for such months. In the absence of landings data from such logbook forms, landings of red snapper reported under Florida's trip ticket system and received by the State prior to September 16, 1992, are conclusive as to landings in Florida—landings data from other sources will not be considered for landings in Florida. However, vessel owners/operators will be given printouts of their logbook/trip ticket records of landings and will have an opportunity to submit records they believe were omitted.

(c) *Additional landings data.* (1) An owner or operator who wishes to be considered for initial participation in the red snapper fishery under an effort management system may submit documentation of red snapper landings not covered by vessel logbook forms or the Florida trip ticket system.

(i) Such documentation may consist of copies of trip receipts that show dates and amounts of landings of red snapper. Trip receipts must definitively show the species known as red snapper and the vessel's name, official number, or other reference that provides a way of clearly identifying the vessel.

(ii) Such documentation may also consist of dealer records that show dates and amounts of landings of red snapper. As with trip receipts, dealer records must definitively show the species known as red snapper and the vessel's name, official number, or other reference that provides a way of clearly identifying the vessel. Dealer records must contain a sworn affidavit by the dealer confirming the accuracy and authenticity of the records. A sworn affidavit is an official written statement wherein the individual signing the affidavit affirms that the information presented is accurate and can be substantiated, under penalty of law.

(iii) Documentation by a combination of trip receipts and dealer records is acceptable, but duplicate records for the same landings are not acceptable.

(2) Red snapper landings data will not be accepted—

(i) For a period during which the harvesting vessel did not have a permit, provided a permit was required during such period. Permits were not required

from January 1 through April 22, 1990, and from January 1 through 31, 1992.

(ii) For a period during which the commercial red snapper fishery in the EEZ was closed. The commercial red snapper fishery was closed in the EEZ from August 24 through December 31, 1991, from February 22 through April 2, 1992, and from May 15 through December 31, 1992.

(3) Additional landings data submitted under this paragraph (c) must be attached to a Red Snapper Landings Data form, which is available from the Regional Director, and must be postmarked between the effective date of the final rule and a date not later than the date 60 days from effective date of the final rule.

(d) *Historical captains.* (1) An operator who wishes to be considered for status as a historical captain in the red snapper fishery under an effort management system may submit documentation of such status by providing the following:

(i) A Historical Captain Status form, available from the Regional Director, which requests information necessary to determine such status and information to establish the share agreement of a historical captain with the vessel's owner;

(ii) A Red Snapper Landings Data form and accompanying additional landings data pursuant to paragraph (c) of this section, if such form and data have not been submitted by a vessel owner;

(iii) Copies of forms and schedules from the applicant's income tax returns for the years 1989 through 1993 that show total earned income and that part of earned income derived from commercial fishing, that is, sale of the catch (generally, pages 1 and 2 of Form 1040, W–2's, and Schedule C); and

(iv) Documentation of a landing of red snapper prior to November 7, 1989.

(2) Forms and information submitted under paragraph (d)(1) of this section must be postmarked between the effective date of the final rule and the date 60 days from effective date of the final rule.

(e) *Verification.* Documentation of red snapper landings, documentation of status as a historical captain, and other information submitted under this section are subject to verification by comparison with state, Federal, and other records and information. Submission of false documentation or information may disqualify a person from initial participation under a red snapper effort management system.

5. In § 641.23, paragraphs (b)(1) introductory text and (d)(2) introductory text are revised to read as follows:

§ 641.23 Area limitations.

* * * * *

(b) * * *

(1) Longline and buoy gear may not be used to fish for reef fish in the longline and buoy gear restricted area. For the purpose of this paragraph (b), "for reef fish" means possessing or landing reef fish—

* * * * *

(d) * * *

(2) In the SMZ specified in paragraph (d)(1) of this section, fishing for reef fish is limited to hook-and-line gear with three or fewer hooks per line and spearfishing gear. For the purpose of this paragraph (d), "for reef fish" means possessing reef fish aboard or landing reef fish from—

* * * * *

[FR Doc. 94–12832 Filed 5–23–94; 8:45 am]
BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 59, No. 101
Thursday, May 26, 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 COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of application to amend certificate.

SUMMARY: The Office of Export Trading Company Affairs ("OETCA"), International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review. This notice summarizes the proposed amendment and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: W. Dawn Busby, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. An original and five (5) copies should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1800H, Washington, D.C. 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 84–6A012."

Northwest Fruit Exporters' ("NFE") original Certificate was issued on June 11, 1984 (49 FR 24581, June 14, 1984) and previously amended on May 2, 1988 (53 FR 16303, May 6, 1988), September 21, 1988 (53 FR 37628, September 27, 1988); September 20, 1989 (54 FR 39454, September 26, 1989); and November 19, 1992 (57 FR 55510, November 25, 1992). A summary of the application for an amendment follows.

Summary of the Application

Applicant: Northwest Fruit Exporters ("NFE"), 6 South 2nd Street, Suite 918, Yakima, Washington 98907
Contact: Ken Severn, Secretary/Treasurer, Telephone: (509) 453–4837
Application No.: 84–6A012
Date Deemed Submitted: May 18, 1994
Proposed Amendment: Northwest Fruit Exporters seeks to amend its Certificate to:

1. Add each of the following companies as a new "Member" of the Certificate within the meaning of § 325.2(1) of the Regulations (15 CFR 325.2(1)): Allan Bros., Inc., Naches, Washington; Baker Produce, Inc., Kennewick, Washington; Bardin Farms Corp., Monitor Washington; Beebe Orchard Company, Chelan, Washington; Blue Chelan, Inc., Chelan, Washington; Blue Star Growers, Inc., Cashmere, Washington; Borton & Sons, Yakima, Washington; Brewster Heights Packing, Brewster, Washington; Broetje Orchards, Prescott, Washington; Earl E. Brown & Sons, Inc., Milton-Freewater, Oregon; Carlson Orchards, Yakima, Washington; Chief Tonasket Growers, Tonasket, Washington; Clasen Fruit & Cold Storage Co., Yakima, Washington; Columbia Marketing International Corp., Wenatchee, Washington; Congdon Orchards, Inc., Yakima, Washington; Cowiche Growers, Inc., Cowiche, Washington; Cowin & Sons, Wapato, Washington; Crisp'n Spicy Growers, Inc., Pateros, Washington; Cubberley Packing Co., Inc., Tieton, Washington; Double Diamond Fruit, Quincy, Washington; Douglas Fruit Co., Pasco, Washington; Dovex Export Co., Wenatchee, Washington (controlling entity: Dovex Corporation); Dovex Fruit Company, Wenatchee, Washington (controlling entity: Dovex Corporation); Duckwall-Pooley Fruit Co., Odell, Oregon; E.W. Brandt & Sons Inc., Parker, Washington; Eakin Fruit Co., Union Gap, Washington; Evans Fruit Co., Inc., Yakima, Washington; Gilbert Orchards, Inc., Yakima, Washington; Gold Digger Apples, Inc., Oroville, Washington; Gwin, White & Prince Inc., Wenatchee, Washington; H & H Orchards Packing, Inc., Malaga, Washington; Haas Fruit Co., Inc., Yakima, Washington (controlling entity: John I. Haas, Inc.); Highland Fruit Growers, Inc., Yakima, Washington; Holt and Robison Fruit Co., Inc., Omak, Washington; Jack Frost Fruit Co., Yakima, Washington; Johnny Appleseed of WA/CRO Fruit Co., Wenatchee, Washington; Jones Fruit & Produce, Inc., Cashmere, Washington; Jones Orchards, Yakima, Washington (controlling entity: Warren Jones Co.); Kershaw Fruit & Cold Storage, Yakima, Washington; Larson Fruit Co., Selah, Washington; Lloyd Garretson Co., Inc., Yakima, Washington; M & J Fruit Sales, Yakima, Washington; Magi, Inc., Brewster, Washington; Majestic Valley Produce, Wenatchee, Washington; Manson Growers Cooperative, Manson, Washington; Matson Fruit Company, Selah, Washington; McDougall & Sons, Inc., Wenatchee, Washington; Naumes, Inc., Medford, Oregon; Nickell Orchards, Pateros, Washington; Northwestern Fruit & Produce Co., Yakima, Washington; Nuchief Sales Inc., Wenatchee, Washington; Orchard View Farms, The Dalles, Oregon; Oro Fruit Company, Oroville, Washington; Pacific Fruit Growers & Packers, Inc., Yakima, Washington; Perham Fruit Corp., Wapato, Washington; Peshastin Fruit Growers Assn., Peshastin, Washington; Peshastin Hi-Up Growers, Peshastin, Washington; Phillippi Fruit Co., Inc., Wenatchee, Washington; Pine Canyon Fruit Co., Inc., Orondo, Washington; Poirier Packing & Warehouse, Pateros, Washington; Price Cold Storage, Yakima, Washington; R.E. Redman & Sons, Inc., Wapato, Washington; Rainier Fruit Sales, Selah, Washington; Regal Fruit Cooperative, Tonasket, Washington; Roche Fruit Company, Inc., Yakima, Washington;

Rowe Farms, Naches, Washington; Strand Apples, Inc., Cowiche, Washington; Sun King Fruit, Sunnyside, Washington; Sund-Roy, Inc., Yakima, Washington; Taplett Fruit Packing Inc., Wenatchee, Washington; Trout, Inc., Chelan, Washington; Valicoff Fruit Company, Inc., Wapato, Washington; Valley Fruit, Wapato, Washington; Wapato Fruit, Wapato, Washington; Wells & Wade Fruit Co., Wenatchee, Washington (controlling entity: Dole Food Co., Inc.); Witte Orchards, E. Wenatchee, Washington; and Zirkle Fruit Co., Selah, Washington;

2. Delete the following company as a "Member" of the Certificate: Columbia Reach Pack, Yakima, Washington;

3. Change the listing of the company name for each current "Member" cited in this paragraph to the new listing cited in this paragraph in parenthesis as follows: Auvil Fruit Company (Auvil Fruit Co., Inc.); Cascadian Fruit Shippers, Cascadian Fruit Shippers, Inc.); Columbia Fruit Packers (Columbia Fruit Packers, Inc.); Hansen Fruit & Cold Storage (Hansen Fruit & Cold Storage Co.); C.M. Holtzinger Company (C.M. Holtzinger Fruit Co., Inc.); Stemilt Growers (Stemilt Growers, Inc.); and Washington Fruit & Produce (Washington Fruit & Produce Co.);

4. Change the definition of "Products" to include "fresh apples" making the Certificate applicable to the export of fresh sweet cherries and apples by NFE and its Members, on behalf of the Members;

5. Revise the "Export Trade Activities and Methods of Operation" in NFE's Export Trade Certificate of Review. The revised "Export Trade Activities and Methods of Operation" should read as follows:

1. NFE may on behalf and with the advice of its Members advise and cooperate with the United States Government in establishing procedures regulating the export of the Products, and fulfilling the requirement(s) imposed by foreign governments for export of the Products;

2. NFE may on behalf and with the advice of its Members participate in negotiations and enter into agreements with foreign governments and private persons regarding:

(a) Fumigating, packing and other quality control and/or phytosanitary procedures to be followed in the export of the Products. Such procedures may include activities related to insect and disease detection, certification, inspection, storage and treatment protocols required to qualify goods for export shipment and to meet the import requirements of the foreign government;

(b) The quantities, time periods, prices and terms and conditions upon which NFE's Members will export the Products;

3. NFE may on behalf and with the advice of its Members, establish and operate fumigation facilities for use in the export of the Products;

4. NFE may on behalf and with the advice of its Members establish export prices and quotas and allocate export quotas among growing regions and its Members. In allocating export quotas among growing regions and its Members, NFE, through employees or agents of NFE who are not also employees of a Member, may receive, and each Member may supply to such employees or agents of NFE, information as to such Member's actual total shipments of the Products in any previous growing season or seasons, provided that such information is not disclosed by NFE to any other Member;

5. NFE may on behalf and with advice of its Members establish and administer phytosanitary protocols for the purpose of qualifying the Products for Export Markets;

6. NFE may on behalf and with the advice of its Members provide market entry and development assistance, including related administrative and promotional services, to its Members;

7. NFE may on behalf and with the advice of its Members negotiate and enter into agreements with providers of transportation services for export of the Products;

8. NFE may on behalf and with the advice of its Members establish methods and/or rates of fees and assessments to its membership to recover administrative expenses and costs related to qualifying and preparing the Products for export;

9. NFE may on behalf and with the advice of its Members develop internal procedures and disseminate information to Members to assist the membership in meeting the criteria established for exportation of the Products;

10. NFE may on behalf and with the advice of its Members coordinate activities of growers and packers in the process of qualifying their goods throughout the various stages of growing, harvesting, grading, packing, packaging, labeling, storage, and treatment in readying the goods for export shipment;

11. NFE may on behalf and with the advice of its Members allocate volume shares amongst Members for shipment of goods, use of facilities, use of time of domestic and foreign inspection personnel, and other resources of the applicant;

12. NFE may on behalf and with the advice of its Members conduct quality control studies and inspections of goods at point of shipment, point of arrival, and through retail level.

6. Revise Provision (d) listed under "Terms and Conditions of Certificate" in NFE's current Export Trade Certificate of Review. The revised Provision should read as follows:

(d) NFE will comply with requests made by the Department of Commerce on behalf of itself or the Department of Justice for information or documents relevant to conduct under the Certificate. The Department of Commerce will request such information or documents when either the Department of Justice or the Department of Commerce believes it requires the information or documents to determine that the Export Trade, Export Trade Activities or Methods of Operation of the persons protected by this Certificate of Review continue to comply with the standards of section 303(a) of the Act;

7. Revise the "Protection Provided by Certificate" paragraph. That paragraph should read as follows:

This Certificate protects NFE and its directors, officers, and employees acting on its behalf, as well as its Members, from private treble damage actions and government criminal and civil suits under U.S. federal and state antitrust laws for the export conduct specified in the Certificate and carried out during its effective period in compliance with its terms and conditions;

8. Revise the "Effective Period by Certificate" paragraph. That paragraph should read as follows:

This Certificate continues in effect until it is revoked or modified as provided in section 304(b) of the Act and § 325.9 of the Regulations; and

9. Revise the "Disclaimer" paragraph. That paragraph should read as follows:

The issuance of this Certificate of Review to NFE and its Members by the United States Government under the provisions of the Act, does not constitute, explicitly or implicitly, an endorsement or opinion of the United States Government concerning either (a) the viability or quality of the business plans of NFE or (b) the legality of such business plans of NFE under the laws of the United States (other than as provided in the Act) or under the laws of any foreign country. This Certificate does not apply to sales to the United States Government or to any sale more than half the cost of which is borne by the United States Government.

In accordance with the authority granted under the Act and Regulations, this Certificate of Review is hereby issued to NFE.

Dated: May 20, 1994.

Friedrich R. Crupe,

Deputy Director, Office of Export Trading Company Affairs.

[FR Doc. 94–12907 Filed 5–25–94; 8:45 am]

BILLING CODE 3510–25–P

University of Massachusetts et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 A.M. and 5 P.M. in room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

Docket Number: 93–086R. *Applicant:* University of Massachusetts, Amherst, MA 01003. *Instrument:* Laser Light Scattering Goniometer System, Model ALV/DLS-5000. *Manufacturer:* ALV-Laser Vertriebsgesellschaft, m.b.H., Germany. *Intended Use:* See notice at 58 FR 42941, August 12, 1993. *Reasons:* The foreign instrument provides 1) simultaneous measurement of both static and dynamic light scattering under computer control and 2) simultaneous measurement of two independent correlation functions over the entire delay time range from 400ns to maximum delay (>1.6 s). *Advice Received From:* A university research department, April 20, 1994.

Docket Number: 93–115. *Applicant:* University of Hawaii, Honolulu, HI 96822. *Instrument:* Stopped Flow Accessory, Model SFA-12M. *Manufacturer:* Hi-Tech Scientific Ltd., United Kingdom. *Intended Use:* See notice at 58 FR 51618, October 4, 1993. *Reasons:* The foreign instrument provides ready adaptability to existing spectrometers and computers and temperature control in the 5° to 80°C range. *Advice Received From:* The National Institutes of Health, March 29, 1994.

Docket Number: 93–117. *Applicant:* University of Colorado, Boulder, CO 80309-0334. *Instrument:* Portable Chlorophyll Fluorometer and Accessories, Model PAM-2000. *Manufacturer:* Heinz Walz, GmbH, Germany. *Intended Use:* See notice at 58 FR 51618, October 4, 1993. *Reasons:* The foreign instrument provides a high intensity far-red light source and a modulated halogen light source for rapid and complete oxidation and reduction of photosynthetic organisms. *Advice Received From:* The National Institutes of Health, March 31, 1994.

Docket Number: 93–120. *Applicant:* Clemson University, Clemson, SC 29634-1511. *Instrument:* Refractometer (Used), Model R-1. *Manufacturer:* Canon, Japan. *Intended Use:* See notice at 58 FR 51619, October 4, 1993. *Reasons:* The foreign instrument provides: (1) measurement of visual accommodation using a two-way mirror for testing a variety of stimulus objects and (2) testing in total darkness. *Advice Received From:* The National Institutes of Health, March 29, 1994.

Docket Number: 93–122. *Applicant:* Argonne National Laboratory, Argonne, IL 60439-4874. *Instrument:* ICP Mass Spectrometer, Model PlasmaQuad PQ2. *Manufacturer:* VG Elemental, United Kingdom. *Intended Use:* See notice at 58 FR 55043, October 25, 1993. *Reasons:* The foreign instrument provides a mass range of 3 to 300 amu and an abundance sensitivity of 1.0×10^{-6} at low mass and of 1.0×10^{-7} at high mass. *Advice Received From:* The National Institutes of Health, March 29, 1994.

Docket Number: 93–124. *Applicant:* Brandeis University, Waltham, MA 02254. *Instrument:* Microvolume Stopped-Flow Spectrophotometer, Model SX.17 MV. *Manufacturer:* Applied Photophysics, United Kingdom. *Intended Use:* See notice at 58 FR 55043, October 25, 1993. *Reasons:* The foreign instrument provides: 1) sample volumes to 25 µl, 2) dead time of 850 µs and 3) temperature control from 0° to 60°C with 0.1°C resolution. *Advice Received From:* The National Institute of Health, March 31, 1994.

Docket Number: 93–125. *Applicant:* University of Texas Health Science Center, Houston, TX 77030. *Instrument:* Hyperbaric Ventilator. *Manufacturer:* Pneu Pac, United Kingdom. *Intended Use:* See notice at 58 FR 55043, October 25, 1993. *Reasons:* The foreign instrument provides a tidal volume range of 300 to 800 ml at 0.25 to 4.0 bar with an adjustable inspiration time of 0.5 to 2.5 s and an expiration time of 1.0 to 5.0 s. *Advice Received From:* The National Institutes of Health, March 31, 1994.

Docket Number: 93–127. *Applicant:* Argonne National Laboratory, Argonne, IL 60439. *Instrument:* UV Excimer Laser Amplifier, Model LPX 110i. *Manufacturer:* Lambda Physik, Germany. *Intended Use:* See notice at 58 FR 55043, October 25, 1993. *Reasons:* The foreign instrument provides a light output pulse of 8.0 mJ at 308 nm and an ASE less than 4% of total light output. *Advice Received From:* The National Institute of Health, March 31, 1994.

Docket Number: 93–130. *Applicant:* University of Colorado, Boulder, CO 80309-0334. *Instrument:* Leaf Disc Oxygen Electrode Systems. *Manufacturer:* Hansatech Instruments Limited, United Kingdom. *Intended Use:* See notice at 58 FR 59012, November 5, 1993. *Reasons:* The foreign instrument provides gas phase measurements of photosynthetic oxygen exchange from intact leaves. *Advice Received From:* The National Institutes of Health, March 31, 1994.

A university research department and the National Institutes of Health advise that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) they know of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

Pamela Woods

Acting Director, Statutory Import Programs Staff

[FR Doc. 94–12908 Filed 5–25–94; 8:45 am]

BILLING CODE 3510–DS–F

Minority Business Development Agency

Business Development Center Applications: Bakersfield, CA

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Cancellation of notice.

SUMMARY: This notice cancels the advertisement as it appeared in the April 1, 1994, issue for the Minority Business Development Agency (MBDA) announcement that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC in the Bakersfield, California Geographic Service Area.

CLOSING DATE: The closing date for submitting an application was May 6, 1994.

ADDRESSES: San Francisco Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 221 Main Street, suite 1280, San Francisco, California 94105, 415/744–3001.

FOR FURTHER INFORMATION CONTACT:

Melda Cabrera, Regional Director, San Francisco Regional Office at 415/744–3001.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information can be obtained by contacting the San Francisco Regional Office.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: May 19, 1994.

Melda Cabrera,

Regional Director, San Francisco Regional Office.

[FR Doc. 94–12825 Filed 5–25–94; 8:45 am]

BILLING CODE 3510–21–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment and Amendment of Import Limits and Amendment of a Restraint Period for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the Arab Republic of Egypt

May 23, 1994.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing and amending limits and amending a restraint period.

EFFECTIVE DATE: May 31, 1994.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

In a Memorandum of Understanding (MOU) dated April 29, 1994, the Governments of the United States and the Arab Republic of Egypt agreed to establish specific limits for Categories 338/339 and 340/640 for the period beginning on January 1, 1994 and extending through December 31, 1995.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to amend the current limit for Category 339 to establish merged Categories 338/339 and amend the restraint period for Categories 340/640 at an increased level.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 58 FR 62645, published on November 29, 1993). Also see 58 FR 55046, published on October 25, 1993; and 59 FR 8461, published on February 22, 1994.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the MOU, but are designed to assist only in the implementation of certain of its provisions.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 23, 1994.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directives issued to you on October 19, 1993 and February 15, 1994, by the Chairman, Committee for the Implementation of Textile Agreements. Those directives concern imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Arab Republic of Egypt and exported during the periods January 1, 1994 through December 31, 1994 and January 31, 1994 through December 31, 1994 (Categories 340/640).

Effective on May 31, 1994, you are directed, pursuant to a Memorandum of Understanding dated April 29, 1994 between the Governments of the United States and the Arab Republic of Egypt, to establish a limit for merged Categories 338/339 for the period January 1, 1994 through December 31, 1994 at a level of 2,100,000 dozen [1]. Charges already made to Category 339 shall be applied to the newly established merged categories. The current restraint period for Categories 340/640 shall be amended to begin on January 1, 1994 and extend through December 31, 1994 at an increased level of 870,000 dozen [2].

Textile products in Category 338 which have been exported to the United States prior to January 1, 1994 shall not be subject to this directive.

Textile products in Category 338 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1) prior to the effective date of this directive shall not be denied entry under this directive.

You are directed to charge the following amounts to the categories listed below for the 1994 restraint period. These charges are for goods imported during the periods January 1, 1994 through February 28, 1994 (Category 338) and January 1, 1994 through February 22, 1994 (Categories 340 and 640). Additional charges for Category 338 will be provided at a later date.

Category	Amount to be charged
338	67,382 dozen.
340	59,735 dozen.
640	–0–

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 94–12906 Filed 5–25–94; 8:45 am]

BILLING CODE 3510–DR–F

[1] The limit has not been adjusted to account for any imports exported after December 31, 1993.

[2] The limit has not been adjusted to account for any imports exported after December 31, 1993.

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation; Notice of Approved Information Collection Requests and Current Expiration Dates; Correction

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

ACTION: Notice of technical correction.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are correcting the notice published in the **Federal Register** at 58 FR 49477, September 23, 1993, concerning the approval of information collection requests and current expiration dates, and republished in Federal Acquisition Circular 90–19 on January 5, 1994. In the list of Standard and Optional Forms, the Standard Form (SF) 1412, entry 24, is amended by revising the edition date to read "10/83", and SF 1412A, entry 25, is removed.

FOR FURTHER INFORMATION CONTACT: Ms. Beverly Fayson, the FAR Secretariat, room 4037, GS Building, Washington, DC 20405 (202) 501–4755.

Dated: May 19, 1994.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

TABLE OF STANDARD FORMS AND OMB EXPIRATION DATES

	Standard form	Edition	OMB control No.
1. SF–24	Rev. 1/90	9000–0045	9/30/95
2. SF–25	Rev. 1/90	9000–0045	9/30/95
3. SF–25A	Rev. 1/90	9000–0045	9/30/95
4. SF–25B	Rev. 10/83	9000–0045	9/30/95
5. SF–28	Rev. 1/90	9000–0001	10/31/95
6. SF–34	Rev. 1/90	9000–0045	9/30/95
7. SF–35	Rev. 1/90	9000–0045	9/30/95
8. SF–119	Rev. 1/90	9000–0003	9/30/95
9. SF–129	Rev. 6/90	9000–0002	10/31/94
10. SF–254	Rev. 11/92	9000–0004	3/31/96
11. SF–255	Rev. 11/92	9000–0005	3/31/96
12. SF–273	Rev. 8/90	9000–0045	9/30/95
13. SF–274	Rev. 8/90	9000–0045	9/30/95
14. SF–275	Rev. 8/90	9000–0045	9/30/95
15. SF–294	Rev. 1/90	9000–0006	9/30/95
16 SF–295	Rev. 1/90	9000–0007	9/30/95
17. SF–1403	Rev. 9/88	9000–0011	10/31/94
18. SF–1404	Rev. 9/88	9000–0011	10/31/94
19. SF–1405	Rev. 9/88	9000–0011	10/31/94
20. SF–1406	Rev. 9/88	9000–0011	10/31/94
21. SF–1407	Rev. 9/88	9000–0011	10/31/94
22. SF–1408	Rev. 9/88	9000–0011	10/31/94
23. SF–1411	Rev. 7/87	9000–0013	3/31/96
24. SF–1412	Rev. 10/83	9000–0013	3/31/96
25. SF–1413	Rev. 6/89	9000–0014	3/31/95
26. SF–1416	Rev. 1/90	9000–0045	9/30/95
27. SF–1417	Rev. 8/90	9000–0037	1/31/96
28. SF–1423	Rev. 12/88	9000–0015	4/31/95
29. SF–1424	Rev. 7/89	9000–0015	4/30/95
30. SF–1426	Rev. 7/89	9000–0015	4/30/95
31. SF–1427	Rev. 7/89	9000–0015	4/30/95
32. SF–1428	Rev. 7/89	9000–0015	4/30/95
33. SF–1429	Rev. 7/89	9000–0015	4/30/95
34. SF–1430	Rev. 7/89	9000–0015	4/30/95
35. SF–1431	Rev. 7/89	9000–0015	4/30/95
36. SF–1432	Rev. 7/89	9000–0015	4/30/95
37. SF–1433	Rev. 7/89	9000–0015	4/30/95
38. SF–1434	Rev. 7/89	9000–0015	4/30/95
39. SF–1435	Rev. 7/89	9000–0012	5/31/95
40. SF–1436	Rev. 7/89	9000–0012	5/31/95
41 SF–1437	Rev. 7/89	9000–0012	5/31/95
42 SF–1438	Rev. 7/89	9000–0012	5/31/95
43 SF–1439	Rev. 7/89	9000–0012	5/31/95
44 SF–1440	Rev. 7/89	9000–0012	5/31/95
45. SF–1443	Rev. 10/82	9000–0010	8/31/96
46. SF–1444	Rev. 10/87	9000–0089	2/28/96
47. SF–1445	Rev. 10/87	9000–0089	2/28/96
48. SF 1446	Rev. 10/87	9000–0089	2/28/96

[FR Doc. 94–12853 Filed 5–25–94; 8:45 am]
BILLING CODE 6820–34–M

DEPARTMENT OF ENERGY

Availability of Draft Environmental Impact Statement and Public Hearings for the Proposed Piñon Pine Power Project at Tracy Power Station, Nevada

AGENCY: Department of Energy.

ACTION: Notice of availability of draft environmental impact statement (draft statement) and notice of public hearings on the draft.

SUMMARY: The Department of Energy (Department) announces the availability of the Piñon Pine Power Project Draft Statement (EIS–0215), prepared to assess the environmental effects of the design, construction, and operation of the proposed Piñon Pine Integrated Gasification Combined Cycle Power Project, a 104-Megawatt-electric coal-fired power generating facility at Tracy Power Station, 17 miles east of Reno, Nevada. As one of the proposals selected under Round IV of the Clean Coal Technology Program, the Piñon Pine Power Project would demonstrate an innovative air-blown, Integrated Gasification Combined Cycle technology. This technology, when compared to conventional coal burning technologies, would result in a cost effective reduction in emissions of sulfur, oxides of nitrogen, and particles from a 104-Megawatt-electric coal-fired (800-ton-per-day) power plant. The proposed action is the cost-shared Federal funding of the project by the Department of approximately $135 million (about 50 percent of the total cost of approximately $270 million). The document assesses the long-term reliability, maintainability, and environmental impacts of the Integrated Gasification Combined Cycle technology at a utility scale and setting. The technologies to be demonstrated include a KRW Energy Systems Inc., pressurized, fluidized-bed gasifier with in-bed limestone desulfurization and

hot-gas clean-up processes, including an external regenerable desulfurization system using zinc-based sorbents and fine particle filters.

DATES: The Department invites comments on the Draft Statement from all interested parties. Written comments or suggestions regarding the adequacy, accuracy, and completeness of the Draft Statement will be considered in preparing the Final Environmental Impact Statement (Final Statement) and should be received by July 23, 1994. Written comments received after that date will be considered to the degree practicable.

The Department will also hold three public hearings at which agencies, organizations, and the general public are invited to present oral comments or suggestions on the Draft Statement. Locations, dates, and times for the public hearings are provided in the sections of this notice entitled "PUBLIC HEARINGS." Written and oral comments will be given equal weight and will be considered in preparing the Final Statement. Requests for copies of the Draft Statement and/or Final Statement or questions concerning the project, should be sent to Dr. Suellen A. Van Ooteghem at the address noted below.

ADDRESSES: Written comments on the Draft Statement should be received by July 23, 1994, for incorporation into the public hearing record. Oral comments will be accepted at the public hearings. Written comments, requests to speak at the hearings, or questions concerning the Piñon Pine Power Project, should be directed to: Dr. Suellen A. Van Ooteghem, Environmental Project Manager, Morgantown Energy Technology Center, 3610 Collins Ferry Road, Morgantown, WV 26507–0880, Telephone: (304) 284–5443.

If you request to speak, please indicate at which hearing(s). Envelopes should be labeled "Piñon Pine Power Project Draft EIS."

FOR FURTHER INFORMATION CONTACT: For general information on the Department's Environmental Impact Statement process and other matters related to the National Environmental Policy Act, please contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Oversight (EH–25), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: (202) 586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION:

Background and Need for the Proposed Action

The Department proposes to provide cost-shared funding support for the design, construction, and operation of a 104-Megawatt-electric (gross) coal-fired power plant at Tracy, Nevada, to demonstrate technology. The Piñon Pine Power Project was proposed by Sierra Pacific Power Company and selected by the Department for negotiation of a Cooperative Agreement for Federal assistance by the Clean Coal Technology program. The Piñon Pine Power Project, when compared to conventional coal-fired power plant technologies, would demonstrate the cost effective reduction in emissions of sulfur dioxide, oxides of nitrogen, and particulate matter from a 104-Megawatt-electric coal-fired power plant using innovative Integrated Gasification Combined-Cycle and hot gas cleanup technology. Following a 42-month demonstration period anticipated to conclude in August 2000, the facility would enter commercial operation. The proposed Piñon Pine Power Project would be located at Sierra Pacific Power Company's existing Tracy Power Station, a natural gas- and oil-fired 411-Megawatt-electric (estimate based on June 1994 projections) power generation facility located on a rural 724-acre plot approximately 17 miles east of Reno, Nevada. The proposed new facility would be built adjacent to these facilities.

On October 23, 1989, Public Law No. 101–121, "Department of the Interior and Related Agencies Appropriations Act, 1990," was signed into law. This Act, among other things, appropriated funds for the design, construction, and operation of cost-shared, clean coal projects to demonstrate the feasibility of future commercial applications of technologies capable of replacing, retrofitting or repowering existing facilities.

On January 17, 1991, the Department issued Program Opportunity Notice Number DE–PS01–91FE62271 for Clean Coal Technology IV, soliciting proposals to conduct cost-shared projects to demonstrate innovative, energy-efficient, and economically competitive clean coal technologies. The Piñon Pine Power Project was one of the nine projects selected from among the 33 proposals received.

Environmental Impact Statement Preparation

The Draft Statement has been prepared in accordance with section 102(2)(C) of the National Environmental Policy Act, as implemented in regulations promulgated by the Council on Environmental Quality (40 CFR parts 1500–1508) and by the Department's Implementing Procedures (10 CFR part 1021). In accordance with the National Environmental Policy Act, the Department determined that providing cost-shared funding for the Piñon Pine Power Project constitutes a major Federal action that may significantly affect the quality of the human environment. Therefore, the Department has prepared a Draft Statement to assess the potential impacts of both the proposed action and reasonable alternatives to the proposed action on the human and natural environment.

A notice of intent (notice) to prepare the Environmental Impact Statement and hold public scoping meetings in Nixon, Fernley, and Reno, Nevada, was published by the Department in the **Federal Register** on June 30, 1992 (57 FR 29067). The Notice invited oral and written comments and suggestions on the proposed scope of the Environmental Impact Statement, including environmental issues and alternatives, and invited public participation in the National Environmental Policy Act process. Overall, 60 scoping comments were received that assisted in identifying major issues for subsequent in-depth analysis in the Draft Statement. As a result of the scoping process, an Environmental Impact Statement Implementation Plan was developed to define the scope and provide further guidance for preparing the Environmental Impact Statement.

The Draft Statement considers the proposed action and the no-action alternative, which includes a scenario that reasonably could be expected to result as a consequence of the no-action alternative. Impacts to atmospheric resources, surface water, groundwater, biological resources (including threatened and endangered species), and socioeconomic resources (including environmental justice) from construction and operation of the proposed Piñon Pine Power Project have been analyzed.

The Draft Statement provides an analysis of information prepared to evaluate the potential environmental impacts of the proposed construction and operation of the Piñon Pine Power Project at the proposed site.

Floodplains Notification

Pursuant to Executive Order 11988, Floodplain Management, and the Department's Procedures for Compliance with Floodplains/Wetlands Environmental Review Requirements (10 CFR part 1022), the Department hereby provides notice that a new primary electric switchyard proposed as one component of the Piñon Pine Power Project would be constructed and operated in the 100-year floodplain as depicted on the Federal Emergency

Management Agency's Flood Insurance Rate Map (Panel Number 320033 0020B). Because of its proposed location in the 100-year floodplain, this switchyard could potentially impede the flow of floodwaters. However, there is neither vegetation present in the affected area nor wetlands or ecologically sensitive areas that would be involved. The electric switchyard, required to provide an electrical connection between the Piñon Pine Power Plant and Sierra Pacific Power Company's existing electrical system, would be approximately 75 square feet in size. The switchyard would be sited adjacent to and would expand the existing switchyard for the Tracy Station Plant. The switchyard would directly impact the floodplain because of site grading and filling and the permanent placement of switchyard equipment within the 100-year floodplain. However, impacts to the 100-year floodplain such as flood storage, flood-flow conveyance, and wildlife habitat are expected to be minimal due to the limited size and open structure of the switchyard. The potential environmental impacts of site selection on the floodplain area are discussed in chapters 4 and 9 of the Draft Statement. Comments regarding the effects of the proposed action on floodplains may be submitted to the Department in accordance with the procedures described below.

Comment Procedures

Availability of Draft Statement

Copies of the Draft Statement are being distributed to organizations, environmental groups, and individuals known to be interested in or affected by the proposed project. Additional copies of either the main document or appendices to the main volume may be obtained by contacting the Department as provided in the section of this notice entitled **ADDRESSES**.

Copies of the Draft Statement, including the appendix volume and major documents referenced in the Draft Statement, are available for inspection at the locations identified below:

(1) U.S. Department of Energy, Freedom of Information Reading Room, room 1E–190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.
(2) U.S. Department of Energy, Morgantown Energy Technology Center, 3610 Collins Ferry Road, P.O. Box 880, Morgantown, WV 26507–0880.
(3) Lyon County Fernley Branch Library, P.O. Box 647, 575 Silverlace Blvd., Fernley, NV 89408.
(4) Washoe County Public Library, Government Documents Section, 301 South Center Street, Reno, NV 89502.
(5) Storey County Library, 95 South R Street, Virginia City, NV 89440.
(6) Sierra Pacific Power Company, 6100 Neil Road, Reno, NV 89511.

Written Comments

Interested parties are invited to provide comments on the content of the Draft Statement to the Department as indicated in the section of this notice entitled **ADDRESSES**. Envelopes should be labeled "Piñon Pine Power Project Draft EIS." Comments should be received no later than July 23, 1994, the close of the public comment period, to ensure consideration in preparing the Final Statement. Comments received after July 23, 1994, will be considered to the extent practicable.

Public Hearings

Procedures

The public is invited to provide comments in person on the Draft Statement to the Department at the scheduled public hearings. Advance registration for presentation of oral comments at the hearings will be accepted up to one week prior to the hearing date by telephone or by mail at the office listed in the **ADDRESSES** section above. Envelopes should be labeled "Piñon Pine Power Project Draft EIS." Requests to speak at a specific time will be honored if possible. Registrants are allowed only to register themselves to speak and must confirm the time they are scheduled to speak at the registration desk the day of the hearing. Persons who have not registered in advance may register to speak when they arrive at the hearings to the extent that time is available. To ensure that as many persons as possible have the opportunity to present comments, 5 minutes will be allotted to each speaker. Persons presenting comments at the hearings are requested to provide the Department with written copies of their comments at the hearing, if possible.

Hearing Schedules and Locations

Public hearings will be held at the following locations, times, and dates:

1. *Date:* June 21, 1994
   Time: 6:30 p.m.
   Place: Pyramid Lake Paiute, Indian Tribal Council Chambers, Nixon, Nevada 89424
2. *Date:* June 22, 1994
   Time: 7:00 p.m.
   Place: Rainbow Bend Country Club, 500 Blue Declair, Rainbow Bend, Nevada 89434
3. *Date:* June 23, 1994
   Time: 7:00 p.m.
   Place: Alumni Lounge, Jot Travis Student Union, University of Nevada, Reno Campus, Virginia Street, Reno, Nevada 89557.

Conduct of Hearings

The Department's rules and procedures for the orderly conduct of the hearings will be announced by the presiding officer at the start of the hearings. The hearings will not be of an adjudicatory or evidentiary nature. Speakers will not be cross-examined, although the presiding officer and the Department of Energy hearing panel members may ask clarifying questions. The Department of Energy hearing panel members will respond to comments and questions from the public. In addition, the Department of Energy's representatives will be available to discuss the project in informal conversations. A transcript of the hearings will be prepared, and the entire record of each hearing, including the transcript, will be placed on file by the Department for inspection at the public locations given above in the **COMMENT PROCEDURES** section.

Signed in Washington DC, this 20th day of May 1994, for the United States Department of Energy.

Peter N. Brush,

Acting Assistant Secretary, Environment, Safety and Health.

[FR Doc. 94–12898 Filed 5–25–94; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. ER94–1246–000, et al.]

Ashton Energy Corporation, et al.; Electric Rate and Corporate Regulation Filings

May 19, 1994.

Take notice that the following filings have been made with the Commission:

1. Ashton Energy Corp.

[Docket No. ER94–1246–000]

Take notice that on May 11, 1994, Ashton Energy Corporation (Ashton Energy) tendered for filing a petition for waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1.

Ashton Energy intends to engage in electric power transactions as a marketer and/or broker. In transactions where Ashton Energy sells electric energy it proposes to make such sales on rates, terms and conditions to be

mutually agreed upon with the purchasing party. Ashton Energy is not in the business of generating transmitting, or distributing electric power.

Comment date: June 2, 1994, in accordance with Standard Paragraph E at the end of this notice.

2. NorAm Energy Services, Inc.

[Docket No. ER94–1247–000]

Take notice that on May 11, 1994, NorAm Energy Services, Inc. (NES) tendered for filing pursuant to Rule 205, 18 CFR 385.205, a petition for waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1 to be effective May 11, 1994.

NES intends to engage in electric power and energy transactions as a marketer and a broker. In transactions where NES sells electric energy it proposes to make such sales on rates, terms, and conditions to be mutually agreed to with the purchasing party. NES is not in the business of generating, transmitting, or distributing electric power.

Comment date: June 2, 1994, in accordance with Standard Paragraph E at the end of this notice.

3. Northwestern Public Service Company

[Docket No. ES94–26–000]

Take notice that on May 16, 1994, Northwestern Public Service Company (NWPS), filed an application under § 204 of the Federal Power Act seeking authorization to issue and sell 500,000 shares of its Common Stock, par value $3.50 per share, pursuant to an Automatic Dividend Reinvestment and Stock Purchase Plan. Also, NWPS requests exemption from the Commission's competitive bidding and negotiated placement regulations.

Comment date: June 13, 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. 94–12877 Filed 5–25–94; 8:45 am]

BILLING CODE 6717–01–P

Re-Notice of Application [1]

May 20, 1994.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit
b. *Project No.:* 11446–000
c. *Date Filed:* November 2, 1993
d. *Applicant:* Mid-Atlantic Energy Engineers, Ltd.
e. *Name of Project:* Cuffs Run Pumped Storage
f. *Location:* On Cuffs Run and the Susquehanna River in York and Lancaster Counties, Pennsylvania
g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a) 825(r)
h. *Applicant Contact:* Mr. William M. McMahon, Jr., P.O. Box 32, Reading, PA 19603, (215) 373–6667
i. *FERC Contact:* Charles T. Raabe (dt) (202) 219–2811
j. *Comment Date:* July 21, 1994
k. *Description of Project:* The proposed pumped storage project would consist of: (1) An upper reservoir having a 580-acre surface area and a 26,000-acre-foot storage capacity at water surface elevation 680 feet msl, created by a 225-foot-high, 9,800-foot-long dam, a 95-foot-high, 700-foot-long dike, and a 35-foot-high, 1300-foot-long dike; (2) a 300-foot-long, 110-foot-wide channel leading to a submerged intake structure; (3) a shaft and tunnel trifurcating into three 20-foot-diameter steel-lined tunnels; (4) an underground powerhouse containing three reversible pump-turbine units rated at 330–MW each operated at a 450-foot head; (5) a 1,500-foot-long powerhouse access tunnel and an 18-foot- diameter vent and cable shaft; (6) three concrete-lined tunnels leading to an outlet structure in Lake Clarke; (7) an above-ground switchyard; (8) a three-mile-long, 250-kV transmission line; and (9) appurtenant facilities. Lake Clarke, an existing reservoir formed by the Safe Harbor Dam (FERC Project No. 1025) would be utilized as a lower reservoir.

Core boring of the foundation overburden and underlying rock formation would be required. Applicant estimates that the cost of the studies under the terms of the permit would be $235,000. Project energy would be purchased from and sold to local utilities. A portion of the proposed project boundary for Project No. 11446 lies within the approved project boundary for licensed project No. 1025. However, the proposed project facilities could be mutually compatible.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C & D2.

Standard Paragraphs

A5. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b)(1) and (9) and 4.36.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be

[1] This notice was first issued on March 16, 1994 (59 FR 16634, April 7, 1994), but through error was not sent to the York Dispatch for publication.

served on the applicant(s) named in this public notice.

A10. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit with be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file aa motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION', "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, Room 1027, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's must also be sent to the Applicant's representatives.

Lois D. Cashell,

Secretary.

[FR Doc. 94–12878 Filed 5–25–94; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. CP94–542–000, et al.]

Natural Gas Certificate Filings

May 19, 1994.

Take notice that the following filings have been made with the Commission:

1. CNG Transmission Corp.

[Docket No. CP94–542–000]

Take notice that on May 11, 1994, CNG Transmission Corporation (CNG), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP94–542–000 a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to construct a transportation tap, measuring, regulating and appurtenant facilities for the delivery of transportation gas to National Gas and Oil Corporation (National) in Coshocton County, Ohio, under CNG's blanket certificate issued in Docket No. CP82–537–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

CNG states that the proposed new tap will serve as a new delivery point to National, a local distribution company in the vicinity, for transportation on an interruptible basis of up to 117,000 Dt of natural gas per day. It is stated that National proposes to redeliver those volumes to Columbus Southern Power Company (Columbus Southern) for use in Columbus Southern's electric generating plant located in Conesville, Coshocton County, Ohio (Conesville Plant).

It is stated that Columbus Southern is a subsidiary of American Electric Power Corporation (AEP), the second largest investor-owned electric utility in the United States, and that AEP is required under the 1990 amendments to the Clean Air Act to reduce its annual sulfur dioxide (S02) emissions. It is further stated that to reduce its S02 emissions, the AEP has selected the option to convert the coal burning Conesville Plant, to burn natural gas, although Columbus Southern will retain its ability to burn coal at the Conesville Plant.

CNG states that Columbus Southern has made arrangements to transport up to 117,000 Dt of natural gas per day on an interruptible basis on CNG's interstate pipeline system. It is stated that CNG and Columbus Southern have signed an IT Rate Schedule Service Agreement for up to 117,000 Dt per day, authorized under CNG's Part 284 Blanket Authorization.

CNG states further that in order for it to deliver Columbus Southern's gas to National for redelivery to the Conesville Plant, a 16 inch tap, measuring and regulation station, and approximately 225 feet of 16 inch connecting line off of CNG's TL–400 pipeline system in Coshocton County, Ohio must be constructed. CNG also stated that certain auxiliary installations must be installed (gate valve assembly, a filter/separator, a line heater, various valves and yard and station piping, and buildings) at the point of interconnection with TL–400.

CNG states that National has agreed to reimburse CNG for its cost, and that National will be the owner of the measuring and regulation station and the 225 foot connecting line. However, CNG states that it will maintain and operate both the measuring and regulation station and the connecting line.

Comment date: July 5, 1994, in accordance with Standard Paragraph G at the end of this notice.

2. Natural Gas Pipeline Company of America

[Docket No. CP94–546–000]

Take notice that on May 13, 1994, Natural Gas Pipeline Company of America (Applicant), 701 East 22nd Street, Lombard, Illinois, 60148, filed in Docket No. CP94–546–000, an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon its Rate Schedule LS–3 storage service for Peoples Natural Gas Company, a Division of Utilicorp. United Inc. (Peoples Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant is seeking authority to abandon storage service it provides for Peoples Natural provided under the Rate Schedule LS–3 Agreement as authorized in Docket No. CP78–175.

Applicant states that it had stored for the account of Peoples Natural a daily withdrawal quantity of up to 486 Mcf of natural gas (in Applicant's Cairo-Mount Simon Reservoir located in Louisa County, Iowa) pursuant to the Rate Schedule LS–3 Agreement dated March 21, 1990. Applicant states that the Agreement expired by its own terms on April 1, 1991, and that it continued to provide Rate Schedule LS–3 storage

service for Peoples Natural until March 31, 1994, consistent with its obligation to serve pursuant to Section 7 of the NGA. Applicant indicates that it received a letter from Peoples Natural dated April 8, 1994, wherein Peoples Natural notified Applicant of its election to no longer receive Rate Schedule LS–3 storage service as of March 31, 1994.

Applicant does not propose to abandon any facilities.

Comment date: June 9, 1994, in accordance with Standard Paragraph F at the end of this notice.

3. Northwest Pipeline Corp.

[Docket No. CP94–549–000]

Take notice that on May 17, 1994, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84158, filed in Docket No. CP94–549–000 a request pursuant to §§ 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for authorization to operate the Reynolds Meter Station (Reynolds Station) located in Multnomah County, Oregon as a certificated delivery point, under Northwest's blanket certificate issued in Docket No. CP82–433–000, pursuant to Section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northwest states that it originally constructed the Reynolds Station pursuant to Section 311 of the Natural Gas Policy Act to be used for the delivery of gas to Reynolds Metal Company (Reynolds) pursuant to Subpart B of Part 284 of the Commission's Regulations. Northwest also states that the Reynolds Station consists of a 3-inch tap and a 3-inch turbine meter with appurtenances, the maximum design capacity of the station is approximately 5,817 Dth per day at 500 psig, and it is located within the Reynolds plant site and is connected to the Reynolds plant facilities.

Northwest indicates that it agreed to install the new meter station pursuant to a Facilities and Indemnification Agreement between Northwest and Reynolds dated November 8, 1988. Northwest further states that the total cost of constructing the Reynolds Station was $92,919 and Reynolds reimbursed Northwest for all actual costs and related income tax gross-up, excluding $27,085 of company labor and benefits, incurred by Northwest for the construction of the Reynolds Station. Northwest also states that the new station was completed and available for service by June, 1989.

Northwest reports that the Reynolds Station has not yet been placed into service since Reynolds has continued to receive gas service from Northwest Natural Gas Company (Northwest Natural), its local gas distributor. Northwest also states that in April, 1994, Reynolds provided ninety days notice to Northwest Natural that it was terminating its service contract with Northwest Natural and concurrently requested Northwest to take the necessary action to make the Reynolds Station available as a delivery point for blanket certificate transportation by July, 1994. Northwest advises that firm transportation service to Reynolds at the new meter station will be provided pursuant to its Rate Schedule TF–1 and interruptible service will be provided pursuant to its Rate Schedule TI–1.

Northwest states that any deliveries made to Reynolds through the Reynolds Station will be gas delivered either for Reynolds or other shippers supplying gas for Reynolds for whom Northwest is, or will be, authorized to transport gas. Northwest also states that any volumes delivered to the Reynolds delivery point will be within the authorized entitlement of such shippers. Northwest advises that its tariff does not prohibit the modification of delivery point facilities.

Additionally, Northwest states that it understands that Reynolds is in the process of acquiring released firm transportation capacity on Northwest's system to serve its requirements at the Reynolds Station.

Comment date: July 5, 1994, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or to make any protest with reference to said application should on or before the comment date, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and/or permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 94–12877 Filed 5–25–94; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. RP94–251–000]

National Fuel Gas Supply Corp.; Tariff Filing

May 20, 1994.

Take notice that on May 17, 1994, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Fourth Revised Sheet No. 225 with a proposed effective date of May 18, 1994.

National further states that copies of this filing were served upon the company's jurisdictional customers and the Regulatory Commission's of the States of New York, Ohio, Pennsylvania,

Delaware, Massachusetts, and New Jersey.

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 214 or 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All such motions to intervene or protest should be filed on or before May 27, 1994. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–12835 Filed 5–25–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–252–000]

Natural Gas Pipeline Co. of America; Proposed Changes In FERC Gas Tariff

May 20, 1994.

Take notice that on May 17, 1994, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, Second Revised Sheet No. 24, and Third Revised sheet Nos. 318 and 319 to be effective June 1, 1994.

Natural states that the filing is submitted pursuant to section 21 of the General Terms and Conditions of Natural's FERC Gas Tariff, Sixth Revised Volume No. 1, as a second semiannual rate filing under section 4 of the Natural Gas Act and the Rules and Regulations of the Federal Energy Regulatory Commission (Commission) promulgated thereunder. The rate adjustments filed for are designed to recover certain fixed Account No. 858 costs incurred by Natural under contracts executed prior to the Order No. 636 restructuring. No buyout or buydown costs are reflected in this filing.

Natural requested specific waivers of section 21 of its Tariff and the Commission's Regulations, including the requirements of § 154.63, to the extent necessary to permit the tariff sheets to become effective June 1, 1994.

Natural states that copies of the filing are being mailed to Natural's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before May 27, 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 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. 94–12836 Filed 5–25–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–250–000]

Northwest Alaskan Pipeline Co.; Tariff Changes

May 20, 1994.

Take notice that on May 17, 1994, Northwest Alaskan Pipeline Company (Northwest Alaskan), tendered for filing as part of its FERC Gas Tariff, Original Volume No. 2, Thirty-Fourth Revised Sheet No. 5, to become effective July 1, 1994.

Northwest Alaskan states that it is submitting Thirty-Fourth Revised Sheet No. 5 reflecting an increase in total demand charges for Canadian gas purchased by Northwest Alaskan from Pan-Alberta Gas Ltd. (Pan-Alberta) and resold to Northwest Alaskan's two U.S. purchasers: Pan-Alberta Gas (U.S.) Inc. (Pan-Alberta (U.S.)) under Rate Schedules X–1, X–2, and X–3, and Pacific Interstate Transmission Company (PIT) under Rate Schedule X–4.

Northwest Alaskan states that it is submitting Thirty-Fourth Revised Sheet No. 5 pursuant to the provisions of the amended purchase agreements between Northwest Alaskan and, Pan-Alberta (U.S.), and PIT, and pursuant to Rate Schedules X–1, X–2, X–3, and X–4, which provide for Northwest Alaskan to file 45 days prior to the commencement of the next demand charge period (July 1, 1994 through December 31, 1994) the demand charges and demand charge adjustments which Northwest Alaskan will charge during the period.

Northwest Alaskan states that Rate Schedule X–1 reflects the assignment of Northern Natural Gas Company's contract to PAG–US as filed under Docket Nos. CP78–123–032, RP94–25–000 and RP94–25–001 approved by the FERC in its order dated November 3, 1993.

Northwest Alaskan states that a copy of this filing has been served on Northwest Alaskan's customers.

Any person desiring to be heard or to protest 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 Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before May 27, 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 petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 94–12837 Filed 5–25–94; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP94–551–000]

Tennessee Gas Pipeline Co.; Request Under Blanket Authorization

May 20, 1994.

Take notice that on May 18, 1994, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP94–551–000 a request pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to establish a new delivery point for service to Natural Gas of Kentucky (Natural) under Tennessee's blanket certificate issued in Docket No. CP82–413–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Tennessee proposes, at Natural's request, to construct a new delivery point for interruptible transportation service to Natural at its hot tap assembly located at S.V. 869A–101, in Metcalfe County, Kentucky. The estimated costs of this interconnection is approximately $1,000 which costs will be reimbursed to Tennessee by Natural. There will be no change in the daily or annual quantities of gas now authorized for delivery to Natural.

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 therefore, 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 within30 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. 94–12838 Filed 5–25–94; 8:45 am]

BILLING CODE 3717–01–M

[Docket No. CP94–181–000]

Williams Natural Gas Co.; Technical Conference

May 20, 1994.

Take notice that a technical conference will be convened in this proceeding on June 20, 1994, at 10 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426. The purpose of this conference is to afford Williams Natural Gas Company (Williams) and interested parties an opportunity to discuss matters relating to Williams' application to abandon approximately 73 miles of 12-inch and 20-inch pipeline located in Barber, Harper, Sumner and Sedgwick Counties, Kansas and Alfalfa County, Oklahoma.

All interested parties are invited to attend. However, attendance at the conference will not confer party status. For additional information please contact Gerald M. Briscoe at (202) 208–1049.

Lois D. Cashell,

Secretary.

[FR Doc. 94–12839 Filed 5–25–94; 8:45 am]

BILLING CODE 6717–01–M

Williams Natural Gas Co.; Request Under Blanket Authorization

May 20, 1994.

Take notice that on May 18, 1994, Williams Natural Gas Company (Williams), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP94–554–000 a request pursuant to §§ 157.205, 157.208, and 257.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.208 and 157.216) for authorization to replace approximately 9 miles of 4-inch lateral pipeline and appurtenant facilities with 6-inch pipeline located in Brown County, Kansas, under its blanket certificate issued in Docket No. CP82–479–000, pursuant to sections 7(b) and (c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Williams indicates that the existing 4-inch facilities were originally constructed in 1929 to serve the Cities of Sabetha, Fairview, and Morrill, Kansas. Williams also states that, although the 4-inch facility is sufficient to serve the three cities, there has been enough population growth in Sabetha over the years to cause an excessive pressure drop during peak demands. It is alleged that replacing the 4-inch pipeline with 6-inch pipeline would alleviate the pressure drop and assure adequate peak day deliveries for all three communities.

Williams indicates that it proposes to abandon the 4-inch pipeline in place with the exception of creek crossings where the pipeline is exposed and where landowners request removal. Williams estimates the cost of the project at approximately $1,011,690, which would be paid from available funds. Williams states that the total volume delivered after installation of the new facilities is not expected to exceed the total volumes authorized prior to this request.

Williams states that it has included with its request a letter indicating that Kansas Power and Light, the local distributor for the three towns, is aware of the planned pipeline replacement. Williams also indicates that it included with its request letters acknowledging that eight of the ten residential customers served off the existing line are also aware of the pipeline replacement. Williams also states that it anticipates that it would soon receive signed letters from the other two domestic customers and that it would file those letters with the Commission.

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. 94–12840 Filed 5–25–94; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

FRL–4888–4]

Proposed Administrative Settlement Under 122(h)(1), Forge Road Industrial Park Site, Canon City, Fremont County, CO

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of proposed Administrative Settlement; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9622(i), as amended by the Superfund Amendments and Reauthorization Act ("CERCLA"), notice is hereby given of a proposed administrative settlement concerning Forge Road Industrial Park Site in Canon City, Fremont County, Colorado. The proposed administrative settlement resolves an EPA claim under section 107 of CERCLA, 42 U.S.C. 9607, against William L. Mobeck. The settlement requires the settling party to pay $32,000.00 to the Hazardous Substances Superfund.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency's response to any comments received will be available for public inspection at EPA Region VIII's Superfund Records Center, which is located on the 8th floor of the North Tower, at 999 18th Street, Denver, Colorado.

DATES: Comments must be submitted on or before June 27, 1994.

ADDRESSES: An original and two copies of comments must be sent to James R. Rhodes, Enforcement Specialist, Forge Road Industrial Park Site Team, EPA Region VIII, 999 18th Street, Suite 500, Denver, Colorado, 80202–2405.

FOR FURTHER INFORMATION CONTACT: Wendy Silver, Office of Regional Counsel, (303) 294–7568.

SUPPLEMENTARY INFORMATION: EPA alleges that William L. Mobeck is a responsible party pursuant to section 107(a) of CERCLA, 42 U.S.C. 9607(a), and is jointly and severally liable for response costs incurred at or in connection with the Site.

By the terms of the proposed settlement, William L. Mobeck will pay $32,000.00 to the Hazardous Substance Superfund within nineteen (19) months of the effective date of this Agreement. In return, EPA agrees that William L. Mobeck shall have resolved any and all civil liability to EPA under section 107(a) 42 U.S.C. 9607(a), for reimbursement of response costs incurred at or in connection with the Site up through the date upon which EPA signs this Agreement.

Jack W. McGraw,

Acting Regional Administrator.

[FR Doc. 94–12904 Filed 5–25–94; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL RESERVE SYSTEM

Horizon Bancorp; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has 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.

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 June 15, 1994.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Horizon Bancorp, Michigan City, Indiana; to engage *de novo* in making and servicing loans pursuant to § 225.25(b)(1) of the Board's Regulation Y. These activities will be conducted in Michigan City, Indiana.

Board of Governors of the Federal Reserve System, May 20, 1994.

William W. Wiles,

Secretary of the Board.

[FR Doc. 94-12850 Filed 5-25-94; 8:45 am]

BILLING CODE 6210-01-F

Horizon Bancorp Employee Stock Ownership Plan, 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 June 20, 1994.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Horizon Bancorp Employee Stock Ownership Plan, Michigan City, Indiana; to acquire an additional 18.99 percent of the voting shares of Horizon Bancorp, Michigan City, Indiana, for a total of 35.3 percent, and thereby indirectly acquire First Citizens Bank, N.A., Michigan City, Indiana.

B. Federal Reserve Bank of Kansas City (Stephen E. McBride, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Aspen Valley Bancshares, Inc., Aspen, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of Aspen Valley Bank, N.A., Aspen, Colorado.

2. Colt Investments, Inc., Leawood, Kansas; to acquire 31.9 percent of the voting shares of Flint Hills Financial Services Corporation, Americus, Kansas, and thereby indirectly acquire Americus State Bank, Americus, Kansas.

C. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. Union International Financial, South Pasadena, California; to become a bank holding company by acquiring 100 percent of the voting shares of Pacific Business Bank, Carson, California.

Board of Governors of the Federal Reserve System, May 20, 1994.

William W. Wiles,

Secretary of the Board.

[FR Doc. 94-12851 Filed 5-25-94; 8:45 am]

BILLING CODE 6210-01-F

Swiss Bank Corporation; Application to Engage in Certain Nonbanking Activities; Correction

This notice corrects a notice (FR Doc. 94-3974) published on page 8624 of the issue for Wednesday, February 23, 1994. The entry for Swiss Bank Corporation is revised to read as follows:

Swiss Bank Corporation, Basel, Switzerland (Applicant), has applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) (BHC Act) and section 225.23 of the Board's Regulation Y (12 CFR 225.23), through its wholly owned subsidiary, SBC Government Securities, Inc., New York, New York (Company), to acquire substantially all the assets and certain of the liabilities of O'Connor & Associates, Chicago, Illinois (OCA), and to engage in the following nonbanking activities:[1]

[1] Applicant's proposal involves, *inter alia*, the consolidation into Company of certain activities

1. Underwriting and dealing in, to a limited extent, all types of debt and equity securities (other than securities issued by open-end investment companies), including sovereign debt securities, municipal revenue bonds, mortgage-related securities, consumer receivable-related securities, commercial paper, corporate debt securities, convertible debt securities, debt securities issued by a trust or other vehicle secured by or representing interests in debt obligations, preferred stock, common stock, American Depositary Receipts, other direct and indirect equity ownership interests in corporations and other entities, and options on debt and equity securities;[2]

2. Providing discount brokerage services, engaging in related securities credit activities, and conducting activities incidental thereto such as offering custodial services, individual retirement accounts, and cash management services, pursuant to § 225.25(b)(15)(i) of Regulation Y;

3. Providing full-service brokerage services, i.e., the discount brokerage activities specified in paragraph 2, above, in combination with investment advisory services permissible under § 225.25(b)(4) of Regulation Y, pursuant to § 225.25(b)(15)(ii) of Regulation Y;

4. Acting as agent in the private placement of all types of securities, including providing related advisory services;

5. Purchasing and selling all types of securities as a "riskless principal" on the order of customers;

6. Providing various types of investment and financial advisory services, including providing financial and transaction advice regarding the structuring and arranging of swaps and similar transactions (including swap derivative products) relating to interest rates, currency rates, and economic and financial indexes, and similar transactions, pursuant to § 225.25(b)(4) of Regulation Y;

7. Trading for its own account in futures, options, and options on futures with respect to certificates of deposit and other money market instruments eligible for investment by national banks;

8. Trading for its own account in futures, options, and options on futures with respect to commodity prices and stock, bond, and commodity indexes;[3]

9. Engaging in the following activities with respect to swaps and swap derivative products:[4]

(A) Intermediating in the international swap markets by acting as originator and principal for interest rate swap and currency swap transactions;

(B) Acting as originator and principal with respect to swap derivative products relating to interest rate swap and currency swap transactions;

(C) Acting as agent or broker with respect to interest rate swap and currency swap transactions and swap derivative products relating thereto;

(D) Intermediating in the international swap markets by acting as originator and principal for commodity price swap transactions and swap transactions linked to stock and/or bond indexes or to a hybrid of interest rates and such indexes;

(E) Acting as originator and principal with respect to swap derivative products relating to the swap transactions described in subparagraph (D), above; and

(F) Acting as agent or broker with respect to the swap transactions and swap derivative products described in subparagraphs (D) and (E), above.

10. Acting as a futures commission merchant (FCM) for nonaffiliated persons in the execution and clearance on major commodity exchanges of futures contracts and options on futures contracts based on bullion, foreign exchange, government securities, certificates of deposit and other money market instruments that a bank may buy or sell in the cash market for its own account, pursuant to § 225.25(b)(18) of Regulation Y;[5]

11. Providing investment advice with respect to the purchase and sale of futures contracts and options on futures contracts described in paragraph 10, above, pursuant to § 225.25(b)(19) of Regulation Y;

12. Acting as a FCM for nonaffiliated persons in the execution and clearance on major commodity exchanges of futures contracts and options on futures contracts based on commodity prices, bonds, and stock and bond indexes;[6]

13. Providing investment advice with respect to the purchase and sale of futures contracts and options on futures contracts described in paragraph 12, above;

14. Trading for its own account in gold and silver bullion, bars, rounds, and coins;

15. Trading for its own account in platinum coin and bullion;

16. Trading for its own account in foreign exchange spot, forward, futures, options, and options on futures transactions;

17. Making, acquiring, or servicing loans or other extensions of credit for its own account or for the account of third parties, pursuant to § 225.25(b)(1) of Regulation Y; and

18. Providing financial and transaction advice regarding the structuring and arranging of swaps and similar transactions (including swap derivative products) relating to commodity prices and commodity price indexes.

Applicant seeks approval to conduct the proposed activities throughout the United States, and plans to conduct the activities on a worldwide basis.

currently conducted by OCA and two of Applicant's wholly owned subsidiaries, SBC Derivatives, Inc., Chicago, Illinois (SBC Derivatives), and SBCI Swiss Bank Corporation Investment Banking Inc., New York, New York (SBCI). In connection with, and substantially contemporaneously with, this transaction, OCA proposes to acquire certain assets and liabilities of K K & Company, New York, New York (KK). Company, a primary dealer in government securities, currently engages in (i) underwriting and dealing in obligations of the United States and other obligations that state member banks of the Federal Reserve System are authorized to underwrite and deal in, pursuant to § 225.25(b)(16) of Regulation Y, and (ii) trading in futures, options, and options on futures with respect to certain bank-eligible securities and money market instruments. *See Swiss Bank Corporation*, 77 Federal Reserve Bulletin 759 (1991). OCA engages in trading, for its own account, debt and equity securities, options on debt and equity securities, and options on stock, bond, and commodity indexes. SBC Derivatives currently engages in foreign exchange options trading for its own account. *See Swiss Bank Corporation*, 77 Federal Reserve Bulletin 126 (1990). SBCI currently engages in various nonbanking activities, including underwriting and dealing in corporate debt and equity securities. KK currently engages in executing securities transactions for third party customers.

The activities of Company and SBC Derivatives are conducted pursuant to section 4(c)(8) of the BHC Act. Applicant controls SBCI pursuant to the grandfather provisions of section 8(c) of the International Banking Act of 1978 (12 U.S.C. 3106(c)). SBCI would cease to exist upon consummation of this proposal, and Applicant's grandfather rights relating to SBCI would thereby terminate.

[2] Applicant also proposes that Company engage in certain activities which Applicant maintains are incidental to these proposed underwriting and dealing activities, including engaging in bonds borrowed and other securities lending transactions.

[3] The specific contracts to be traded by Company for its own account in conducting the activities described in paragraphs 7 and 8 are listed either (i) in SR Letter No. 93-27 (FIS) (May 21, 1993), or (ii) in Appendix A attached hereto. Applicant also expects that Company will engage, in the over-the-counter market, in options transactions based on the underlying prices, indexes, and instruments for the contracts referred to in the preceding sentence.

[4] For this purpose, the term "swap derivative products" means caps, floors, collars, and options on swaps, caps, floors, and collars.

[5] Applicant has proposed that both Company and SBC Derivatives engage in the activities listed in paragraphs 10 through 13. Applicant has stated that SBC Derivatives may execute trades that will be given-up at a customer's request to an unaffiliated FCM for clearance, and that SBC Derivatives may also engage in clearing-only activities. Company may conduct the proposed FCM activities through omnibus customer trading accounts.

[6] The specific contracts with respect to which Company and SBC Derivatives will conduct the activities described in paragraphs 12 and 13 are listed either (i) in SR Letter No. 93-27 (FIS) (May 21, 1993), or (ii) in Appendix A attached hereto.

Closely Related to Banking Standard

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." In determining whether a proposed activity is closely related to banking for purposes of the BHC Act, the Board considers, *inter alia*, the matters set forth in *National Courier Association v. Board of Governors of the Federal Reserve System*, 516 F.2d 1229 (D.C. Cir. 1975). These considerations are

(1) Whether banks generally have in fact provided the proposed services;

(2) Whether banks generally provide services that are operationally or functionally so similar to the proposed services as to equip them particularly well to provide the proposed services; and

(3) Whether banks generally provide services that are so integrally related to the proposed services as to require their provision in a specialized form. *See* 516 F.2d at 1237. 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).

With respect to the proposal for Company to provide financial and transaction advice regarding the structuring and arranging of swaps and similar transactions (including swap derivative products) relating to commodity prices and commodity price indexes, Applicant maintains that the provision of such advice is functionally equivalent to the provision of advice with respect to swaps and similar transactions based upon interest rates, currency exchange rates, and economic and financial indices, an activity which the Board has determined to be closely related to banking. *See* 12 CFR 225.25(b)(4)(vi)(A)(2).

Proper Incident to Banking Standard

In order to approve the proposal, the Board must determine that the proposed activities to be conducted 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 interests, or unsound banking practices." 12 U.S.C. 1843(c)(8).

Applicant believes that the proposal will produce public benefits that outweigh any potential adverse effects. In particular, Applicant maintains that the proposal will enhance competition and enable Company to offer its customers a broader range of products. In addition, Applicant states that the proposed activities will not result in adverse effects such as an undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices.

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 June 10, 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, May 20, 1994.

William W. Wiles,

Secretary of the Board.

Appendix A

Chicago Mercantile Exchange

Standard & Poor's Midcap 400 Index Futures, and options thereon

Commodity Exchange, Inc.

Eurotop 100 Index Futures, and options thereon

Mercado de Futuros Financieros, S.A.

Mibor 90 Futures, and options thereon

Montreal Stock Exchange

One-Month Bankers Acceptance Futures
Three-Month Bankers Acceptance Futures

London International Financial Futures Exchange

Eurolira Futures
Italian Government Bond Futures, and options thereon

New York Mercantile Exchange

Light Sweet Crude Oil Futures, and options thereon
New York Harbor Unleaded Gasoline Futures, and options thereon
Heating Oil Futures, and options thereon
Natural Gas Futures, and options thereon

[FR Doc. 94-12852 Filed 5-25-94; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Fernald Dosimetry Reconstruction Project: Former Feed Materials Production Center Workshop—Progress Report on Radiation Dose Calculations

The National Center for Environmental Health (NCEH), Centers for Disease Control and Prevention (CDC), announces the following meeting.

Name: Former Feed Materials Production Center Workshop—Progress Report on Radiation Dose Calculations.

Time and Date: 7 p.m.–9 p.m., Wednesday, June 1, 1994.

Place: Sheraton Springdale Hotel, 11911 Sheraton Lane, Springdale, Ohio 45246.

Status: Open to the public for observation and comment, limited only by space available. The meeting room will accommodate approximately 100 people.

Purpose: The purpose of the workshop is to discuss the progress made in finalizing the radiation doses to residents from past operations at the former Feed Materials Production Center. The final doses are not yet completed; however, the meeting will describe changes in the models and how the model predictions compare with environmental measurements.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Owen Devine, Radiation Studies Branch, Division of Environmental Hazards and Health Effects, NCEH, CDC, 4770 Buford Highway, NE., (F–35), Atlanta, Georgia, 30341–3724, telephone 404/488–7040.

William H. Gimson,

Acting Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 94–12845 Filed 5–25–94; 8:45 am]

BILLING CODE 4163–18–M

[CDC–456]

Announcement of Cooperative Agreement to the Massachusetts Department of Public Health

SUMMARY: The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1994 funds to provide assistance to the Massachusetts Department of Public Health (MDPH), to conduct active rabies surveillance in the vicinity of Cape Cod, to assess the efficacy of an oral vaccination program against wildlife rabies, to ascertain the veterinary and human public health consequences that result, and to determine whether the program is cost beneficial. Approximately $50,300 is available in FY 1994 to fund this award. It is expected that the award will begin on or about July 8, 1994, and will be made for a 12-month budget period within a project period of up to 3 years. Funding estimates may vary and are subject to change. A continuation award within the project period will be made on the basis of satisfactory progress and availability of funds.

The purpose of this cooperative agreement is to provide assistance to the MDPH to:

(1) Conduct active rabies surveillance in the vicinity of Cape Cod;

(2) Evaluate the efficacy of an oral wildlife rabies vaccine in Cape Cod;

(3) Ascertain the epidemiologic determinants and public health consequences of the study; and

(4) Determine whether the cost of the program is beneficial towards rabies control in a region of high density of humans and companion animals.

The CDC will provide consultation and technical assistance in planning, conducting and evaluating the studies to achieve program goals; provide serological and other appropriate laboratory assays to determine rabies status; and collaborate with MDPH in applying the results of these studies to other appropriate venues.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of "Healthy People 2000," a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Immunization and Infectious Diseases. (For ordering a copy of "Healthy People 2000," see the section "Where To Obtain Additional Information.")

Authority

This program is authorized under section(s) 301 [42 U.S.C. 241] 317(k)(1), and 317(k)(3) [42 U.S.C. 247b(k)(1), and 247b(k)(3)] of the Public Health Service Act, as amended. Applicable program regulations are found in 42 CFR part 51b, Project Grants for Preventive Health Services and 42 CFR part 52, Grants for Research Projects.

Smoke-Free Workplace

The Public Health Service strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Eligible Applicant

Assistance will be provided only to MDPH. No other applications are solicited. The program announcement and application kit have been sent to MDPH. The MDPH is located in Boston, Massachusetts. Issues surrounding the surveillance, diagnosis and reporting of rabies throughout the State fall under the MDPH authority. The department promotes cooperative efforts among the local town and county health departments of this State, shares knowledge on important public health issues and is a central resource for the development and distribution of educational material for both professional and technical development.

During 1993, the MDPH supported a plan to promote the use of oral rabies vaccine among wildlife in the vicinity of Cape Cod. The MDPH has developed appropriate educational materials, diagnostic criteria, methods for determining epidemiologic factors which might be associated with rabies exposure and its consequent control throughout the State. In addition to existing baseline data concerning rabies prevalence and already-developed educational vaccination campaign materials, the MDPH has other characteristics which are essential to the study including: The authority to promote active rabies surveillance and diagnosis in the region of study; ready access to major colleges and universities and important cooperators such as wildlife rehabilitators in the vicinity of Cape Cod; for promotional and collaborative activities access to community Cape Cod health centers which have the facilities necessary to gather and quantify the needed statistics; and a system developed for veterinary and public health tracking of exposed animals and humans. No other such oral wildlife rabies program having the geographical advantage offered by Cape Cod has been initiated in the United States. Thus, the MDPH is uniquely qualified and the only eligible applicant for this study.

Executive Order 12372 Review

The application is subject to Intergovernmental Review of Federal Programs as governed by Executive Order (E.O.) 12372. E.O. 12372 sets up a system for State and local government review of proposed Federal assistance applications. The applicant should contact their State Single Point of Contact (SPOC) as early as possible to alert them to the prospective application and receive any necessary instructions on the State process. Information on the Massachusetts SPOC is included in the application kit. If the SPOC has any State process recommendations on applications submitted to CDC, they should forward them to Edwin L. Dixon, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Mailstop E–18, room 314, Atlanta, Georgia 30305. (The receipt date for SPOC comments will be 60 days after the application deadline date.) The granting agency does not guarantee to "accommodate or explain" for State process recommendations it receives after that date.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number is 93.283.

Where To Obtain Additional Information

If you are interested in obtaining additional information regarding this project, please refer to announcement number 456 and contact Leah D. Simpson, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., room 314, Mailstop E–18, Atlanta, Georgia 30305, (404) 842–6803. A copy of "Healthy People 2000" (Full Report, Stock No. 017–001–00474–0) or "Healthy People 2000" (Summary Report, Stock No. 017–001–00473–1) referenced in the Summary may be obtained through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 783–3238.

Dated: May 20, 1994.

Ladene H. Newton,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 94–12843 Filed 5–25–94; 8:45 am]

BILLING CODE 4163–18–P

[Announcement Number 475]

State-Based Capacity Building Projects for the Prevention of Primary Disabilities and Secondary Conditions

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1994 funds for cooperative agreements for state-based capacity building projects to prevent primary disabilities and secondary conditions. Financial assistance is being provided to develop or expand capacity of States to prevent disabilities through public health leadership, coordination of services, public health surveillance, technical assistance, and implementation and evaluation of community intervention programs.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of "Healthy People 2000," a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the areas of Health Promotion, Health Protection, Preventive Services, and Surveillance and Data Systems. (For ordering a copy of "Healthy People 2000," see the section "Where to Obtain Additional Information.")

Authority

This program is authorized by section 301(a) (42 U.S.C. 241(a)) and Section 317 (42 U.S.C. 247(b)) of the Public Health Service Act, as amended.

Smoke-Free Workplace

The Public Health Service strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Eligible Applicants

Eligible applicants are the official public health departments of States or other State agencies or departments that: (1) are not current recipients of an award under this program; or (2) are current recipients whose funding ends in FY 1994. This includes the District of Columbia, American Samoa, the Commonwealth of Puerto Rico, the Virgin Islands, the Federated States of Micronesia, Guam, the Northern Mariana Islands, the Republic of the Marshall Islands, and the Republic of Palau.

Except in the case of currently funded States where programmatic relationships are established, State agencies applying under this announcement that are other than the official State health department must provide written concurrence from that agency. Only one application from each State may enter the review process and be considered for an award under this program.

Availability of Funds

Approximately $4,000,000 is available in FY 1994 to fund 9 to 11 awards. It is expected that awards for States newly funded under this announcement will range from $200,000 to $250,000. It is also expected that awards for currently funded States that receive renewal funding under this announcement will range from $320,000 to $450,000. It is expected that the awards will begin on or before September 30, 1994, and made for a 12-month budget period within a two year project period. Funding estimates may vary and are subject to change. Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

The CDC currently funds 28 state-based capacity building projects. Ten of these States will complete their project periods in September 1994. The CDC expects to make non-competing continuation awards to the remaining 18 States in September 1994. Therefore, only a portion of the total FY 1994 national appropriations for State-based capacity building projects will be available to support States competing under this announcement.

Use of Funds

These awards may be used for personnel services, supplies, equipment, travel, subcontracts, and services directly related to project activities. Project funds may not be used to supplant State or local funds available for disabilities prevention, for construction costs, to lease or purchase facilities or space, or for patient care. Continuation awards beyond the first budget year will be based on the availability of funds and on the satisfactory progress of recipients in achieving project goals and objectives.

Purpose

The purpose of these cooperative agreements is to develop State capacity to reduce the incidence and severity of primary disabilities and secondary conditions. These awards are being made to establish and maintain State leadership through the development of basic State core capacity and conduct of special prevention projects in targeted disability groups. Targeted disability groups are categories of primary disabilities and their associated secondary conditions. These include selected developmental disabilities, traumatic brain and spinal cord injuries, and selected adult chronic conditions. States may conduct special prevention projects in one or more of these targeted disability groups. Core capacity activities should include appropriate collaborations with State and community agencies, advocacy organizations, schools of public health, and other academia/universities including minority institutions. State-based projects must provide technical assistance and increase the knowledge base necessary to design, implement, and evaluate surveillance and interventions that prevent disabilities. State-based projects should become model disability prevention programs capable of replication in other States.

Program Requirements

Applicants must indicate how their programs will meet this basic state-level core capacity for disabilities prevention. State projects must include strong public health management, a representative advisory council and strategic planning process, access to sound epidemiologic and public health surveillance capacity, and competence in guiding the conduct of community intervention and health promotion activities.

To that end, applicants must propose an office of disabilities prevention that includes a full-time manager/coordinator position with the authority to carry out project requirements. The applicant should describe those project resources and staff necessary to meet basic core requirements while also coordinating core-related functions and other activities that reside outside of the office of disabilities prevention.

Applicants should describe the organization structure and placement of the project and how this approach can maximize the State's capacity to promote State policy and priority setting. The CDC prefers that State offices of disabilities prevention have a program title that conveys their state-level coordination functions and

responsibilities. However, applicants may integrate this office into an established agency organization.

Applicants should describe how they will meet both the requirements for basic core capacity and the implementation of special prevention projects. Applications will be reviewed and ranked separately for basic state-level core capacity and for special prevention projects. Special prevention projects will be funded only in States receiving basic core capacity awards.

Special Prevention Projects

The following special prevention projects will be considered for funding. Other projects similar in scope considered important by applicants should be included as basic state-level core capacity and presented in that section of the application. The special prevention projects on this list must be completed prior to the start of the last quarter of the project period.

1. Assess the long-term morbidity and the consequences of specific secondary conditions associated with any of the following primary disabling conditions: spina bifida, cerebral palsy, sickle cell disease, fetal alcohol syndrome, traumatic brain injury, traumatic spinal cord injury, arthritis, osteoporosis, and urinary incontinence;

2. Design, implement or evaluate new, or expand the use of an existing preventive intervention in one of the following secondary conditions: (a) pressure sores in persons with mobility impairments; (b) progressive disability in persons with arthritis; (c) behavioral problems in children with fetal alcohol syndrome;

3. Determine the preventive health care needs in consumer-managed activities such as centers for independent living, assess the feasibility of conducting interventions, and/or implement health promotion programs in those settings;

4. Measure or evaluate the impact of one of the following: (a) heavy prenatal alcohol exposure on developmental disabilities; (b) early intervention programs, e.g., home visiting programs, Head Start, educational child care, etc., in children at environmental risk for mental retardation; or (c) early intervention programs for women at risk for having a child with fetal alcohol syndrome;

5. Conduct a prevention program targeted to high risk groups in order to prevent fetal alcohol syndrome;

6. Develop model public health surveillance for mild and moderate traumatic brain injury;

7. Define the impact of firearm injury, especially related to traumatic brain and traumatic spinal cord injuries, as to outcomes and secondary conditions;

8. Coordinate or conduct community interventions related to the prevention of bicycle injuries through increased usage of bicycle helmets and prevention of motor vehicle injuries through increased use of occupant protection;

9. Assess the prevalence of risk factors for osteoporosis and establish an intervention program addressing high-risk groups;

10. Develop and conduct education programs for physicians and the public so that persons with urinary incontinence will seek and receive proper treatment.

Detailed design and implementation guidance regarding these special prevention projects is available from CDC. Please refer to the "Where to Obtain Additional Information" section.

Budget and Project Costs

This program has no statutory matching requirement; however, applicants should demonstrate their capacity to support a portion of project costs, increase cost-sharing potential over time, and identify other funding sources for expanding the project. Applicants must prepare separate budget requests for both the basic State core capacity and each special prevention project (identifying both Federal and non-Federal sources).

While CDC has not set specific limits as to the proportion of the total application budget request that should be directed to basic State core capacity, it anticipates that funds to support such core capacity will range from $200,000 to $330,000.

It is also anticipated that each special prevention project will have a budget ranging from $40,000 to $60,000. Applicants may propose special prevention projects at a budget level below or above this range. The overall quality of proposed special prevention projects, taking into account total funds available, will be the major factor as to those projects that will be funded. The CDC expects that no State will receive awards for more than three special prevention projects.

Cooperative Activities

In conducting activities to achieve the purposes of this program, the recipient shall be responsible for the activities under A. (Recipient Activities) and CDC shall be responsible for the activities listed under B. (CDC Activities).

A. Recipient Activities

1. Develop an identified, highly visible state-based program for the prevention of disabilities and secondary conditions as related to the indicated core capacity functions;

2. Establish and operate a state-based office of disabilities prevention, support an advisory body, develop and implement the State strategic plan, establish coordination with other disabilities prevention-related agencies, develop project objectives and time frames, and provide technical assistance;

3. Implement statewide surveillance, using existing data, for all disabilities based on the collective impact on functional limitations;

4. Develop and implement public health surveillance for the targeted disability group(s);

5. Promote prevention planning in communities, conduct or guide intervention activities, and evaluate their effectiveness; and

6. Design, implement, and evaluate special prevention projects.

B. CDC Activities

1. Provide scientific, programmatic, and technical assistance in the planning, operation, and evaluation of surveillance and community projects;

2. Provide programmatic assistance in administrative and organizational aspects of project operations and provide information on project activities in other States and national initiatives;

3. Support project staff by conducting training programs, conferences, and workshops to enhance skills and knowledge;

4. Provide a reference point for sharing regional and/or national data pertinent to targeted disabilities; and

5. Assist in research and in studying the effectiveness of specific prevention and intervention strategies.

Evaluation Criteria for Basic Core Capacity (Total 100 Points)

1. Evidence of Need and Understanding of the Problem: (20 Points)

Evaluation will be based on:

a. The applicant's description and understanding of the disabilities problem in the State as evidenced by estimates of incidence and/or prevalence, demographic indicators, scope of disabilities and their severity, and costs associated with specific disabilities;

b. The applicant's description of current prevention activities within the State. This description should address available resources, populations-at-risk, knowledge gaps, current relationships and potential to enroll other organizations in support of the project, and the applicant's assessment of program effectiveness;

c. The applicant's understanding of the impact of secondary conditions in the State and the applicant's description of its future capacity to re-direct the program to the prevention of secondary conditions.

2. Technical Approach and Core Capacity: (35 Points)

Evaluation will be based on:

a. The capability of the applicant to ensure that the basic components of core state-level capacity will be promoted and implemented, including the rationale for the selection of the targeted disability group(s);

b. The proposed plan to establish and operate the office of disabilities prevention, and ensure its capability to function as a coordinating focus and provide technical assistance throughout the State;

c. The plan to establish the advisory body including its organizational composition and intended impact on policy, planning, and oversight for prevention activities; including an indication of how it will complement other such councils in the State;

d. The approach to develop and implement the State strategic plan for the prevention of disabilities;

e. The reasonableness, feasibility, and logic of the designed project objectives, including the overall work plan, timetable for accomplishment, and the strength of the proposed evaluation plan;

f. The described preventive services for low income and minority populations and how access for persons with disabilities to project services, opportunities, and facilities will be achieved.

3. Surveillance: (25 Points)

Evaluation of this criteria will be based on demonstration of the applicant's core epidemiologic capacity to conduct, facilitate, analyze, and/or assess surveillance data in functional limitations and the targeted disability group(s), including its design, methods for collection, quality assurance program, timelines for analysis or determinants of data quality and gaps, collaborative support and intra/inter-agency agreements for data sharing, data linkage, access and analysis potential, and dissemination capacity. This also includes the capability to conduct expanded surveillance and/or epidemiologic studies as part of basic state-level core activities.

4. Community Interventions: (15 Points)

Evaluation will be based on the applicant's description of planning efforts and anticipated methods to design, facilitate, offer technical assistance, and/or conduct and evaluate health promotion and other community intervention projects under its core capacity.

5. Cost-Sharing: (5 Points)

This criteria will be evaluated on evidence of personnel and financial contributions to the project.

6. Budget Justification/Adequacy of Facilities: (Not Scored)

Evaluation of the proposed budget will be based on the reasonableness, concise and clear justification, and consistency with the intended use of cooperative agreement funds.

Evaluation Criteria for Special Prevention Projects (100 Points)

1. Evidence of Need: (10 Points)

Evaluation will be based on the description and documentation of need for the project and the importance of how the proposed activity relates to that need, including its basis in data sources, and support or endorsement by an advisory function, public health leadership, and/or other State priorities.

2. Project Description: (30 Points)

Evaluation will be based on the description of the project; the appropriateness and specificity of goals, objectives, and timelines; and the applicant's potential for achieving the expected results.

3. Technical Approach: (30 Points)

Evaluation will be based on the description of the methods to be used to implement the project, staff qualifications and resources available, commitments and support to be provided from collaborating organizations, and how the core functions will be used to support the special prevention project.

4. Evaluation Plan: (30 Points)

Evaluation will be based on the methods presented to measure specific outcomes and evaluate the entire project including the proposed use and dissemination of results.

5. Budget Justification: (Not Scored)

This includes the reasonableness, appropriateness, and clarity of the budget request including the necessary documentation of facilities and resources to be applied to support the proposed project.

Funding Priorities

Subsequent to decisions for basic state-level core capacity awards, funding for special prevention projects will consider geographical balance and distribution among all targeted disability groups.

Public comments are not being solicited regarding the funding priority because time does not permit solicitation and review prior to the funding date.

Executive Order 12372

Applications are subject to the Intergovernmental Review of Federal Programs as governed by Executive Order (E.O.) 12372. E.O. 12372 sets up a system for State and local government review of proposed Federal assistance applications. Applicants should contact their State Single Point of Contacts (SPOCs) as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOCs of each affected State. A current list is included in the application kit. If SPOCs have any State process recommendations on applications submitted to CDC, they should forward them to Henry S. Cassell, III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., room 300, Mailstop E–13, Atlanta, Georgia 30305, no later than 60 days after the deadline date for new and competing awards. The granting agency does not guarantee to "accommodate or explain" State process recommendations it receives after that date.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance number is 93.184.

Other Requirements

A. Paperwork Reduction Act

Projects that involve the collection of information from 10 or more individuals and funded by the State-Based Capacity Building Project will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

B. Human Subjects

If the proposed project involves research on human subjects, the applicant must comply with the Department of Health and Human

Services Regulations, 45 CFR Part 46, regarding the protection of human subjects. Assurance must be provided to demonstrate that the project will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing assurance in accordance with the appropriate guidelines and form provided in the application kit.

Application Submission and Deadline

The original and two copies of the application PHS Form 5161–1, Revised 7/92, OMB Control Number 0937–0189), must be submitted to Mr. Henry S. Cassell, III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., room 300, Mailstop E–13, Atlanta, Georgia 30305, on or before July 14, 1994.

1. *Deadline:* Applications will be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received in time for submission to the objective review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks will not be acceptable as proof of timely mailing.)

2. *Late Applications:* Applications that do not meet the criteria in 1.(a) or 1.(b) above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where To Obtain Additional Information

A complete program description, information on application procedures, an application package, and business management technical assistance may be obtained from Georgia L. Jang, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., room 300, Mailstop E–13, Atlanta, Georgia 30305, telephone (404) 842–6814. Programmatic technical assistance including additional guidance related to basic core capacity and special prevention projects may be obtained from Joseph B. Smith, Disabilities Prevention Program, National Center for Environmental Health, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, NE., Building 101, Mailstop F–29, Atlanta, Georgia 30341, telephone (404) 488–7080.

Please refer to Program Announcement No. 475 when requesting information and submitting an application.

Potential applicants may obtain a copy of "Healthy People 2000" (Full Report; Stock Number 017–001–00474–0) or "Healthy People 2000" (Summary Report; Stock Number 017–001–00473–1) referenced in the Introduction through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 783–3238.

Dated: May 20, 1994.

Ladene H. Newton,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 94–12844 Filed 5–25–94; 8:45 am]

BILLING CODE 4163–18–P

Food and Drug Administration

Advisory Committees; Renewals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the renewal of certain FDA advisory committees by the Commissioner of Food and Drugs. The Commissioner has determined that it is in the public interest to renew the charters of the committees listed below for an additional 2 years beyond charter expiration date. The new charters will be in effect until the dates of expiration listed below. This notice is issued under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463 (5 U.S.C. app. 2)).

DATES: Authority for these committees will expire on the dates indicated below unless the Commissioner formally determines that renewal is in the public interest.

Name of committee	Date of expiration
Generic Drugs Advisory Committee	January 22, 1996
Medical Imaging Drugs Advisory Committee	February 28, 1996
Gastrointestinal Drugs Advisory Committee	March 3, 1996
Fertility and Maternal Health Drugs Advisory Committee	March 23, 1996
Arthritis Advisory Committee	April 5, 1996
Veterinary Medicine Advisory Committee	April 24, 1996

FOR FURTHER INFORMATION CONTACT: Donna M. Combs, Committee Management Office (HFA–306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–765.

Dated: May 20, 1994.

Linda A. Suydam,

Interim Deputy Commissioner for Operations.

[FR Doc. 94–12854 Filed 5–25–94; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 94F–0153]

Kuraray International Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Kuraray International Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of *n*-octanol produced by a new manufacturing process, the hydrodimerization of 1,3-butadiene.

DATES: Written comments on the petitioner's environmental assessment by June 27, 1994.

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

FOR FURTHER INFORMATION CONTACT: Rosalie M. Angeles, Center for Food Safety and Applied Nutrition (HFS–207), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–254–9528.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409(b)(5) (21 U.S.C. 321(s), 348(b)(5))), notice is given that a food additive petition (FAP 4A4419) has been filed by Kuraray International Corp., c/o 1001 G St. NW., Washington, DC 20001. The petition proposes that the food additive regulations in § 172.864 *Synthetic fatty alcohols* (21 CFR 172.864) be amended to provide for the safe use of *n*-octanol produced by a new manufacturing process, the hydrodimerization of 1,3-butadiene.

The potential environmental impact of this action is being reviewed. To encourage public participation consistent with regulations promulgated under the National Environmental Policy Act (40 CFR 1501.4(b)), the agency is placing the environmental assessment submitted with the petition that is the subject of this notice on

public display at the Dockets Management Branch (address above) for public review and comment. Interested persons may, on or before June 27, 1994, submit to the Dockets Management Branch (address above) written comments. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. FDA will also place on public display any amendments to, or comments on, the petitioner's environmental assessment without further announcement in the **Federal Register**. If, based on its review, the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: May 18, 1994.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 94–12855 Filed 5–25–94; 8:45 am]

BILLING CODE 4160–01–F

Health Resources and Services Administration

Final Funding Priorities for Special Project Grants to Schools of Public Health for Fiscal Year 1994

The Health Resources and Services Administration (HRSA) announces the final funding priorities for fiscal year (FY) 1994 Special Projects Grants to Schools of Public Health funded under the authority of section 762, title VII of the Public Health Service Act, as amended by the Health Professions Education Extension Amendments of 1992, Public Law 102–408, dated October 13, 1992.

Purpose

Section 762 of the Public Health Service Act (the Act), as amended, authorizes the Secretary to award grants to accredited schools of public health for the costs of planning, developing, demonstrating, operating, and evaluating projects that are in furtherance of the goals established by the Secretary for the year 2000 in the area of:

(1) Preventive medicine;

(2) Health promotion and disease prevention;

(3) Improving access to and quality of health services in medically underserved communities; or

(4) Reducing the incidence of domestic violence.

Final Funding Priorities

A notice which announced this grant cycle was published in the **Federal Register** on February 17, 1994 at 59 FR 8009, and proposed two funding priorities. No comments were received during the 30 day comment period. Therefore, the priorities remain as proposed. The final priorities are shown below.

A funding priority will be given to programs which demonstrate either substantial progress over the last three years or a significant experience of ten or more years in enrolling and graduating trainees from those minority or low-income populations identified as at risk of poor health outcomes.

A funding priority will also be given for projects that address the program purpose of reducing the incidence of domestic violence.

Additional Information

If additional programmatic information is needed, please contact: Ronald B. Merrill, Public Health Branch, Division of Associated, Dental, and Public Health Professions, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, room 8C–09, Rockville, Maryland 20857, Telephone: (301) 443–6896.

This program, Special Project Grants to Schools of Public Health, is listed at 93.188 in the *Catalog of Federal Domestic Assistance*. It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100). This program is not subject to the Public Health System Reporting Requirements.

Dated: May 20, 1994.

Ciro V. Sumaya,

Administrator.

[FR Doc. 94–12856 Filed 5–25–94; 8:45 am]

BILLING CODE 4160–15–P

Final Minimum Percentages for "High Rate" and "Significant Increase in the Rate" for Implementation of the General Statutory Funding Preference for Grants for Nurse Anesthetist Education Programs for Fiscal Year 1994

The Health Resources and Services Administration (HRSA) announces the final minimum percentages for "high rate" and "significant increase in the rate" for implementation of the general statutory funding preference for fiscal year (FY) 1994 Grants for Nurse Anesthetist Education Programs funded under the authority of section 831(a), title VIII of the Public Health Service Act, as amended by the Nurse Education and Practice Improvement Amendments of 1992, title II of the Health Professions Education Extension Amendments of 1992, Public Law 102–408, dated October 13, 1992.

Purpose

Section 831(a) of the Public Health Service Act authorizes the Secretary to make grants to cover the costs of projects to develop and operate programs for the education of nurse anesthetists.

Statutory Funding Preference

In making awards of grants under this section, 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.

Minimum Percentages for "High Rate" and "Significant Increase in the Rate"

A notice which announced this grant cycle was published in the **Federal Register** on January 6, 1994 at 59 FR 769, and proposed minimum percentages for "high rate" and "significant increase in the rate" for implementation of the general statutory funding preference. No comments were received during the 30 day comment period. Therefore, the percentages for "high rate" and "significant increase in the rate" remain as proposed. The final minimum percentages are shown below.

"High rate" is defined as a minimum of 20 percent of graduates in academic years 1990–91, 1991–92 or 1992–93 who spend at least 50 percent of their worktime in clinical practice in the specified settings. Graduates who are providing care in a medically underserved community as a part of a fellowship or other educational experience can be counted.

"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 of 50 percent and that not less than 15 percent of graduates from the most

recent year are working in these settings.

Additional Information

If additional programmatic information is needed, please contact: Ms. Donna English, Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, room 9–35, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443–5763 FAX: (301) 443–8586.

This program, Grants for Nurse Anesthetist Education Programs, is listed at 93.916 in the *Catalog of Federal Domestic Assistance*. It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100). This program is not subject to the Public Health System Reporting Requirements.

Dated: May 20, 1994.

Ciro V. Sumaya,

Administrator.

[FR Doc. 94–12857 Filed 5–25–94; 8:45 am]

BILLING CODE 4160–15–P

Health Resources and Services Administration Advisory Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of June 1994:

Name: Council On Graduate Medical Education.

Time: June 22, 1994, 8:30 a.m.

Place: Holiday Inn, Capitol, Clark Room, 550 C Street, SW., Washington, DC 20024.

June 23, 1994, 8:30 a.m., Hubert Humphrey Building, room 800, 200 Independence Avenue, SW., Washington, DC 20024.

Open for entire meeting.

Purpose: Provides advice and recommendations to the Secretary and to the Committees on Labor and Human Resources, and Finance of the Senate and the Committees on Energy and Commerce and Ways and Means of the House of Representatives, with respect to (A) the supply and distribution of physicians in the United States; (B) current and future shortages of physicians in medical and surgical specialties and subspecialties; (C) issues relating to foreign medical graduates; (D) appropriate Federal policies regarding (A), (B), and (C) above; (E) appropriate efforts to be carried out by medical and osteopathic schools, public and private hospitals and accrediting bodies regarding matters in (A), (B), and (C) above; (F) deficiencies in the needs for improvements in, existing data bases concerning supply and distribution of, and training programs for physicians in the United States.

Agenda: The Council will be discussing the status of health care and workforce reform; COGME recommended generalist and specialist physician-to-population ratios; COGME recommendations on direct medical education policy and budget; commission structure, function and budget; initial approval of findings and recommendations on Women in Medicine; initial approval of draft findings on Impact of PA and Managed Care on Workforce Requirements; IMG licensing work group and action plan; minorities in medicine; underserved areas; analytical activities; and the Council on Graduate Medical Education and the National Advisory Council on Nurse Education and Practice activities.

Anyone requiring information regarding the subject Council should contact Marc L. Rivo, M.D., M.P.H.. Executive Secretary, telephone (301) 443–6190; or F. Lawrence Clare, M.D., M.P.H., Deputy Executive Secretary, telephone (301) 443–6326, Council on Graduate Medical Education, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, room 9A–27, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Agenda Items are subject to change as priorities dictate.

Date: May 23, 1994.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 94–12858 Filed 5–25–94; 8:45 am]

BILLING CODE 4160–15–P

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Meeting: End-Stage Renal Disease Data Advisory Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the End-Stage Renal Disease (ESRD) Data Advisory Committee on June 22, 1994. The committee will meet via a telephone conference call that will begin at 4 p.m., E.D.T., at Cygnus Corporation, 11426 Rockville Pike, suite 410, Rockville, Maryland 20852. The meeting, which will be open to the public, is being held to discuss the 1994 Annual Report and other ESRD Data issues. Public participation will be limited to space available. Individuals who plan to participate should contact Dr. Ralph Bain at the number listed below, so that we can connect you to the call.

For any further information, and for individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, please contact Dr. Ralph Bain, Executive Director, End-Stage Renal Disease Data Advisory Committee, 11426 Rockville Pike, suite 410, Rockville, Maryland 20852, (301) 231–7537, two weeks prior to the meeting. In addition, upon request, Dr. Bain's office will provide an agenda, a roster of the members, and summaries of the meeting.

(Catalog of Federal Domestic Assistance Program No. 93.847–849, Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney Diseases, Urology and Hematology Research, National Institutes of Health)

Dated: May 19, 1994.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 94–12817 Filed 5–25–94; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Diabetes and Digestive and Kidney Diseases; Meeting: National Diabetes Advisory Board

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the national Diabetes Advisory Board on July 11–12, 1994, 8:30 a.m. to approximately 5 p.m., at the Marriott-Crystal City, 1999 Jefferson Davis Highway, Arlington, Virginia. Notice of the meeting room will be posted in the hotel lobby. The entire meeting will be open to the public, with attendance limited to space available.

Agenda

July 11 Impact of the DCCT Results on Diabetes Care Standards of Care for NIDDM

July 12 Board Discussion of Previous Day's Topics; NIH Intramural Program; and Future Meeting Topics

For any further information, and for individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, please contact Mr. Raymond M. Kuehne, Executive Director, National Diabetes Advisory Board, 11426 Rockville Pike, suite 410, Rockville, Maryland 20852, (301) 231–7537, two weeks prior to the meeting date. In addition, upon request, Mr. Kuehne's office will provide a membership roster of the Board and an agenda and summaries of the meetings.

(Catalog of Federal Domestic Assistance Program No. 93.847–849, Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney Diseases, Urology and Hematology Research, National Institutes of Health)

Dated: May 19, 1994.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 94–12819 Filed 5–25–94; 8:45 am]

BILLING CODE 4140–01–M

Meeting of the National Eye Institute Board of Scientific Counselors

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Eye Institute (NEI), June 6 and 7, 1994, in the NEI Conference Room, Building 31, room 6A35, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on June 6 from 9 a.m. until approximately 4 p.m. for general remarks by the Director, Intramural Research Programs, NEI, on matters concerning the intramural programs of the NEI. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463, the meeting will be closed to the public on June 6 from approximately 4 p.m. until recess and on June 7 from 8:30 a.m. until adjournment for the review, discussion, and evaluation of individual projects conducted by the Laboratory of Sensorimotor Research. These evaluations and discussions could reveal personal information concerning individuals associated with the projects, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Consequently, this meeting is concerned with matters exempt from mandatory disclosure.

Ms. Lois DeNinno, Committee Management Officer, NEI, EPS/350, Bethesda, Maryland 20892, (301) 496–5301, will provide a summary of the meeting, roster of committee members, and substantive program information upon request. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. DeNinno in advance of the meeting.

This notice is being published later than fifteen days prior to the meeting due to difficulty of coordinating the members' schedules.

(Catalog of Federal Domestic Assistance Program No. 93.867, Vision Research; National Institutes of Health)

Dated: May 20, 1994.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 94–12820 Filed 5–25–94; 8:45 am]

BILLING CODE 4140–01–P

National Institute of Mental Health; Meetings

Pursuant to Public Law 92–463, notice is hereby given of the meetings of the advisory committees of the National Institute of Mental Health for July 1994.

The meetings will be open to the public as indicated below to discuss administrative details and other issues relating to committee activities.

The meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5, U.S.C. and section 10(d) of Public Law 92–463. The review committee will meet for the review, discussion, and evaluation of individual grant applications. The Board of Scientific Counselors, NIMH, will meet for the review, discussion, and evaluation of staff scientists and individual programs and projects of the National Institute of Mental Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items. These applications, evaluations, and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Attendance by the public to all open sessions will be limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the contact person named below in advance of the meeting.

Ms. Joanna L. Kieffer, Committee Management Officer, National Institute of Mental Health, Parklawn Building, room 9–105, 5600 Fishers Lane, Rockville, MD 20857, Area Code 301, 443–4333, will provide a summary of the meeting and a roster of committee members.

Other information pertaining to the meeting may be obtained from the contact person indicated.

Committee Name: Psychobiological, Biological, and Neuroscience Subcommittee, Mental Health, AIDS and Immunology Review Committee
Contact: Rehana A. Chowdhury, room 9C–26, Parklawn Building, Telephone: 301, 443–6470
Meeting Date: July 7–8, 1994.
Place: St. James Hotel, 950 24th Street NW., Washington, DC 20037
Open: July 7, 1994, 8:30 a.m.–9 a.m.
Closed: July 7, 1994, 9 a.m.–5 p.m.; July 8, 1994, 8:30 a.m.–adjournment

Committee Name: Board of Scientific Counselors, NIMH
Contact: Jack D. Maser, Ph.D., Building 10, room 4N224, Telephone: 301, 496–4183
Meeting Date: July 18–19, 1994.
Place: NIMH Neuroscience Research Center, St. Elizabeths Hospital, 2700 Martin Luther King Jr. Avenue, SE., Washington, DC 10032
Open: July 18, 8:30 a.m. to 9 a.m.
Closed: July 18, 9 a.m. to 5 p.m.; July 19, 8;30 a.m. to adjournment.

(Catalog of Federal Domestic Assistance Program Numbers 93.126, Small Business Innovation Research; 93.176, ADAMHA Small Instrumentation Program Grants; 93.242, Mental Health Research Grants; 93.281, Mental Research Scientist Development Award and Research Scientist Development Award for Clinicians; 93.282, Mental Health Research Service Awards for Research Training; and 93.921, ADAMHA Science Education Partnership Award)

Dated: May 20, 1994.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 94–12818 Filed 5–25–94; 8:45 am]

BILLING CODE 4140–01–M

Public Health Service

President's Council on Physical Fitness and Sports

AGENCY: Office of the Assistant Secretary for Health.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the President's Council on Physical Fitness and Sports. This notice also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act.

DATES: May 31, 1994, 1:30 p.m.

ADDRESSES: The White House Conference Center, Truman Room, 3rd Floor, 726 Jackson Place NW., Washington, DC 20500.

FOR FURTHER INFORMATION CONTACT: Sandra Perlmutter, Executive Director, President's Council on Physical Fitness and Sports, 701 Pennsylvania Avenue NW., suite 250, Washington, DC 202/272–3421.

SUPPLEMENTARY INFORMATION: The President's Council on Physical Fitness and Sports operates under Executive Order #12345, as amended, and subsequent orders. The functions of the Council are: (1) To advise the President and Secretary concerning progress made in carrying out the provisions of the Executive Order and recommending to the President and Secretary, as

necessary, actions to accelerate progress; (2) advise the President and the Secretary on matters pertaining to the ways and means of enhancing opportunities for participation in physical fitness and sports actions to extend and improve physical activity programs and services; (3) advise the President and Secretary on State, local, and private actions to extend and improve physical activity programs and services.

The Council will hold this meeting to apprise the members of the national program on physical fitness and sports, to report on ongoing Council initiatives, and to plan for future directions.

Dated: May 23, 1994.

Sandra Perlmutter,

Executive Director, President's Council on Physical Fitness and Sports.

[FR Doc. 94–12901 Filed 5–25–94; 8:45 am]

BILLING CODE 4160–17–M

Social Security Administration

Statement of Organization, Functions and Delegations of Authority

Part S of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services covers the Social Security Administration (SSA). Chapter S3 covers the Deputy Commissioner for Programs. Notice is hereby given that Subchapter S3G, Office of Hearings and Appeals, is being amended to reflect changes in the organizational designations and functional responsibilities in the Office of the Chief Administrative Law Judge (S3GJ), Office of Appellate Operations (S3GC) and the Office of Management, Systems and Policy (S3GX). Notice is further given that subchapter S3G is being amended to reflect the abolishment of the Office of Civil Actions (S3GL). In addition, a functional statement is being inserted for the Vocational Expert and Medical Advisor Staff in the Office of the Chief Administrative Law Judge. The changes are as follows:

Section S3G.10 The Office of Hearings and Appeals—(Organization)

D. The Office of the Chief Administrative Law Judge (S3GJ)

Establish

4. The Division of Medicare part B (S3GJ5).

F. The Office of Appellate Operations (S3GC)

Change Opening Sentence To Read

"The Office of Appellate Operations (S3GC), which includes the Executive Director who also serves as Deputy Chair of the Appeals Council, the Appeals Council and its Administrative Appeals Judges, a Deputy Director to the Executive Director, and a Director of Operations.

Retitle

2. *The Administrative Support Staff (S3GC4) To:* "The Division of Program Support (S3GC4)."

Delete

3. The Retirement and Survivors Insurance, Health Insurance and Supplemental Security Income Staff (S3GC5) in its entirety.

Establish

3. The Medical Support Staff (S3GCX).

Retitle

4. *The Program Review Branch 1 (S3GC6) To:* "The Disability Program Branch 1 (S3GC6)."

5. *The Program Review Branch 2 (S3GC7) To:* "The Disability Program Branch 2 (S3GC7)."

6. *The Program Review Branch 3 (S3GC8) To:* "The Disability Program Branch 3 (S3GC8)."

7. *The Program Review Branch 4 (S3GC9) To:* "The Disability Program Branch 4 (S3GC9)."

8. *The Program Review Branch 5 (S3GCA) To:* "The Disability Program Branch 5 (S3GCA)."

9. *The Program Review Branch 6 (S3GCB) To:* "The Disability Program Branch 6 (S3GCB)."

10. *The Program Review Branch 7 (S3GCC) To:* "The Disability Program Branch 7 (S3GCC)."

11. *The Program Review Branch 8 (S3GCE) To:* "The Disability Program Branch 8 (S3GCE)."

12. *The Program Review Branch 9 (S3GCG) To:* "The Disability Program Branch 9 (S3GCG)."

13. *The Program Review Branch 10 (S3GCH) To:* "The Disability Program Branch 10 (S3GCH)."

14. *The Program Review Branch 11 (S3GCJ) To:* "The Disability Program Branch 11 (S3GCJ)."

15. *The Program Review Branch 12 (S3GCK) To:* "The Disability Program Branch 12 (S3GCK)."

16. *The Program Review Branch 13 (S3GCL) To:* "The Disability Program Branch 13 (S3GCL)."

17. *The Program Review Branch 14 (S3GCM) To:* "The Disability Program Branch 14 (S3GCM)."

18. *The Program Review Branch 15 (S3GCN) To:* "The Disability Program Branch 15 (S3GCN)."

19. *The Program Review Branch 16 (S3GCP) To:* "The Disability Program Branch 16 (S3GCP)."

Establish

20. The Disability Program Branch 17 (S3GCQ).

21. The Disability Program Branch 18 (S3GCR).

22. The Disability Program Branch 19 (S3GCS).

23. The Health Insurance Branch (S3GCT).

24. The Retirement and Survivors Insurance and Supplemental Security Income Branch (S3GCU).

25. The Court Case Preparation and Review Branch 1 (S3GCV).

26. The Court Case Preparation and Review Branch 2 (S3GCW).

Delete

G. The Office of Civil Actions (S3GL) In Its Entirety

Establish

G. The Office of Policy, Planning and Evaluation (S3GK)

1. The Division of Litigation Analysis and Implementation (S3GK1).
2. The Division of Planning and Evaluation (S3GK2).
3. The Division of Policy (S3GK3).

Retitle

H. The Office of Management, Systems and Policy (S3GX) to "The Office of Management (S3GX)"

Delete

2. The Division of Policy, Planning and Evaluation (S3GX2).

Renumber

"3" to "2", "4" to "3", "5" to "4", "6" to "5" and "7" to "6".

Section S3G.20. The Office of Hearings and Appeals—(Functions)

D. The Office of the Chief Administrative Law Judge (S3GJ)

Replace "seven" with "ten" in the fifth sentence. Add the following after "coordinates hearing office activities;" in the last sentence: "Preparing, reviewing and drafting decisions and dismissals in Medicare part B cases;"

Establish

3. The Vocational Expert and Medical Advisor Staff (S3GJ2) formulates, develops and oversees the national

program for recruitment and use of Vocational Experts and Medical Experts at hearings before Administrative Law Judges. On an ongoing basis, monitors Regional and Hearing Office operations regarding the program and when appropriate provides guidance and makes necessary changes. Responsible for monitoring court trends and determines their impact on the progam and the need for additional expert witnesses. Is responsible for reviewing fees and revising national fee schedules when appropriate. Identifies the need for special studies or management reviews of the Program.

4. The Division of Medicare part B (S3GJ5) processes Medicare part B cases on receipt from Health Care Financing Administration (HCFA) contractors. Assigns docket numbers and establishes case control, identifies proposed exhibits, prepares exhibit files, drafts exhibit lists. Identifies technical dismissals and drafts all orders of dismissal for the signature of the Administrative Law Judge. Prepares a detailed analysis of the facts and issues in each case that reaches the hearing level, including appropriate citations of law, regulations and policy, and recommendations for development of additional evidence or testimony from the claimant or expert witnesses at the hearing. Researches the law, regulations and relevant policy to resolve case-related issues as necessary. Drafts all decisions where an on-the-record decision is requested and drafts decisions where hearings are held by an Administrative Law Judge. Receives post-hearing files from Hearing Offices, identifies and forwards favorable decisions to the Health Care Financing Administration Regional Office for effectuation. Maintains all relevant case processing and workflow statistics relating to the part B workload and prepares all management reports. Serves as custodian of all files until full appeals rights are exhausted, that is, through Appeals Council or court action. Receives requests for Appeals Council review. Processes Appeals Council remands and obtains any requested development. Provides technical and staff assistance to the Chief Administrative Law Judge and all Administrative Law Judges concerning the adjudication of Medicare part B cases.

F The Office of Appellate Operations (S3GC)

Add As the Second Paragraph:

The Office of Appellate Operations (S3GC) is also responsible for OHA action on cases in which a civil suit has been filed, including actions on new court case requests for voluntary remand and court remands. Provides professional and technical advice to the Associate Commissioner, the Appeals Council, the Chief Administrative Law Judge and other OHA officials in all litigated cases involving claims for benefits filed under Titles II, XVI and XVIII of the Social Security Act, as amended, and Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended; claims to establish dependency status under Title II of the Act; claims for individual enrollment to participate under parts A and/or part B of Title XVIII of the Act; and claims by hospitals, skilled nursing facilities and independent laboratories seeking certification or continued certification under the Social Security Act. Tracks and analyzes court case trends and disseminates information to guide adjudicators with respect to case law, to implement an effective appeals strategy, and to identify areas and make recommendations as to policies which need to be developed and/or clarified, new regulations which need to be developed, or clarifying legislation which should be sought.

Retitle

2. *The Administrative Support Staff (S3GC4) To:* " The Division of Program Support (S3GC4)." Delete statement beginning with "under" and replace with the following:

2. "Under the direction of the Director of Operations of the Office of Appellate Operations, provides support services to Appeals Council Members, including reconstruction of lost claim files and receiving and analyzing fee petitions. Provides reprographic services in preparation of the official answer to civil actions filed against the Secretary of DHHS under Titles II, XVI, and XVIII of the Social Security Act, as amended, and Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended. This includes reproduction of documents for all individual litigant cases as well as class action cases and discovery requests. Manages equipment, personnel and facilities necessary to ensure timely provision of reprographic services. Controls and maintains all requests for transcription of hearing cassettes and performs audit functions for hearing transcripts returned from the private contractor."

Delete in Its Entirety

3. The Retirement and Survivors Insurance, Health Insurance and Supplemental Security Income Staff (S3GC5).

Establish

3. The Medical Support Staff (S3GCX) provides expert professional judgment to the Appeals Council on individual disability and health insurance claims. The Medical Support Staff also provides informational, advisory and consultant services to Administrative Appeals Judges and their support staff on matters of interpretation and application of national policy on SSA and OHA disability criteria and regulations. It consists of staff physicians, consulting physicians, and support staff. The qualifications of these physicians are representative of the major medical specialities. Each physician is familiar with the pertinent provisions of the Social Security Rules and Regulations. The physicians conduct training seminars for the Appeals Council and its support staff and newly appointed Administrative Law Judges. They review disability evaluation training manuals for consistency and national uniformity. The Medical Support Staff represents OHA in contacts with appropriate professional affiliations to promote understanding of OHA practices and problems in the evaluation of disability. It advises and participates with the Appeals Program Officer and Executive Director of OAO in the recruitment, selection and training of the medical consultant staff. The Medical Support Staff coordinates with the Office of Disability and International Operations all matters of joint interest in the area of medical disability evaluation.

Establish

20. The Disability Program Branch 17 (S3GCQ).

21. The Disability Program Branch 18 (S3GCR).

22. The Disability Program Branch 19 (S3GCS).

Add as the Last Five Sentences

4.–22. The Disability Program Branches (S3GC6–9 and S3GCA-S). Analyze and recommend action on cases referred by the Office of General Counsel (OGC) for consideration of whether remand should be requested at the Secretary's motion. Recommend to OGC defense on the record of certain litigated cases if further administrative action is not warranted. Analyze and recommend action of cases remanded by the courts. Prepare affidavits and related correspondence; and, as necessary, prepare comprehensive decisions and remand orders for the signature of the Executive Director and other Administrative Appeals Judges in civil action cases.

Establish

23. The Health Insurance Branch (S3GCT) serves as a support staff for the Appeals Council in reviewing Administrative Law Judge (ALJ) decisions and dismissals involving claims to establish entitlement to Health Insurance benefits under Title XVIII of the Social Security Act, including claims for individual enrollment to participate under Parts A and/or B of Title XVIII and claims by hospitals, skilled nursing facilities and independent laboratories seeking certification under the Social Security Act. Advises the Appeals Council on all matters relating to entitlement to benefits under the Social Security Act, as amended, for health insurance claims, and supports the Appeals Council in all phases of its review function as the final step in the administrative appeals process. Acting on behalf of the Appeals Council, undertakes necessary development and responds to such administrative matters as requests for extensions of time to submit additional evidence, requests for copies of exhibits from the claim file and requests for copies of the hearing cassette or transcript of the hearing. Following an analysis of the record and any additional evidence and/or argument submitted, and applying a thorough knowledge of applicable case law, examines hearing decisions and other final actions of the Administrative Law Judge and requests for Appeals Council review and makes recommendations to the Administrative Appeals Judges as to what action should be taken on cases pending before the Council. Recommendations include whether own motion review should be taken or review granted and the appropriate course of action if jurisdiction is assumed, including issuing a decision, dismissal, or remand of the case to an Administrative Law Judge. The staff initiates implementing action on behalf of the Administrative Appeals Judges including drafting comprehensive decisions and orders. Analyzes and recommends action on cases referred by OGC for consideration of whether remand should be requested at the Secretary's motion. Recommends to OGC defense on the record of certain litigated cases if further administrative action is not warranted. Analyzes and recommends action of cases remanded by the courts. Prepares affidavits and related correspondence; and, as necessary, prepares comprehensive decisions and remand orders for the signature of the Executive Director and other Administrative Appeals Judges in civil action cases.

24. The Retirement and Survivors Insurance and Supplemental Security Income Branch (S3GCU) serves as a support staff for the Appeals Council in reviewing Administrative Law Judge decisions and dismissals involving claims to establish entitlement and the amount of benefits in old-age, survivors and disability under Title II of the Social Security Act; and claims to establish eligibility for and benefits payable in Title XVI cases. Advises the Appeals Council on all matters relating to entitlement to benefits under the Social Security Act and supports the Appeals Council in all phases of its review function as the final step in the administrative appeals process. Acting on behalf of the Appeals Council, the staff undertakes necessary development and responds to such administrative matters as requests for extensions of time to submit additional evidence, requests for copies of exhibits from the claim file and requests for copies of the hearing cassette or transcript of the hearing. Following an analysis of the record and any additional evidence and/or argument submitted and applying a thorough knowledge of applicable case law, examines hearing decisions and other final actions of the Administrative Law Judge and requests for Appeals Council review and makes recommendations to the Administrative Appeals Judges Member as to what action should be taken on cases pending before the Council whether before or after a civil action is filed. Recommendations include whether own motion review should be taken or review granted and the appropriate course of action if jurisdiction is assumed, including issuing a decision, dismissal, or remand of the case to an Administrative Law Judge. The staff initiates implementing action on behalf of the Administrative Appeals Judges including drafting comprehensive decisions and orders. Analyzes and recommends action on cases referred by OGC for consideration of whether remand should be requested at the Secretary's motion. Recommends to OGC defense on the record of certain litigated cases if further administrative action is not warranted. Analyzes and recommends action of cases remanded by the courts. Prepares affidavits and related correspondence; and, as necessary, prepares comprehensive decisions and remand orders for the signature of the Executive Director and other Administrative Appeals Judges in civil actions cases.

25.–26. The Court Case Preparation and Review Branches 1–2 (S3GCV-S3GCW) serve as a support staff to the Office of Appellate Operations. Prepare remand orders and affidavits and related correspondence. Within published guidelines, recommend to OGC defense on the record for certain litigated cases if further administrative action is not warranted. Analyze and recommend action on cases remanded by the courts. Prepares all court transcripts and controls and maintains all certified records of claims at the civil actions level.

Delete

G. The Office of Civil Actions (S3GL) In Its Entirety

Establish

G. The Office of Policy, Planning and Evaluation (S3GK) plans, analyzes and develops OHA-wide policy for the hearings, appeals and civil actions processes. Manages the overall OHA policy communications system. Is responsible for OHA activity with respect to Social Security regulations, including developing an OHA position with respect to program regulations proposed by SSA components. Monitors OHA's implementation of program regulations governing the hearings and appeals process. Plans and conducts a comprehensive OHA-wide evaluation program designed to support OHA policy and regulatory initiatives and measure the overall effectiveness of the nationwide hearings and appeals process. Provides advice and guidance throughout OHA on matters involving program policies, planning and evaluation. Coordinates policy, planning and evaluation matters within OHA, with other SSA components and with HCFA, OGC and other HHS components, other Federal agencies and private organizations. Responsible for SSA policy with respect to claimant representation and the fees charged for these services. Develops and coordinates program training in conjunction with appropriate OHA, SSA, HCFA, HHS and OGC components. Develops and implements an appeals strategy, in conjunction with other OHA components, that identifies the issues and types of cases which OHA believes should be appealed. Captures court trend information for dissemination to other components to assist in formulating the Agency's litigation strategy and improving the adjudication process.

1. The Division of Litigation Analysis and Implementation (S3GK1) develops and implements, in conjunction with other OHA components, an appeals strategy that identifies the issues and types of cases which OHA believes should be appealed. Captures court

trend information for dissemination to other components to assist in formulating the agency's litigation strategy and improving the adjudication process. Develops and maintains a compendium of circuit court case law with systems-based access. Tracks pending class actions, forecasts potential workload impact, and makes recommendations to workload components regarding workload impact. Uses court trend information to identify and make appropriate recommendations with respect to areas in which policies need to be developed and/or clarified, new regulations need to be developed, or clarifying legislation should be sought. Prepares and updates significant court case requirements used in reviewing court cases. Uses court trend information to identify areas where additional training is needed or other measures are needed to improve defensibility. Advises the Associate Commissioner, the Chief Administrative Law Judge and other OHA officials, as appropriate, of significant cases and trends and of litigation issues which may require revision of operating instructions, and assists with the preparation of the instructions. Coordinates OHA's views on proposed Social Security Acquiescence Rulings. In response to OHA-identified cases and to requests for appeals recommendations from the Litigation Staff, Office of the Deputy Commissioner for Programs, obtains the views of affected OHA components and formulates an OHA position on appeal. Maintains liaison with OGC and the Litigation Staffs of the Office of the Deputy Commissioner for Programs and the Office of Disability to coordinate the settlement of class actions and class action implementation. In coordination with the Office of the Chief Administrative Law Judge and other OHA components, develops instructions for OHA implementation of class action orders and monitors implementation. Serves as a focal point for questions from OHA adjudicators concerning class action orders. Responds to requests from OGC and the SSA Litigation Staff regarding OHA's procedures, statistics and other information with respect to OHA operations requested in the course of litigation. Coordinates OHA's response to discovery requests, including maintaining a central file of information disclosed. Administers and coordinates the Freedom of Information Act and Privacy Act provisions for OHA.

2. The Division of Planning and Evaluation (S3GK2) develops, coordinates and conducts a comprehensive OHA-wide program of studies and analyses of the application of and compliance with SSA and OHA policies and procedures in all phases of OHA's hearings and appeals processes and the quality of results achieved. Provides advice and assistance to other OHA components in designing and implementing appropriate systems and procedures for collecting, recording, analyzing and evaluating data pertinent to assessing the quality of work emanating from the hearings and appeals processes. Conducts studies of policy implementation within OHA. Conducts special studies and analyses of the timeliness of the hearings and appeals process, OHA workloads and/or results to develop OHA recommendations for SSA policy and procedural changes or other corrective managerial initiatives. Identifies problem areas and deficiencies in policies, policy application, methods and procedures and recommends corrective action. Develops techniques and systems for conducting evaluations of the substantive and technical aspects of claims throughout OHA. Designs and conducts a variety of program evaluation studies and analyses in support of OHA program policy and administrative initiatives and coordinates OHA action on initiatives for simplifying the appeals process. Designs and conducts various program integrity studies and analyses of OHA processes and operations to ensure that OHA programs, policies and practices are consistent with the highest standards of integrity and equity. Analyzes the results of OHA's evaluation systems to determine deviations from statutory, regulatory, policy, or procedural requirements and/or from established administrative quality standards. Assesses the compatibility of operating results with program philosophy and objectives, and recommends corrective action to program managers and other OHA officials.

3. The Division of Policy (S3GK3) plans, develops and coordinates the preparation of regulations, policies and guidelines for the hearings, appeals, civil actions and claimant representation processes under Titles II, XVI and XVIII of the Social Security Act, as amended, and under Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended. Ensures that operating procedures and instructions developed to implement the hearings and appeals process conform with national SSA and OHA policy. Provides advisory services, consultation, and staff assistance to other components of OHA. Maintains an effective system for communicating policy positions through program guides and directives and informational notices necessary for an effective hearings and appeals process. Develops and maintains publications, informational materials, references and forms on the hearings, appeals, claimant representation and civil actions processes. Maintains ongoing liaison with SSA, HCFA, HHS, OGC and others with respect to program, legislative and policy matters. Develops and coordinates benefit program policy and regulatory activity for OHA. Reviews, coordinates, develops and comments on program regulations, rulings, and other program instructions emanating from SSA, HHS and other administrative law bodies that may influence or impact on OHA policy areas. Reviews current and developing trends in administrative law and litigation; analyzes and prepares policy recommendations; and develops long-range and short-range plans for hearing and appeals policy matters and OHA's implementation of benefit program policy matters. Develops and coordinates program training in conjunction with other OHA components and SSA, HCFA, HHS and OGC program components.

Retitle

H. The Office of Management, Systems and Policy (S3GX) to "The Office of Management (S3GX)"

Delete First Three Ssentences and Replace With the Following

The Office of Management provides administrative support to the Associate Commissioner for all management and systems related activities for OHA. Coordinates with the Chief Administrative Law Judge with respect to management and systems support functions which affect the field operations.

Renumber

"3" to "2", "4" to "3", "5" to "4", "6" to "5" and "7" to "6".

Dated: May 9, 1994.

Ruth A. Pierce,

Deputy Commissioner, for Human Resources.

[FR Doc. 94–12890 Filed 5–25–94; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–94–3783; FR–3710–N–01]

Notice of UDAG Retention and Recapture Programs

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice announces the implementation of the HUD Retention and Recapture Programs (collectively the "Program") described in section 119(t) of the Housing and Community Development Act of 1974, as amended (the "Act"). Funds retained through recipient participation in the Retention Program shall be used to increase and enhance the use of section 108(q) economic development grants (subject to HUD approval of such section 108(q) grants and related section 108 loan guarantees) or for economic development activities eligible under Title I of the Act. Funds available to the Secretary under section 119 of the Act as of October 1, 1993, or relinquished to HUD pursuant to the Retention and Recapture Agreement, may be used by HUD in accordance with the provisions of section 119(o) of the Act, including the making of section 108(q) grants in support of section 108 loan guarantees.

This Notice contains information about the purpose of the Program, including its duration; and recipient rights and responsibilities under the Program. The Notice also informs UDAG recipients how to respond to the Notice.

DATES: The Retention Program is in effect from May 26, 1994, and expires on August 24, 1994; (the "Expiration Date"). Thereafter, recipients shall no longer have any right to enter into an agreement with the Secretary for the purpose of participating in the Retention Program. The Secretary will not recapture any unexpended funds before the Expiration Date.

ADDRESSES: The written agreement by the recipient to participate in the Retention Program and its unconditional and irrevocable release to the Secretary of the remainder of the UDAG funds under its grant in accordance with the provisions of section 119(t) of the Act must be received at HUD's Office of Economic Development, Office of Community Planning and Development, 451 Seventh Street, SW., room 7136, Washington, DC 20410, Attn: Mr. Roy O. Priest, Director, on or before the Expiration Date.

FOR FURTHER INFORMATION CONTACT: Roy O. Priest, Director, at the above address; (202) 708–2290; TDD for the hearing- or speech-impaired, (202) 708–2565. Inquiries may also be faxed to (202) 708–7543. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

I. Purpose and Substantive Description

The purpose of this Notice is to establish criteria and grant conditions under the Retention Program for the use by UDAG recipients of a percentage of the remaining unexpended balance under their UDAG grant agreements for economic development activities under a new grant agreement under section 119(t). The Notice implements the amendments made to section 119 of the Act by section 232(c) of the Multifamily Housing Property Disposition Reform Act (Pub. L. 103–233, approved April 11, 1994).

II. Affected UDAG Grants

UDAG grants with unexpended grant funds remaining on the date of the issuance of this Notice are affected by this Notice. In particular, the following types of grants are directly affected:

(1) *UDAG grants which are in default.* These include, for example, grants where (i) the required legally binding commitments (LBCs) have not been approved by HUD; (ii) the recipient has violated the terms and conditions of the UDAG grant agreement pertaining to the payment of wages pursuant to the Davis-Bacon requirements, applicable environmental laws, rules, regulations, etc., or other requirements of the grant agreement; (iii) the recipient/developer of the project has failed to complete its work pertaining to the project within the timeframe set forth in the grant agreement; (iv) the developer is in bankruptcy or is insolvent and unable to proceed with the development of the project; or (v) there is a default by the developer under the terms of a superior mortgage and/or a foreclosure by a lender on the project.

(2) *UDAG grants which are not in default on or before the Expiration Date but have not had all the required LBCs approved by HUD.*

(3) *UDAG grants which have received HUD approval of all required LBCs but which still have unexpended grant funds remaining as of the date of the issuance of this Notice, or are in default, and the unexpended grant funds cannot be spent before the Expiration Date.* This does not include active grants which are not in default and for which it is expected that the grant funds will be expended after the Expiration Date.

For all such affected grants, the recipient may agree with the Secretary on or before the Expiration Date to retain a percentage of the unexpended funds for use under a Retention and Recapture Agreement in accordance with the provisions of section 119(t) of the Act within a timeframe to be established by the Secretary in the agreement (see Section III(3) of this Notice), provided the recipient shall relinquish any and all claims whatsoever to the balance of the grant funds, which will be recaptured by the Secretary.

III. Retention Program

This Notice permits UDAG recipients to elect to retain the percentages specified below of the grant funds which remain unexpended upon the date of the issuance of this Notice for use by the recipient as follows:

(1) Thirty-three percent (33%) of such unexpended amounts if:

(a) The recipient agrees to expend not less than one-half of the amount retained for activities to be authorized pursuant to a grant approved by HUD under section 108(q) of the Act and to expend such funds in conjunction with a loan guarantee approved by HUD under section 108 of the Act at least equal to twice the amount of the funds received (application must be made for such loan guarantee within six (6) months of the Expiration Date and such approvals must be granted by HUD within twelve (12) months after the Expiration Date); and

(b) (i) The recipient agrees to use the remainder of the amount retained for economic development activities eligible under Title I of the Act; and

(ii) Except when waived by the Secretary in the case of a severely distressed jurisdiction, not more than one-half of the costs of activities under this subparagraph (b) are paid for from such unexpended amounts; or

(2) Twenty-five percent (25%) of such unexpended amounts if:

(a) The recipient agrees to expend such funds for economic development activities eligible under Title I of the Act; and

(b) Except when waived by the Secretary in the case of a severely distressed jurisdiction, not more than one-half of the costs of such activities are paid for from such unexpended amount.

A "severely distressed jurisdiction" is one in which (i) the family poverty rate was equal to or greater than 125 percent of the national family poverty rate

during the calendar year for which the most recent data are available, as determined according to information of the Bureau of the Census, or (ii) per capita income was less than 75 percent of the national per capita income during the calendar year for which the most recent data are available, as determined according to information of the Bureau of the Census.

(3) All UDAG grant funds retained by the recipient under the provisions of subparagraph (1)(a) of this Section III must be expended by the recipient for the activities set forth therein within the period of time to be established under the section 108(q) grants.

(4) If and when approved by HUD, all funds retained by the recipient under the provisions of subparagraphs (1)(b)(i) and (2) of this Section III must be actually expended by the recipient for the activities set forth therein within twenty-four (24) months from the Expiration Date.

(5) Failure by the recipient to expend such retained grant funds for the aforesaid purposes within the applicable time period shall be a default under the terms of the Retention and Recapture Agreement.

(6) The expenditure by the recipient of the retained funds will be subject to applicable regulations and requirements for the particular use, i.e., for section 108(q) grants, the use will be subject to approval of the section 108(q) grant and thereafter to applicable regulations and requirements for the activities approved; and for funds to be used for economic development activities under Title I, all regulations and requirements applicable to the use of CDBG funds for such activities will apply.

IV. Retention and Recapture Agreement

The Retention and Recapture Agreement shall supersede the Grant Agreement insofar as the same pertains to the funds retained by the recipient. Copies of the form of the Retention and Recapture Agreement can be obtained by the recipients from HUD's Office of Economic Development, at the address and telephone numbers listed at the beginning of this Notice, thirty (30) days after the date of publication of this Notice. Recipients who elect to retain a percentage of the unexpended grant funds, as set forth above, must indicate in the agreement the percentage it elects to retain and cause the signed agreement to be received by the Secretary on or before the Expiration Date.

In the event any affected recipient shall fail to elect to participate in the Retention Program on or before the Expiration Date, the Secretary intends to terminate after the Expiration Date grant agreements which are in default, and proceed to recover any unspent UDAG funds in accordance with the provisions of the Act. Unspent (or unexpended) UDAG funds means UDAG funds not obligated by the recipient and/or developer for reimbursement of eligible costs paid or incurred on the UDAG project on or before the Expiration Date. UDAGs not in default or not being closed out will not be recaptured except as permitted by the Act. HUD will make technical assistance available upon request by any affected recipient regarding any UDAG grants, to discuss the recipient's options under this Notice, or regarding any projects proposed to be initiated pursuant to the Retention and Recapture Agreement.

Dated: May 19, 1994.

Andrew Cuomo,

Assistant Secretary for Community Planning and Development.

[FR Doc. 94–12821 Filed 5–25–94; 8:45 am]

BILLING CODE 4210–29–P

[Docket No. R–94–1698; FR–3555–N–01]

Government National Mortgage Association; Real Estate Mortgage Investment Conduit

AGENCY: Government National Mortgage Association, HUD.

ACTION: Notice of GNMA REMIC Program Implementation.

SUMMARY: The Government National Mortgage Association ("Ginnie Mae") is implementing a new program under which Ginnie Mae will guarantee multiclass mortgage-backed securities issued by trusts, each of which will elect to be treated as a Real Estate Mortgage Investment Conduit ("REMIC"). The program is intended to: (1) Benefit borrowers using federally insured or guaranteed mortgages by increasing investment demand for the single class Ginnie Mae guaranteed mortgage-backed securities ("MBS") that are backed by these mortgages, and which will be the assets of the REMIC trusts, thus reducing financing costs for these mortgages; and (2) raise revenues through the receipt of guarantee fees by Ginnie Mae. The Ginnie Mae REMIC program will be implemented in two stages: An initial stage, which will have a limited number of participants and REMIC transactions, and a full participation stage.

The statute authorizing the Ginnie Mae REMIC program provides for implementation of the program by publication of a notice in the **Federal Register**. This Notice is being published prior to implementation of the initial stage, and provides opportunity to submit comments. A supplemental notice will be published prior to implementation of the full participation stage, and will provide another opportunity to submit comments, after which a final rule will be issued.

DATES: *Effective date:* May 26, 1994.

Comments due date: July 25, 1994.

ADDRESSES: Interested persons are invited to submit comments regarding this Notice to the Office of General Counsel, Rules Docket Clerk, room 10276, Department of Housing and Urban Development, Washington, DC 20410–0500. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying on weekdays between 7:30 a.m. and 5:30 p.m. at the above address. Facsimile (FAX) comments are not acceptable.

FOR FURTHER INFORMATION CONTACT: Guy S. Wilson, Vice President, Government National Mortgage Association, room 6151, 451 Seventh Street, SW., Washington, DC 20410–9000, telephone (202) 401–8970. Hearing or speech-impaired individuals may call HUD's TDD number (202) 708–3649. (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

I. Background

Ginnie Mae was created in 1968 as a wholly-owned Government corporation within the Department of Housing and Urban Development. As set out in Title III of the National Housing Act (12 U.S.C. 1716 *et seq.*), Ginnie Mae was established to assist in the movement of funds from investors into the housing market. Ginnie Mae's most effective tool in accomplishing this mission has been the Ginnie Mae guaranteed MBS. Through its MBS program, Ginnie Mae guarantees the timely payment of principal and interest on securities issued by private institutions and backed by pools of mortgage loans which are insured or guaranteed by the Federal Housing Administration, the Department of Veterans Affairs, and the Farmers Home Administration ("Government mortgages"). Ginnie Mae MBS are sought by investors because the full faith and credit of the United States stands behind the Ginnie Mae guarantee.

Eligible mortgages are put into groups or pools by a "Ginnie Mae issuer," an entity that has been approved by Ginnie Mae to pool Government mortgages and sell, or "issue," Ginnie Mae guaranteed securities. By selling the security to investors, the issuer is able to recapture the outstanding balance of the

mortgages, which can then be used to fund more mortgages. Lenders that are not Ginnie Mae issuers also gain liquidity through the MBS program because they can sell Government mortgages to Ginnie Mae approved issuers for inclusion in pools.

Holders of Ginnie Mae MBS receive monthly payments made up of principal, including prepayments, and interest on the underlying mortgage loans. The amount of interest "passed through" to security holders is reduced by payment of a fee to cover servicing of the mortgages (in the case of single family mortgages, at an annual rate of 44 basis points on the unpaid principal balance of the mortgage) and a fee to Ginnie Mae for its guarantee (for single family mortgages, at an annual rate of 6 basis points).

Under the "modified pass-through" approach used by Ginnie Mae, the issuer of the MBS is initially responsible for advancing scheduled but delinquent principal and interest payments to security holders. That is, if mortgagors fail to make timely payments of principal and interest, the issuer of the Ginnie Mae MBS promises to advance the necessary funds so that scheduled payments can be made to the security holders. If the issuer fails to advance or pass through payments, Ginnie Mae makes timely payment under its guarantee.

The Federal National Mortgage Association ("Fannie Mae") and the Federal Home Loan Mortgage Corporation ("Freddie Mac") have issued REMIC securities which are backed by Ginnie Mae MBS (in addition to a substantial volume of REMIC securities backed by their own MBS). However, while Fannie Mae and Freddie Mac are government sponsored enterprises, they are not federal government entities, and neither Fannie Mae nor Freddie Mac is authorized to issue a REMIC security which is backed by the full faith and credit of the United States. Some depository institutions, pension funds and other types of investors are required or desire to invest a portion of their funds in instruments directly backed by the full faith and credit of the U.S. Government. Because Ginnie Mae can provide such a full faith and credit guarantee, Ginnie Mae guaranteed REMIC securities are likely to be attractive to such investors, even though other REMIC instruments backed by Ginnie Mae MBS are presently available.

Section 3004 of the Omnibus Budget Reconciliation Act of 1993 ("OBRA"), 107 Stat. 339, contains guidance for implementation of a program under which Ginnie Mae will guarantee such multiclass securities and the use of contracts to ensure the efficient commencement and continued operation of a multiclass securities program. Under this authority, Ginnie Mae has employed a financial advisor ("Financial Advisor") and a legal advisor ("Legal Advisor") to assist in the initiation of the program.

II. The Ginnie Mae Guaranteed REMIC Program

A. General Description

The MBS guaranteed by Ginnie Mae have a single class of ownership interests. In a single class MBS, each security sold bears the same coupon rate of interest, has the same scheduled maturity, and has the same expected average life. Each holder of a single class MBS is the owner of an undivided beneficial interest in the mortgage pool and is entitled each month to receive: (1) Interest at a fixed rate, and (2) a *pro rata* share of all principal payments, including prepayments, made on the underlying pool of mortgages. For this reason, MBS are not attractive to certain investors who want to invest in securities tailored to their individual investment goals. Multiclass securities, the most common of which today are REMICs, were developed to meet this need.

The REMIC structure permits allocation of the underlying cash flow from MBS to multiple classes of securities with differing maturities and interest rates. The cash flow allocation specified at creation of the transaction establishes the rights of the various classes of security holders to receive interest and principal payments. These allocations may result in REMIC investors receiving repayment of principal and/or interest at different times. For example, the different maturity classes, which are commonly referred to as "tranches," might have expected maturities of 2, 5, 7, 10 and 20 years with each of these classes paying a different rate of interest. Because the amount and timing of the pass-through of funds to the investor is tailored to the investor's specific financial goals, the value of the REMIC tranches is increased. The timing and amount of payments on tranches may vary depending on the prepayments of the mortgages backing the single class MBS. However, total payments to all REMIC investors correspond to the total full and timely payments on the single class MBS in the REMIC pool or trust. REMIC trusts are not treated as separate taxable entities and, thus, there is no double taxation, pursuant to sections 860A through 860G of the Internal Revenue Code of 1986 (the "Code").

The Ginnie Mae REMICs will be backed by Ginnie Mae guaranteed MBS. Government mortgages will continue to be pooled, and a traditional single class Ginnie Mae MBS will be issued in the customary fashion by Ginnie Mae issuers. These Ginnie Mae MBS will be pooled in a second stage transaction, and multiclass Ginnie Mae pass-through securities will be issued. The second stage transaction will elect tax treatment under the REMIC provisions of the Code. Ginnie Mae will guarantee the full and timely payment of principal and interest on the REMIC securities.

The Ginnie Mae REMICs will be issued through single purpose trusts created by knowledgeable and financially sound firms (the "sponsors") that assemble the Ginnie Mae MBS, take the initiative in forming the trust, in developing the structure for the REMIC securities (i.e., how many tranches with what characteristics), in preparing the description and disclosure for the offering documents and in marketing the REMIC securities.

In a REMIC transaction, there must be an identifiable pool or trust (Ginnie Mae expects a separate trust to be used for each REMIC) and a trustee of proven reliability and competence to ensure that amounts owed to the trust are collected by it, that the correct amounts are paid out timely by the trust to the holders of the REMIC securities, and that accurate records and reports are prepared and furnished to security holders, auditors, the IRS, and Ginnie Mae. Ginnie Mae will require that the REMIC trustee make available to Ginnie Mae the full financial details of the REMIC trust and that the trustee follow industry performance standards. Rules and procedures governing the trust and its operation, including detailed rules as to distributions of principal and interest to each class, must be spelled out in trust documents approved or prescribed by Ginnie Mae. Experienced trust counsel will be responsible for modifying the standard documentation for each trust and issuing the customary trust counsel opinions for reliance by Ginnie Mae, among others. Verification that the obligations of the REMIC securities pursuant to the terms of the trust documents can be met under all possible patterns of cash flows ("structural integrity") must be represented without qualification to Ginnie Mae by the sponsor and Ginnie Mae's Financial Advisor. In addition, a qualified accounting firm must provide Ginnie Mae with a customary comfort letter.

Sponsors must indemnify Ginnie Mae, with interest, for any payments that Ginnie Mae makes pursuant to its REMIC securities guaranty because of a defect or lack of structural integrity of the REMIC transaction. Trustees must indemnify Ginnie Mae for losses caused by any breach of obligations to or for the benefit of Ginnie Mae as set forth in trust documents.

B. Eligible MBS

Ginnie Mae expects that Ginnie Mae REMIC trusts will be required to pass through cash electronically to REMIC security holders on the same day that the trusts receive immediately available funds on the Ginnie Mae MBS they hold. To facilitate this, only MBS with the following characteristics will be permitted: (1) Ginnie Mae I MBS issued on or after February 1, 1993; (2) backed by single family mortgages; (3) in book entry form; and (4) registered in the name of the designated depository.

C. Depository

At the present time, as a program control element, Ginnie Mae has designated that REMIC securities be registered at the same depository as is currently the depository for Ginnie Mae MBS, Participants Trust Company ("PTC").

D. Ginnie Mae Guaranty Fees

The Ginnie Mae guaranty fee is initially set at 20 basis points. This fee may be adjusted upward or downward at such times and in such manner as Ginnie Mae determines appropriate.

E. Payment Date

REMIC securities holders will be paid on the 16th day of each month, or if the 16th is not a business day, on the first business day following the 16th.

F. Other Program Fees

During the initial stage, Ginnie Mae will have no liability for payment of any fees or expenses (other than those of Ginnie Mae's Legal Advisor; see below) in connection with Ginnie Mae REMIC transactions, such as those of trustees, trust counsel and accounting firms, including payment of Ginnie Mae's Financial Advisor. These fees and costs will be paid out of the sales proceeds, and closing will be contingent upon their payment, except for payments to the trustees, which will be paid by the trust from the trust cash flow.

III. Authority

Ginnie Mae's authority to guarantee REMIC instruments is contained in section section 306(g)(1) of the National Housing Act ("NHA") (12 U.S.C. 1721(g)(1)), which authorizes Ginnie Mae to guarantee "securities * * * based on or backed by a trust or pool composed of mortgages * * *." The REMIC securities will be based on or backed by mortgages since Ginnie Mae MBS will serve as the collateral. The Fannie Mae and Freddie Mac REMIC programs are authorized by substantially similar statutory provisions. Further, Ginnie Mae's authority to operate a REMIC program has recently been confirmed in section 3004 of the OBRA which amended section 306(g)(3) of the NHA (12 U.S.C. 1721(g)(3)) to provide Ginnie Mae with greater flexibility for the REMIC program regarding fee structure, contracting, industry consultation and program implementation. The General Counsel for the Department of Housing and Urban Development will issue a legal opinion that, pursuant to section 306(g) of the National Housing Act, Ginnie Mae has the statutory authority to guarantee the timely payment of principal and interest on the REMIC securities in accordance with the terms and conditions of the trust agreement, and that this guaranty is backed by the full faith and credit of the United States.

In appropriations legislation, Congress annually sets Ginnie Mae's commitment authority to guarantee MBS. The amount of MBS commitment authority authorized by Congress is set forth in section 306(g)(2) of the NHA (12 U.S.C. 1721(g)(2)). Since the REMIC securities will be backed by Ginnie Mae MBS, Ginnie Mae has already guaranteed the collateral for the REMIC. Accordingly, it has been determined that the section 306(g)(2) limitations are not affected by, and do not limit the issuance of, Ginnie Mae's guarantees of REMIC securities. This determination was supported by the House of Representatives Committee on Appropriations. (See H.R. Rep. No. 103–150, 103D Cong., 1st Sess. at 34.)

IV. Initial Stage

Ginnie Mae is beginning its REMIC program with an "initial stage," which is expected to have a duration of several months, until standard policies, procedures and documents are developed and the full participation stage can be commenced. During the initial stage, Ginnie Mae will guarantee REMICs that are issued by a small number of participants, consisting of sponsors, co-sponsors, trustees, trust counsel and accounting firms, selected by Ginnie Mae through the use of Competitive Application Proposals ("CAPs"). In addition, Ginnie Mae has obtained the services of a Legal Advisor and a Financial Advisor through competitive proposals to provide Ginnie Mae with assistance in implementing the REMIC program. In the initial stage, Ginnie Mae will develop documents that will serve as the basis for all subsequent REMICs, as well as guidelines and procedures.

During the initial stage, Ginnie Mae will establish an order of rotation for each of the five participant functions. Teams, consisting of a sponsor, co-sponsor, trustee, trust counsel and accounting firm, will be created based on the rotation. Ginnie Mae anticipates that several team rotations will be required before the full participation stage can commence.

V. Full Participation Stage Notice

Following the initial stage, the Ginnie Mae guaranteed REMIC program will be opened to all approved sponsors. Ginnie Mae will issue a REMIC Guide, which will contain Ginnie Mae's requirements for participation in the Ginnie Mae REMIC program as well as Ginnie Mae's standard documents. Ginnie Mae will publish another notice, which will contain specific procedures for initiating Ginnie Mae guaranteed REMIC transactions in the full participation stage.

VI. Terms and Conditions for Participants

As a condition of participation in the program, each participant must agree to the conditions set out below.

A. Participant Certification

Participants must certify, in a statement made under penalty of perjury, regarding all professionals working on a transaction, whether for the participant or for a contractor of a participant, that neither the corporate or partnership entity nor any officer, partner, or professional presently employed and who will work on the subject matter of this Notice has been convicted of, or found liable in a civil action for, fraud, forgery, bribery, falsification or destruction of records, making false statements or any other offense indicating a lack of business integrity that seriously and directly affects the present responsibility of the officer, partner or professional and is not currently suspended or debarred by any government agency.

B. Maintaining Eligibility.

Participants will provide Ginnie Mae annually with such documentation as Ginnie Mae shall require demonstrating that the participant continues to meet the eligibility requirements for participation in the Ginnie Mae REMIC program.

C. Disclosures

A participant shall provide disclosures of the following:

(1) Any indictments, convictions, civil suits or judgments described in Section V, within 30 days of their occurrence;

(2) Material adverse changes in status including voluntary and non-voluntary terminations, defaults, fines, and agency findings of material non-compliance or non-conformance with agency rules and policies with state and federal agencies and government sponsored enterprises within 5 business days of their occurrence; and

(3) A change in control within 30 days of its occurrence. In a merger, consolidation, acquisition, division, issuance of securities, sale, or other business combination where the control of the original participant has changed materially, the surviving party shall demonstrate to Ginnie Mae's satisfaction its qualification to act as a participant and its ability and agreement to assume all previously incurred obligations and liability to Ginnie Mae of the original approved participant.

D. Suspension From the Ginnie Mae REMIC Program

The participant's eligibility may be suspended upon written notice from Ginnie Mae, which shall include the reasons for the suspension. Upon such notice, the participant shall have the opportunity to present a written submission to the President of Ginnie Mae in support of its reinstatement, which submission shall exhaust the participant's administrative remedies.

VII. Default

If Ginnie Mae is required to perform under its guarantee of any REMIC security, Ginnie Mae intends to pursue all available avenues of recovery.

VIII. Minority and Women-Owned Business Participation

Ginnie Mae requests comments on how Ginnie Mae can best meet its goals for participation by minorities and women. For the initial stage, the CAP for sponsors provides for the selection of both sponsors and minority and women-owned businesses ("MWOB") co-sponsors. Ginnie Mae will require that sponsors include a MWOB co-sponsor selected by Ginnie Mae in each initial stage Ginnie Mae REMIC transaction. It is Ginnie Mae's understanding that a similar mandatory co-sponsor approach for MWOBs is used by the Resolution Trust Corporation ("RTC") and Department of Veterans Affairs ("VA") for their REMIC programs.

However, Ginnie Mae anticipates that the full participation stage of its REMIC program may involve 100 or more REMIC transactions per year, which is much larger than the RTC and VA programs. The RTC and VA REMIC programs also are distinguishable in that RTC and VA own the collateral and actively participate in the issuance of REMIC securities. In contrast, during the full participation stage of the Ginnie Mae program, collateral will be assembled and REMIC transactions will be presented to Ginnie Mae for guaranty approval with the participants and the proposed terms of the transactions already in place.

A. Types of MWOB Participation

GNMA requests comments on the type of MWOB participation in the GNMA REMIC program. For example, should there be an aggregate MWOB goal for each transaction (e.g., accounting firm, trust counsel, and others), or should the Ginnie Mae REMIC program include a co-sponsor component only, as in the initial stage.

If a commentor believes that Ginnie Mae should have an MWOB co-sponsor component, Ginnie Mae requests comments on how a co-sponsor component could be coordinated in the full participation stage and whether there are other programs comparable to the Ginnie Mae REMIC program that use a co-sponsor component (including information on the size of such other programs and contact persons and telephone numbers).

Also, Ginnie Mae solicits detailed comments on what the role of any co-sponsor should be and how Ginnie Mae should oversee arrangements between sponsors and co-sponsors. Comments should address: (1) Whether Ginnie Mae should specify a minimum percentage for co-sponsor participation and, if so, what the percentage should be and to what it should apply; (2) whether co-sponsors should be required to take harder-to-sell REMIC tranches as well as easier-to-sell tranches; (3) whether co-sponsors should be required to share in the capital risk of accumulating MBS; (4) whether Ginnie Mae should specify the discount at which co-sponsors acquire their REMIC securities and, if so, what that discount should be; (5) whether Ginnie Mae should specify the consequences of a co-sponsor's failure to fulfill its obligations to the lead sponsor and, if so, what those consequences should be; and (6) the process that Ginnie Mae should employ before consequences are imposed upon a co-sponsor.

In the comments on these issues, Ginnie Mae requests that commentors include a discussion of the feasibility of their proposals, and the advantages and disadvantages of each proposal.

B. Types of Incentives

Ginnie Mae requests comments on: (1) What might be appropriate incentives to encourage participants to include MWOB participation in the Ginnie Mae REMIC transactions, either in the aggregate or as co-sponsors; (2) whether a mandatory or an encouragement/goal oriented system should be used; (3) the current state of the law, including the recent cases *Metro Broadcasting, Inc.* v. *F.C.C.*, 110 S.Ct. 2997 (1990) and *Lamprecht* v. *F.C.C.*, 958 F.2d 382 (DC Cir. 1992). Executive Orders 12432 (3 CFR, 1983 Comp., p. 198) and 12138 (3 CFR, 1979 Comp., p. 39), respectively, are applicable to participation in the Ginnie Mae REMIC program.

During the initial stage, Ginnie Mae will consider the comments received in response to this Notice, and will make a determination for the full participation stage.

IX. Publication of Final Rule

Pursuant to section 3004 of the OBRA, final regulations for the Ginnie Mae REMIC program must be published within twelve months of the publication of this notice. This notice will be supplemented by further publication in the **Federal Register** prior to publication of the final regulations in order to provide additional information for procedures applicable to the full participation stage.

X. Other Matters

Executive Order 12866, Regulatory Planning and Review

Since this document ultimately will serve as the foundation for development of a final rule and is the basis for a new program, it was sent to the OMB for review under Executive Order 12866 and was approved for publication.

Environmental Review

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, room 10276, 451 Seventh Street, SW., Washington, DC 20410.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that this notice does not have "federalism implications" because it does not have substantial direct effects on the States (including their political subdivisions), or on the distribution of power and responsibilities among the various levels of government. This notice only affects participants and investors in Ginnie Mae guaranteed single and multiclass securities industry. States and their political subdivisions would not be affected.

Executive Order 12606, the Family

The General Counsel, as the Designated Official under Executive Order 12606, the Family, has determined that this notice does not have potential significant impact on family formation, maintenance, and general well-being because it only affects participants and investors in Ginnie Mae guaranteed single and multiclass securities.

Lobbying Activities

Section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b) contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by the Department and those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

Section 13 was implemented by a final rule codified as 24 CFR part 86. If readers are involved in any efforts to influence the Department in these ways, they are urged to read part 86, particularly the examples contained in Appendix A of the regulation.

Any questions about that rule should be directed to the Office of Ethics, room 2158, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–3000. Telephone: (202) 708–3815; TDD: (202) 708–1112. (These are not toll-free numbers.) Forms necessary for compliance with the rule may be obtained from the local HUD office.

Authority: Section 309, National Housing Act (12 U.S.C. 1723).

Dated: May 20, 1994.

Dwight P. Robinson,

President.

[FR Doc. 94–12834 Filed 5–25–94; 8:45 am]

BILLING CODE 4210–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–940–04–4730–12]

Notice of Filing of Plats of Survey; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey described below are scheduled to be officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, on June 20, 1994.

New Mexico Principal Meridian, New Mexico

T. 9 N., R. 12 W.,
Accepted March 29, 1994, for Group 888 NM.

Indian Meridian, Oklahoma

T. 15 N., R. 11 W.,
Accepted March 30, 1994, for Group 57 OK.
T. 6 N., R. 21 E.,
Accepted March 2, 1994, for Group 71 OK.
T. 12 N., R. 10 W.,
Accepted March 2, 1994, for Group 52 OK.

If a protest against a survey, as shown on any of the above plats is received prior to the date of official filing, the filing will be stayed pending consideration of the protest.

A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

A person or party who wishes to protest against a survey must file with the State Director, Bureau of Land Management, a notice that they wish to protest prior to the proposed official filing date given above.

A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within (30) days after the proposed official filing date.

The above-listed plats represent dependent resurveys, survey and subdivision.

These plats will be in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 27115, Santa Fe, New Mexico 87502–0115. Copies may be obtained from this office upon payment of $2.50 per sheet.

Dated: May 13, 1994.

John P. Bennett,

Chief, Cadastral Survey/Geo Science.

[FR Doc. 94–12826 Filed 5–25–94; 8:45 am]

BILLING CODE 4310–FB–M

[OR–943–4210–06; GP4–160; OR–48432(WASH)]

Termination of Segregation of Proposed Withdrawal; Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The temporary 2-year segregation of a proposed withdrawal of 9,730.82 acres of public lands for the U.S. Department of the Army, Corps of Engineers expansion of the Yakima Firing Center terminates on June 17, 1994. The lands are included in another existing proposed withdrawal and will remain closed to surface entry and mining. The lands have been and remain open to mineral leasing.

EFFECTIVE DATE: June 18, 1994.

FOR FURTHER INFORMATION CONTACT: Donna Kauffman, BLM Oregon/Washington State Office, P.O. Box 2965, Portland, Oregon 97208–2965, 503–280–7162.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Withdrawal was published in the **Federal Register**, 57 FR 27267, June 18, 1992, as amended by 57 FR 61095, December 23, 1992, and by 58 FR 6413, January 28, 1993, which segregated the lands described therein for up to 2 years from settlement, sale, location, or entry under the general land laws, including the mining laws, but not the mineral leasing laws, subject to valid existing rights. The 2-year segregation expires June 17, 1994. The withdrawal application will continue to be processed unless it is canceled or denied as to the following described lands:

Willamette Meridian

Surface and Mineral Estates

T. 17 N., R. 20 E.,
Sec. 22, S½;
Sec. 24, S½SW¼ and that portion of the E½ lying south of the Interstate Highway 90 right-of-way;
Sec. 26.
T. 16 N., R. 21 E.,
Sec. 4, SW¼SW¼;
Sec. 12, SE¼;
Sec. 18, lots 1, 2, 3, and 4, E½, and E½W½.
T. 17 N., R. 21 E.,
Sec. 30, lots 3 and 4;
Sec. 32, NE¼SE¼.
T. 16 N., R. 22 E.,
Sec. 2, lots 1, 2, 3, and 4, S½N½, and S½;

Sec. 4, lots 1, 2, 3, and 4, S½N½, and S½;
Secs. 10 and 14;
Sec. 20, SE¼SW¼;
Sec. 22;
Sec. 26, N½;
Sec. 28, N½.

T. 16 N., R. 23 E.,
Sec. 18, lots 3 and 4, E½SW¼, W½SE¼, and that portion of the E½SE¼ lying westerly of the westerly right-of-way line of Huntzinger Road;
Sec. 20, that portion of the SW¼ lying westerly of the easterly right-of-way line of the railroad;
Sec. 30, lots 1 and 2, NE¼, and E½NW¼.

Mineral Estate

T. 16 N., R. 20 E.,
Sec. 12;
Sec. 18, lot 4 and SE¼;
Sec. 20, S½.

T. 16 N., R. 21 E.,
Sec. 4, lots 1, 2, 3, and 4, and S½NE¼;
Sec. 8.

T. 17 N., R. 21 E.,
Sec. 32, S½SE¼;
Sec. 34, W½.

T. 16 N., R. 22 E.,
Sec. 12.

The areas described aggregate approximately 9,730.82 acres in Kittitas County.

The lands remain closed to surface entry and mining by another existing proposed withdrawal.

Dated: May 10, 1994.

Robert D. DeViney, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 94–12953 Filed 5–25–94; 8:45 am]

BILLING CODE 4310–33–P

Fish and Wildlife Service

Availability of an Environmental Assessment and Receipt of an Application for an Amendment to the Permit Allowing Incidental Take of the Threatened Desert Tortoise by Clark County and the Cities of Las Vegas, North Las Vegas, Henderson, and Boulder City, NV

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that Clark County and the cities of Las Vegas, North Las Vegas, Henderson, and Boulder City, Nevada (Applicants) have applied to the U.S. Fish and Wildlife Service (Service) for an amendment to their existing permit (PRT 756260) authorizing incidental take of desert tortoises (*Gopherus agassizii*) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The proposed amendment would extend the term of the existing permit one year, to July 31, 1995 and allow disturbance of 8,000 additional acres within the existing permit area. The number of desert tortoises taken would not increase above what is currently authorized under the existing permit, which is up to 3,710 tortoises. The permit application is accompanied by amendments to the Habitat Conservation Plan (HCP) and Implementation Agreement (IA).

The Service also announces the availability of an Environmental Assessment (EA) for the proposed amendment to the permit. This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the permit application and EA should be received on or before June 27, 1994.

ADDRESS: Comments regarding the application or adequacy of the EA should be addressed to Mr. David Harlow, Field Supervisor, U.S. Fish and Wildlife Service, Reno Field Office, 4600 Kietzke Lane, Building C, room 125, Reno, Nevada 89502. Please refer to permit no. PRT–756260 when submitting comment.

FOR FURTHER INFORMATION CONTACT: Ms. Sheryl Barrett, U.S. Fish and Wildlife Service, Reno Field Office, 4600 Kietzke Lane, Building C, room 125, Reno, Nevada 89502 (702–784–5227). Individuals wishing copies of the application or EA for review should immediately contact the above individual. Documents will be available for public inspection, by appointment, and during normal business hours at the Reno Field Office (address given above). Documents will also be available for review at the reference desks of all public libraries in Clark County, Nevada.

SUPPLEMENTARY INFORMATION:

Background

Under section 9 of the Act, and implementing regulations, "taking" of desert tortoises a threatened species, is prohibited. However, the Service, under limited circumstances, may issue permits to take threatened wildlife species if such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened species are in 50 CFR 17.32.

The Applicants propose to amend their existing permit, and have proposed amendments to the HCP and IA for their permit, which authorizes incidental take of desert tortoises in the Las Vegas Valley and Boulder City. The existing permit was issued July 24, 1991, and authorizes the incidental take of up to 3,710 desert tortoises on 22,352 acres of desert tortoise habitat, within the specified permit area. As of December 1993, 701 desert tortoises have been taken pursuant to the existing permit and approximately 15,383 acres of tortoise habitat have been developed. By the time the existing permit expires, disturbance of all or nearly all of the 22,352 acres of habitat authorized by the existing permit is expected to occur, but the number of tortoises expected to be taken is well below 3,710. To minimize and monitor the incidental take authorized under the existing permit, the Applicants have implemented procedures to survey and remove tortoises located on development properties; placed these tortoises in research, education, and adoption programs; implemented audit procedures; and conducted a public information program. To mitigate for impacts to the desert tortoise authorized by the existing permit, the Applicants have implemented a tortoise habitat conservation program in Clark County. As of December 1993, the Applicants have preserved approximately 330,000 acres of habitat for the long-term management of desert tortoises in the Piute-Eldorado Desert Wildlife Management Area. The Applicants will conserve an additional 70,000 acres of desert tortoise habitat prior to the expiration date of the existing permit. The conserved habitat is located primarily on land administered by the Bureau of Land Management and the National Park Service. Management actions, including increased law enforcement, above and beyond what is legally required of the Federal land managers, are funded by the Applicants through a $550-per-acre mitigation fee on development projects covered by the existing permit.

To minimize and mitigate the impacts of the additional 8,000 acres of desert tortoise habitat proposed to be developed under the permit amendment, the applicants propose to amend the existing HCP by: (1) Assessing a $550-per-acre mitigation fee on the additional 8,000 acres of habitat disturbance; (2) adding an additional $100,000 to the research monies established under the existing permit; (3) adding $100,000 to the public education fund established under the existing permit; (4) increasing the current $3,125,000 trust fund for income to manage and monitor conserved habitat by $1,000,000; and (5) adding approximately 140,000 acres of conserved habitat to the tortoise management area established under the existing permit.

The EA considers the environmental consequences of three alternatives,

including amendment of the permit as proposed, extension of the permit with no additional habitat disturbance, and no action.

(Notice: Availability of an Environmental Assessment and Receipt of an Application for a Section 10(a) Permit of the Endangered Species Act.)

Dated: May 17, 1994.

Thomas J. Dwyer,

Regional Director, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. 94–12847 Filed 5–25–94; 8:45 am]

BILLING CODE 4310–55–M

Extension of Scoping Period and Additional Public Involvement Opportunities for the Preparation of an Environmental Impact Statement To Allow Incidental Take of the Threatened Northern Spotted Owl and the Threatened Marbled Murrelet on Lands Administered by the Washington State Department of Natural Resources

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Extension of scoping period.

SUMMARY: This notice advises the public that the U.S. Fish and Wildlife Service (Service) and Washington State Department of Natural Resources (WDNR) have extended the scoping period and added two public involvement opportunities on the preparation of an environmental impact statement to allow incidental take of the threatened northern spotted owl (*Strix occidentalis*) and the threatened marbled murrelet (*Brachyramphus marmoratus marmoratus*) on lands administered by the WDNR. This notice supplements the Notice of Intent to Prepare an Environmental Impact Statement to allow incidental take of the threatened spotted owl and the threatened marbled murrelet on lands administered by the WDNR published in the **Federal Register** on May 3, 1994.

DATES: Written comments regarding the scope of the EIS should be received on or before June 6, 1994.

ADDRESSES: Comments regarding the scope of the EIS should be addressed to Mr. Curt Smitch, U.S. Fish and Wildlife Service, 3773 Martin Way East, Building C, Suite 101, Olympia, WA 98501.

FOR FURTHER INFORMATION CONTACT: Comments received will be available for public inspection by appointment during normal business hours (8 A.M. to 5 P.M., Monday through Friday) at the Washington Department of Natural Resources, 1111 Washington St. SE, Olympia, WA; for appointment call Nonie Hall at (206) 902–1405.

Additional scoping workshops have been scheduled as a further opportunity for interested persons to comment on the scope of the EIS. The additional workshops have been scheduled as follows:

- May 26, 1994—Natural Resources Building, Rm 175, 111 Washington Street SE, Olympia, WA.
- June 2, 1994—Spruce Room, Cedars Inn, 1 Apple Way, Okanogan, WA.

All scoping workshops will be held from 5:30 p.m. to 8:30 p.m. Interested persons may contact John Engbring at (206) 534–9330 or Nonie Hall at (206) 902–1405 to receive additional information.

(Notice: Notice of Extension of Scoping Period and Additional Public Involvement Opportunities for the Preparation of an Environmental Impact Statement for Incidental Take of the Northern Spotted Owl and the Marbled Murrelet on Lands Administered by the Washington State Department of Natural Resources)

Dated: May 20, 1994.

Thomas J. Dwyer,

Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. 94–12848 Filed 5–25–94; 8:45 am]

BILLING CODE 4310–55–M

Bureau of Land Management

[NM–070–04 5101–10–G009/G4–0031; NMNM 91453]

Notice of Right-of-Way Application: New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: An application, serialized as NMNM 91453, was received for a 10.884 mile right-of-way for a 24-inch diameter pipeline.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 USC 185), as amended by the Act of November 16, 1973, (37 Stat. 576), Gas Company of New Mexico has applied for a right-of-way serialized as NM91453 to construct 10.884 miles of 24-inch diameter natural gas pipeline across public land in San Juan County, New Mexico. This will provide increased capacity of Gas Company of New Mexico's existing system to accommodate increased production of natural gas from the San Juan Basin and to permit increased delivery of natural gas volumes to Gas Company of New Mexico's service area. The proposed line crosses the following public lands in San Juan County.

New Mexico Principal Meridian

T. 23 N., R. 9 W.,
Sec. 3, N½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 10, N½NE¼, SE¼NE¼;
Sec. 11, SW¼NW¼.
T. 24 N., R. 9 W.,
Sec. 6, Lot 2, S½NE¼, E½SE¼;
Sec. 7, E½NE¼, NE¼SE¼;
Sec. 17, W½NW¼, SE¼NW¼, E½SW¼;
Sec. 20, SW¼NE¼, E½NW¼, W½SE¼;
Sec. 29, W½NE¼, SE¼NE¼, E½SE¼;
Sec. 32, NE¼NE¼;
Sec. 33, W½NW¼, N½SW¼, SE¼SW¼, SW¼SE¼.
T. 25 N., R. 9 W.,
Sec. 30, lots 2, 3, and 4;
Sec. 31, Lot 1, E½NW¼, E½SW¼, SW¼SE¼;
T. 25 N., R. 10W.,
Sec. 3, lot 1, and 2, SE¼NE¼;
Sec. 14, NE¼NE¼;
Sec. 25, E½NE¼.
T. 26., R. 10 W.,
Sec. 7, E½NW¼, SW¼NE¼, SE¼SE¼;
Sec. 8, SW¼SW¼;
Sec. 17, W½NW¼, SE¼NW¼. NE¼SW¼, W½SE¼;
Sec. 20, N½NE¼, SE¼NE¼;
Sec. 21, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 27, SW¼SW¼;
Sec. 28, W½NE¼, NE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 34, W½NW¼, SE¼NW¼, NE¼SW¼, W½SE¼.
T. 26 N., R. 11 W.,
Sec. 1, lot 1, and 2, SE¼NE¼, NE¼SE¼.
T. 27 N., R. 11 W.,
Sec. 2, SE¼NW¼, SW¼SW¼, E½SW¼;
Sec. 10, E½SE¼;
Sec. 11, W½W½;
Sec. 15, E½E½;
Sec. 35, NE¼NE¼;
Sec. 36, SW¼NW¼, E½SW¼, SW¼SE¼.
T. 28 N., R. 11 W.,
Sec. 13, S½NW¼, E½SW¼;
Sec. 24, E½W½;
Sec. 25, NE¼NW¼, S½NW¼, W½SW¼;
Sec. 35, E½NE¼, N½SE¼, SW¼SE¼;
Sec. 36, W½NW¼.

Containing 10.88 acres.

The purpose of this notice is to inform the public that the Bureau of Land Management will be deciding whether the right-of-way should be approved, and if so, under what terms and conditions.

For a period of 30 days from the date of publication of this notice in the Federal Register, interested persons desiring to express their views may submit comments to the District Manager, Bureau of Land Management, 1235 La Plata Highway, Farmington, New Mexico 87401.

Dated: May 13, 1994.

John Hansen,

Acting Assistant District Manager for Resources.

[FR Doc. 94–12981 Filed 5–25–94; 8:45 am]

BILLING CODE 4310–FB–M

INTERNATIONAL TRADE COMMISSION

Magnesium From the People's Republic of China, Russia, and Ukraine; Determinations

[Investigations Nos. 731–TA–696–698 (Preliminary)]

Pure Magnesium

On the basis of the record developed in investigations Nos. 731–TA–696–698 (Preliminary),[1] the Commission determines,[2] pursuant to section 733(a) of the Tariff Act of 1930 (the Act),[3] that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of unwrought pure magnesium[4] from the People's Republic of China (China), the Russian Federation (Russia), and Ukraine, that are alleged to be sold in the United States at less than fair value (LTFV).

Alloy Magnesium

On the basis of the record developed in investigations Nos. 731–TA–696–697 (Preliminary), the Commission further determines,[5] pursuant to the Act, that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of unwrought alloy magnesium[6] from China and Russia, that are alleged to be sold in the United States at less than fair value (LTFV).

On the basis of the record developed in investigation No. 731–TA–698 (Preliminary), the Commission also determines,[7] pursuant to the Act, that there is no reasonable indication that an industry in the United States in materially injured or threatened with material injury or that the establishment of an industry in the United States is materially retarded, by reason of imports of unwrought alloy magnesium from Ukraine, that are alleged to be sold in the United States at less than fair value (LTFV).

Background

On March 31, 1994, a petition was filed with Commission and the U.S. Department of Commerce (Commerce) by Magnesium Corporation of America (Magcorp), Salt Lake City, UT; the International Union of Operating Engineers, Local 564, Freeport, TX; and the United Steelworkers of America, Local 8319, Salt Lake City, UT. Accordingly, effective March 31, 1994, the Commission instituted preliminary antidumping investigations Nos. 731-TA-696-698 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 12, 1994.[8] The conference was held in Washington, DC, on April 21, 1994, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on May 16, 1994. The views of the Commission are contained in USITC Publication 2775 (May 1994), entitled "Magnesium from The People's Republic of China, Russia, and Ukraine: Investigations Nos. 731–TA–696–698 (Preliminary)."

By order of the Commission.

Issued: May 23, 1994.

Donna R. Koehnke,

Secretary.

[FR Doc. 94–12895 Filed 5–25–94; 8:45 am]

BILLING CODE 7020–02–P–M

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner Bragg did not participate in the determinations in these investigations.

[3] 19 U.S.C. 1673b(a).

[4] Unwrought pure magnesium contains at least 99.8 percent magnesium by weight and is sold in various slab and ingot forms and sizes. Products that have the aforementioned primary magnesium content but do not conform to ASTM specifications or other industry or customer-specific specifications are included in the scope of these investigations. Pure unwrought magnesium is provided for in subheadings 8104.11.00 and 8104.20.00 of the Harmonized Tariff Schedule of the United States (HTS). Excluded from the scope of investigation are magnesium anodes, granular magnesium (including turnings and powder), and secondary magnesium. *See also,* Commerce's scope of investigation in its notice of initiation, 59 FR 21748.

[5] Commissioner Crawford dissenting. Commissioner Bragg did not participate in the determinations in these investigations.

[6] Unwrought alloy magnesium contains less than 99.8 percent magnesium by weight but 50 percent or more magnesium by weight, with magnesium being the largest metallic element in the alloy by weight, and is sold in various ingot and billet forms and sizes. Products that have aforementioned primary magnesium content but do not conform to ASTM specifications or other industry or customer-specific specifications are included in the scope of these investigations. Alloy unwrought magnesium are provided for in subheadings 8104.19.00 and 8104.20.00 of the HTS. Excluded from the scope of investigation are magnesium anodes, granular magnesium (including turnings and powder), and secondary magnesium. *See also,* Commerce's scope of investigation in its notice of initiation, 59 FR 21748.

[7] Chairman Newquist dissenting. Commissioner Bragg did not participate in the determinations in this investigation.

[8] 59 FR 17399.

[Investigation No. 337–TA–355]

Certain Vehicle Security Systems and Components Thereof; Notice of Commission Decision To Extend the Deadline for Determining Whether To Review an Initial Determination

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Commission has extended until June 8, 1994, the deadline by which it must determine whether to review an initial determination (ID) (Order No. 18) granting a motion for summary determination in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Andrea C. Casson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–3105.

SUPPLEMENTARY INFORMATION: On April 19, 1994, the presiding administrative law judge (ALJ) issued an order denying complainant's motion to terminate the investigation based on withdrawal of its complaint and an ID terminating the investigation based on summary determination of patent invalidity. Under Commission interim rule 210.53(h), the ID would have become the determination of the Commission on May 20, 1994, unless review was ordered or the review deadline extended.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and Commission interim rule 210.53(h) (19 CFR 210.53(h)).

Copies of the nonconfidential version of the ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202–205–2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

Issued: May 20, 1994.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 94–12894 Filed 5–25–94; 8:45 am]

BILLING CODE 7020–02–P

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 518]

Railroad Cost of Capital—1993

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision.

SUMMARY: On May 25, 1994,, the Commission served a decision to update its estimate of the railroad industry's cost of capital for 1993. The composite cost of capital rate for 1993 is found to be 11.4%, based on a current cost of debt of 6.9%, a cost of preferred equity capital of 3.9%, a cost of common equity capital of 13.2%, and a 25.7% debt, 2.0% preferred equity, and 72.3% common equity capital structure mix. The cost of capital finding made in this proceeding will be used in a variety of Commission proceedings.

EFFECTIVE DATE: This action is effective May 25, 1994.

FOR FURTHER INFORMATION CONTACT: Leonard J. Blistein, (202) 927–6171. [TDD for hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: The cost of capital finding in this decision should be used to evaluate the adequacy of railroad revenues for 1993 under the standards and procedures promulgated in *Standards for Railroad Revenue Adequacy*, 3 I.C.C.2d 261 (1986). This finding may also be used in other Commission proceedings such as the prescription of maximum reasonable rate levels and proposed abandonments of rail lines. Additional information is contained in the Commission's decision. To obtain a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

Environmental and Energy Considerations

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

Regulatory Flexibility Analysis

Pursuant to 5 U.S.C. 605(b), we conclude that our action in this proceeding will not have a significant economic impact on a substantial number of small entities. The purpose and effect of this action is to update the annual railroad industry cost of capital finding by the Commission. No new reporting or other regulatory requirements are imposed, directly or indirectly, on small entities.

Authority: 49 U.S.C. 10704(a).

Decided: May 18, 1994.

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

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 94–12871 Filed 5–25–94; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32494]

SMS Rail Service, Inc.—Lease and Operate Exemption—Pureland Association, Inc.

SMS Rail Service, Inc., a noncarrier, has filed a notice of exemption to acquire by lease and to operate as a railroad common carrier rail lines of Pureland Association, Inc., beginning at the turnout from Consolidated Rail Corporation (Conrail) track near the line's intersection with Jackson Street, near Nortonville, NJ, winding southeasterly and crossing Pedricktown Road, turning northeasterly and crossing High Hill Road, and winding north and west, crossing High Hill Road again to the turnout from the Conrail track near the line's intersection with High Hill Road, near Bridgeport, NJ, including spur lines and branches, all within the Pureland Industrial Complex in Gloucester County, NJ. The lines are about 3.5 miles long.

The transaction was expected to be consummated on or after April 25, 1994. Comments must be filed with the Commission and served on Fritz R. Kahn, suite 120, 1101 30th Street NW., Washington, DC 20007.

The notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: May 19, 1994.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 94–12872 Filed 5–25–94; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32504]

Wisconsin Central Ltd.—Trackage Rights Exemption—The Chicago, Central & Pacific Railroad Company

The Chicago, Central & Pacific Railroad Company (CCP) has agreed to grant overhead trackage rights to Wisconsin Central Ltd. over 6.09 miles of its main line between milepost 8.43 west of Belt Crossing, IL and the point of division of ownership between CCP and Indiana Harbor Belt Railroad Company near milepost 14.52 at Broadview, IL. The trackage rights were to become effective on or after May 19, 1994.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Janet Gilbert, Assistant General Counsel, Wisconsin Central Ltd., 6250 North River Road, Suite 9000, Rosemont, IL 60018.

As a condition to the use of this exemption, any employees adversely affected by the trackage rights will be protected under *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Decided: May 19, 1994.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 94–12873 Filed 5–25–94; 8:45 am]

BILLING CODE 7035–01–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. chapter 35), considers comments on the reporting/recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review

As necessary, the Department of Labor will publish a list of the Agency

recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.
The title of the recordkeeping/reporting requirement.
The OMB and/or Agency identification numbers, if applicable.
How often the recordkeeping/reporting requirement is needed.
Whether small businesses or organizations are affected.
An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.
The number of forms in the request for approval, if applicable.
An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Office, Kenneth A. Mills (202–219–5095).

Comments and questions about the items on this list should be directed to Mr. Mills, Office of Information Resources Management Policy, U.S. Department of Labor, 200 Constitution Avenue, NW., room N–1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OAW/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, Room 3001, Washington, DC 20503 (202– 395–6880).

Any member of the public who wants to comment on recordkeeping/reporting requirements which have been submitted to OMB should advise Mr. Mills of this intent at the earliest possible date.

Extension

Bureau of Labor Statistics

Supplemental Telephone Communications Survey
Annually
Businesses or other for-profit
14 respondents; 171 hours per response; 2,400 total hours; 1 form

Detailed information pertaining to the inputs of local exchange carriers in the telephone communications industry is needed for productivity statistics. The information will be used in a multifactor productivity measure for the local telephone communications industry. The respondents are regional Bell operating companies and other local exchange carriers, who have all agreed to participate.

Signed at Washington, DC this 17th day of May, 1994.

Kenneth A. Mills,

Departmental Clearance Officer.

[FR Doc. 94–12810 Filed 5–25–94; 8:45 am]

BILLING CODE 4510–24–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–438 and 50–439]

Bellefonte Nuclear Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of extensions of the latest construction completion dates specified in Construction Permit Nos. CPPR–122 and CPPR–123 issued to Tennessee Valley Authority (TVA, applicant) for the Bellefonte Nuclear Plant (BLN), Units 1 and 2, respectively. The facility is located at the applicant's site on the west shore of Guntersville Reservoir, about 6 miles east-northeast of Scottsboro, Alabama.

Environmental Assessment

Identification of Proposed Action

The proposed action would extend the latest construction completion date of Construction Permit No. CPPR–122 from July 1, 1994 to October 1, 2001 and the latest construction completion date of Construction Permit No. CPPR–123 from July 1, 1996 to October 1, 2004. The proposed action is in response to the applicant's request dated April 19, 1994.

The Need for the Proposed Action

The proposed action is needed because the construction of the facility is not yet fully completed. The applicant requested the extensions because construction activities had been deferred in 1988 due, in part, to a lower than expected load forecast. On March 23, 1993, TVA notified NRC that it planned to resume completion activities 120 days from the date of the letter. As a result of the delay from the inactivity during the construction deferral, TVA is unable to complete the construction of the two units before the expiration dates of the construction permits, therefore extensions are now necessary. In addition, pursuant to the provisions of the Energy Policy Act of 1992, TVA is currently engaged in an Integrated Resource Planning (IRP) process to consider the least cost options for providing an adequate supply of electricity to TVA's customers. As part of this planning process, TVA will evaluate the completion of the BLN units along with other generating options. The IRP process is presently scheduled for completion in November 1995. Additional delays associated with the above efforts to ensure that BLN meets regulatory requirements and licensing commitments make it necessary for TVA to request extensions of the expiration dates for Construction Permit Nos. CPPR–122 and CPPR–123.

Environmental Impacts of the Proposed Action

The environmental impacts associated with the construction of the facility have been previously discussed and evaluated in the staff's Final Environmental Statement (FES) issued in June 1974 for the construction permit stage which covered construction of both units.

The proposed extensions will not allow any work to be performed that is not already allowed by the existing construction permit. The only change is that the environmental impacts discussed and evaluated in the FES will be gradual and extend to longer periods of time than the construction periods considered in the FES. The probability of accidents has not been increased and post-accident radiological releases will not be greater than previously determined, nor do the proposed extensions otherwise affect radiological plant effluents. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed extensions.

Based on the foregoing, the NRC staff has concluded that the proposed action would have no significant environmental impact. Since this action would only extend the period of construction activities described in the FES, it does not involve any different impacts or a significant change to those impacts described and analyzed in the original environmental impact statement. Consequently, an environmental impact statement addressing the proposed action is not required.

Alternatives Considered

A possible alternative to the proposed action would be to deny the request. Under this alternative, the applicant

would not be able to complete construction of the facility. This would result in a denial of the benefit of power production. This option would not eliminate the environmental impacts of construction already incurred.

If construction were halted and not completed, site redress activities would restore some small areas to their natural states. This would be a slight environmental benefit, but much outweighed by the economic losses from denial of use of a facility that is nearly completed. (Unit 1 is about 85% complete, and Unit 2 is about 45% complete). Therefore, this alternative is rejected.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in the FES for Bellefonte.

Agencies and Persons Contacted

The NRC staff reviewed the applicant's request and applicable documents referenced therein that support the extensions. The NRC did not consult other agencies or persons.

Finding Of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for this action. Based upon the environmental assessment, the staff concludes that this action will not have a significant effect on the quality of the human environment.

For details with respect to this action, see the request for extensions dated April 19, 1994, which is available for public inspection at the Commission Public Document Room, 2120 L Street, NW., Washington, DC and at the Local Public Document Room, Scottsboro Public Library, 1002 South Broad Street, Scottsboro, Alabama 37402.

Dated at Rockville, Maryland this 19th day of May 1994.

For the Nuclear Regulatory Commission

Frederick J. Hebdon,

Director, Project Directorate II–4, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 94–12859 Filed 5–25–94; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: John J. Lane, (202) 942–8800.

Upon Written Request, Copy Available From: Securities and Exchange Commission, Office of Filings and Information Services, 450 Fifth Street, N.W., Washington, D.C. 20549.

Extensions

Form N–4—File No. 270–282
Form N–17f–1—File No. 270–316
Form N–17f–2—File No. 270–317
Form ADV–E—File No. 270–318
Rule 6A–1 and Form 1—File No. 270–18
Form 12b–1—File No. 270–188
Form 22d–1—File No. 270–275

Proposed Revisions

Form S–1—File No. 270–58
Form S–4—File No. 270–287
Form 10—File No. 270–51
Form 10–K—File No. 270–48
Form F–1—File No. 270–249
Form F–2—File No. 270–250
Form F–3—File No. 270–251
Form F–4—File No. 270–288
Form 20–F—File No. 270–156
Regulation S–X—File No. 270–3

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq*), the Securities and Exchange Commission has submitted for OMB approval extensions and/or proposed revisions for the following rules and forms:

Form N–4 is the registration form used by separate accounts offering variable annuity contracts. The form is used to register the separate accounts as unit investment trusts under the Investment Company Act of 1940 (1940 Act) and to register the securities issued by the separate accounts under the Securities Act of 1933. There are approximately 288 registrants currently filing Form N–4. It is estimated that it would take 139.3 hours per respondent with a total annual burden of 40,118 hours.

Form N–17f–1 is the cover sheet for accountant examination certificates filed pursuant to rule 17f–1 under the 1940 Act by management investment companies maintaining securities or other investments with companies that are members of a national securities exchange. There are approximately 23 registrants currently filing accountant examination certificates. The time necessary for investment companies to comply with the form's requirements is less than three minutes.

Form N–17f–2 is the cover sheet for accountant examination certificates filed pursuant to rule 17f–2 under the 1940 Act by management investment companies maintaining custody of securities or other investments. There are approximately 130 registrants currently filing accountant examination certificates. The time necessary for investment companies to comply with the form's requirements is less than three minutes.

Form ADV–E is the cover sheet for accountant examination certificates filed pursuant to rule 206(4)–2 under the Investment Advisers Act of 1940 (Advisers Act) by investment advisers retaining custody of client securities or funds. There are approximately 752 registrants currently filed accountant examination certificates. The time necessary for investment advisers to comply with the form's requirements is less than three minutes.

Rule 6a–1 and Form 1 prescribes the form for registration as a national securities exchange. New filings on Form 1 are very rare, with an estimated burden of 45 hours per response.

Rule 22d–1 requires that any scheduled variation be applied uniformly to all offerees. Absent adequate public notice, shareholders would not necessarily learn about new scheduled variations in sales load. The rule imposes a burden of 15 minutes annually, per respondent.

Rule 12b–1 requires registered open-end investment companies that intend to distribute their own securities and pay the expenses of distribution to adopt a distribution plan, provide directors with quarterly reports of expenditures pursuant to that plan and keep certain records. The rule imposes an annual burden of 40 hours per registrant to maintain a distribution plan.

Form S–1 is used by issuers that are not eligible to use any of the specialized forms to register securities pursuant to the federal securities laws. It is estimated that approximately 1,239 respondents would file Form S–1 annually at 1,275 burden hours per response with a total annual burden of 1,579,725 hours.

Form S–4 is used by issuers to register securities issued in business combination transactions pursuant to the federal securities laws. It is estimated that approximately 505 respondents would file Form S–4 annually at 1,235 burden hours per response with a total annual burden of 623,675 hours.

Form 10 registers securities pursuant to Section 12(b) or 12(g) under the Securities Exchange Act of 1934 for classes of issuers for which no other form is prescribed. It is estimated that approximately 110 respondents would file Form 10 annually at 99 burden hours per response with a total annual burden of 10,890 hours.

Form 10–K elicits information concerning the financial condition and business operations for each fiscal year for issuers of publicly-traded securities pursuant to Sections 13 or 15(d) of the Securities Exchange Act of 1934. It is

estimated that approximately 6,261 respondents would file Form 10–K annually at 1,692.5 burden hours per response with a total annual burden of 10,596,742.5 hours.

Form F–1 is used by foreign issuers to register securities pursuant to the federal securities laws. It is estimated that approximately 13 respondents would file Form F–1 annually at 2,190 burden hours per response with a total annual burden of 28,470 hours.

Form F–2 is used by foreign private issuers to register securities pursuant to the federal securities laws. It is estimated that approximately 3 respondents would file Form F–2 annually at 764 burden hours per response with a total annual burden of 2,292 hours.

Form F–3 is used by foreign private issuers to register securities pursuant to the federal securities laws. It is estimated that approximately 5 respondents would file Form F–3 annually at 214 burden hours per response with a total annual burden of 1,070 hours.

Form F–4 is used by foreign private issuers to register securities issues in connection with business combinations pursuant to the federal securities laws. It is estimated that approximately 2 respondents would file Form F–4 annually at 1,309 burden hours per response with a total annual burden of 2,618 hours.

Form 20–F elicits material information concerning the financial condition and operations of foreign private issuers in order to permit investors to make informed investment decisions. It is estimated that approximately 133 respondents would file Form 20–F annually at 1,995 burden hours per response with a total annual burden of 265,335 hours.

Regulation S–X has been assigned one burden hour for administrative convenience, since the regulation simply prescribes the disclosure that must appear in other filings under the securities laws.

General comments regarding the estimated burden hours should be directed to OMB Clearance Officer for the Securities and Exchange Commission at the address below. Any comments concerning the accuracy of the estimated average burden hours for compliance with Commission rules and forms should be directed to John J. Lane, Associate Executive Director, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549 and OMB Clearance Officer for the Securities and Exchange Commission, Office of Management and Budget, room 3208, New Executive Office Building, Washington, DC 20503 (Project Numbers 3235–0318, 3235–0359, 3235–0360, 3235–0361, 3235–0017, 3235–0212, 3235–0310, 3235–0065, 3235–0324, 3235–0064, 3235–0063, 3235–0258, 3235–0257, 3235–0256, 3235–0325, 3235–0288, and 3235–0009).

Dated: May 13, 1994.

Jonathan G. Katz,

Secretary.

[FR Doc. 94–12892 Filed 5–25–94; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–34089; File No. SR–Amex–92–41]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Order Approving Proposed Rule Change and Amendment No. 1 to Proposed Rule Change Relating to Priority of Agency Orders to Cross Blocks of 25,000 Shares or More Under Rule 126(g), Commentary .01 and .02.

May 19, 1994.

I. Introduction

On November 23, 1992, the American Stock Exchange, Inc. ("Amex" or "Exchange") submitted to the Securities and Exchange Commission ("Commission" or "SEC"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Amex Rule 126(g) relating to the priority and precedence of bids and offers. The proposed rule specifies that agency block cross transactions,[3] where both buy and sell orders are for accounts other than that of a member or member organization, can be effected without interference at the proposed cross price. The proposal, however, would allow the cross to be broken up at a price that is better than the proposed cross price for one side or the other. The proposed rule change is known as the "clean cross" proposal. On March 30, 1994, the Exchange submitted to the Commission Amendment No. 1 to the proposed rule change in order to increase the minimum size of agency crosses that would be entitled to priority under the proposal from 10,000 to 25,000 shares.[4]

The proposed rule change was published for comment in Securities Exchange Act Release No. 33835 (March 30, 1994), 59 FR 16247 (April 6, 1994). The Commission received no comment letters. This order approves the proposed rule change, including Amendment No. 1.

II. Background

The Exchange's auction market procedures are codified in Amex Rule 126, which provides for the manner in which bids and offers at the same price will be sequenced for execution. A member who makes the first bid or offer at a particular price has "priority" at that price, which means that the member is the first one in the market entitled to receive an execution at that price.[5] If no member can claim priority, all members who are bidding or offering at a particular price are deemed to be on "parity" with each other, or equivalent in status.[6] When members are on parity, a member with orders to cross blocks of 25,000 shares or more may claim "precedence based on size" and thereby be entitled to the next execution at that price.[7]

Currently, members attempting to effect a "cross" transaction may be required to yield either some or all of one side of their cross in accordance with these rules. More specifically, a cross transaction may be "broken up" (*i.e.*, participated in by another member) if that other member trades with either the bid or the offer side of the transaction. The Amex states that the proposed amendments to Rule 126 would facilitate the ability of members to execute certain types of cross transactions on the Exchange at the cross price, while still providing the opportunity in the auction market for another member to offer price improvement to the buyer or seller, as the case may be.

III. Description of the Proposal

The Amex proposes to amend its priority rules to allow a member who has an order to buy and an order to sell 25,000 shares or more of the same

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[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1991).

[3] In a cross transaction, a member who has an order to buy and an order to sell an equivalent amount of the same stock wishes to execute the orders against each other. Because the member already has both sides of the trade, the member does not wish to interact with other market interest. The member, however, must comply with the provisions of Amex Rule 151 and make a public bid and offer on behalf of both sides of the cross before effecting the transaction. The offer must be made at a price which is higher than the bid by the minimum fractional change permitted in the security. See Amex Rule 127.

[4] See letter from Geraldine M. Brindisi, Corporate Secretary, Amex, to Diana Luka-Hopson, Branch Chief, Division of Market Regulation, SEC, dated March 28, 1994.

[5] See Amex Rule 126(e)(1).

[6] See Amex Rule 126(e)(2)–(4). Members are on parity with each other when two or more bids or offers are announced simultaneously, or after a trade takes place leaving several bids or offers unfilled at the same price as the executed trade.

[7] See Amex Rule 126(g), Commentary .01.

security,[8] where neither order is for the account of a member or a member organization, to cross those orders at a price that is at or within the prevailing quotation without being broken up at the cross price, irrespective of pre-existing bids and offers at that price.[9] The proposal will allow another member to trade with either the bid or offer side of the cross transaction to provide a price that is better than the proposed cross price, but the other member could not trade with the cross bid or offer at a price which is the same as the cross price. Moreover, the proposal will require that the member who is providing a better price to one side of the cross transaction must trade with all other market interest having priority at that price before trading with any part of the cross transaction.[10]

To avoid conflict with the Amex's proposed clean cross rule, as discussed above, Commentary .01 to Rule 126(g) will be amended so as to afford size precedence to orders to cross 25,000 shares or more only when members or member organizations are involved as principal on one or both sides of the cross. In addition, the amendments to Commentary .01 will clarify that such orders to cross are entitled to precedence only when they are on parity with other orders on the Floor (*i.e.*, both sides of the cross must be represented at the specialist's post when a sale clearing the floor takes place).[11]

The Amex states that the proposal is intended to facilitate the execution of agency cross transactions on the Exchange. According to the Amex, confining the proposed size priority threshold to block size orders of 25,000 shares or more will limit the effects of the rule primarily to actively traded, liquid securities. In addition, the Exchange states that the proposal furthers the important auction market principle of price improvement by allowing another member to trade with either the bid or offer side of the cross to provide a price that is better than the proposed cross price. The Amex also suggests that the proposal preserves the auction market principle of priority by requiring that a member who wants to break up a cross by providing a better price must first satisfy all other market interest having priority at that better price before trading with any part of the cross transaction.

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act in general and furthers the objective(s) of Section 6(b)(5) in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and, in general, to protect investors and the public interest.

IV. Discussion

The Amex clean cross proposal is designed to facilitate the execution of cross transactions on the Exchange. As discussed below, due to the Amex's current priority rules, some Amex members have developed the practice of transporting cross trades to the regional exchanges for execution, avoiding exposure to the Amex's active trading crowd and to limit orders on the Amex's specialists' books. The clean cross proposal, in contrast, should encourage Amex members to execute their cross transactions on the Amex because the proposal will allow a member who has a customer order to buy and a customer order to sell 25,000 shares or more of the same security to cross those orders at a price that is at or within the prevailing quotation, irrespective of pre-existing bids or offers at that price. The proposal will allow another member to trade with either the bid or offer side of the cross to provide a price that is better than the proposed cross price, but the other member could not trade with the cross bid or offer at a price which is the same as the cross price. Moreover, the proposal will uphold traditional auction market principles of priority and price improvement because it will require that the member who is providing a better price to one side of the cross must trade with all other market interest having priority at that price before trading with any part of the cross.

The Commission recognizes that the Amex's clean cross proposal was prompted by the competition that exists between the Amex and the regional exchanges for order flow and, in particular, for block business. The Commission also recognizes that the Amex's current priority rules may restrict the ability of Amex members to execute agency block cross transactions on the Exchange. Under the current rules, a member who tries to execute a block-sized agency cross on the Amex faces the possibility that another member will break up the cross at the cross price. As a result, the member may take block-sized orders in Amex-listed securities to a regional stock exchange for execution. The relatively smaller number of limit orders on the books of the regional stock exchange specialists and the virtual absence of a trading crowd at the regional exchanges helps to ensure that member firms will be able to execute their cross transactions on the regional exchanges with little or no interference. Indeed, the regional exchanges compete aggressively with the Amex for block transactions.[12] In addition, blocks go to the regional exchanges because of the low probability that a block will be broken up on the regional exchange.

The clean cross proposal should facilitate the ability of Amex members to execute block agency cross transactions on the Amex by giving such orders priority over orders at or within the prevailing quotation. At the same time, the proposal preserves the auction market principle of price improvement by permitting the cross transaction to be broken up at a better price. The proposal also preserves the principle of priority by requiring that a member who breaks up a cross by providing a better price must first satisfy all existing market interest having priority at that better price before trading with any part of the cross.

The Commission recognizes that approval of the clean cross proposal could disadvantage orders on the book, or in the trading crowd, at the same price as the cross transaction. This is the only aspect of the proposal that really represents a departure from existing auction market principles. Thus, under the proposal, a clean cross could be executed while a public investor's limit order on the book remains unexecuted. For example, if a public customer left a limit order on the specialist's book at 10 a.m., bidding for 500 shares of *XYZ* at 40, a so-called clean cross could be executed at 10:10 at a price of 40 without satisfying the public customer order.

The Commission recognizes that the Amex proposal may not be the ideal means to address the current situation, in which a block transaction can be effected on one of the regional stock exchanges or in the third market and completely avoid the Amex's limit order

[8] Amendment No. 1, *supra* note 4, increased the minimum size of a "clean cross" to 25,000 shares.

[9] The Amex will continue to require that the member follow the crossing procedures of Amex Rule 151 and make a public bid and offer on behalf of both sides of the cross. See *supra*, note 3. Unlike existing block cross procedures under Rule 126(g), Commentary .01, See *infra* note 11, orders to be crossed under proposed Rule 126(g), Commentary .02 will not be required to be on parity with other orders on the floor; that is it will not be required that the priority of earlier bids and offers first be removed, by means of a sale, before effecting the cross.

[10] The proposal also will require that transactions effected at the cross price in reliance on Commentary .02 be printed as "stopped stock."

[11] In this respect, size precedence differs from priority. See *supra* note 9.

[12] See *infra*, note 15.

book. A preferable approach would be to establish a means of intermarket price protection for all limit orders in all market centers.[13] However, with no means of intermarket price protection for public limit order, and given Commission approval of the NYSE's identical clean cross proposal,[14] as well as certain regional exchange proposals designed to minimize interference with cross transactions,[15] it could be unfair to preclude the Amex from adapting to the present competitive environment by facilitating the execution of agency block cross transactions on the Exchange. Thus, the Commission believes that it is not unreasonable or inconsistent with the Act for the Amex to react to competitive pressures for block business by permitting large agency crosses to occur at or within the bid or offer price. The proposed rule change should further competition among exchanges and other competing market centers and increase opportunities for the more efficient execution of block-sized agency cross transactions.

As described above, members who do not believe that they can execute their block-sized agency orders on the Amex currently take their orders to the regional stock exchanges, completely avoiding exposure to limit orders on the Amex specialist's book. The Commission believes that approval of the proposal will not result in incremental harm to public customers. Assume, for example, that the market in XYZ is quoted 20¼ bid, 20⅜ offer, 100,000 shares by 100,000 shares. Investor A has a limit buy order on the book at 20¼ for 1,000 shares of XYZ. In today's environment, a member intending to effect a 100,000 share agency cross transaction at a price of 20¼ could go to another market to execute the cross, thereby avoiding exposure to Investor A's limit buy order of 20¼. As a result of the proposed rule change, the member would, to comply with Rule 151, bid 20¼ for 100,000 shares and offer 100,000 shares at 20⅜ on the Amex floor. The member's 100,000 share clean cross of 20¼ would have priority, and the cross could not be broken up at that price. Although Investor A's limit buy order would not be executed, this is the same result as if the block was done on another market under the Amex's current rules.

The commission also believes that the proposal restricts sufficiently the circumstances in which members may execute clean cross transactions on the Exchange. In particular, the Commission believes that the share size threshold of 25,000 shares or more should help to ensure that the clean cross proposal will apply primarily to larger block-sized orders where the depth of the prevailing bid or offer may be less likely to satisfy either side of the clean cross. In addition, because the proposal is limited to non-member orders only, the proposal should assist public customers in effecting cross transactions on the Amex and should not give any special advantage to members and member organizations in their proprietary trading.

Finally, the Commission finds that the proposed amendments to Commentary .01 will eliminate potential confusion by specifying that the Amex's existing size precedence rule does not apply to those agency crosses of 25,000 shares which can be executed pursuant to Commentary .02. The Commission also has concluded that the Amex proposal will clarify the procedures for claiming precedence based on size, and should help to ensure that bids or offers with priority are not disadvantaged.

V. Conclusion

For the above reasons, the Commission believes that the proposed rule change, as amended, is not inconsistent with Sections 6(b)(5), 6(b)(8) and 11A(a)(1)(C)(ii) of the Act.[16]

It therefore is ordered, Pursuant to Section 19(b)(2) of the Act[17] that the proposed rule change (SR–Amex–92–41), including Amendment No. 1, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 94–12823 Filed 5–25–94; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–34088; File Nos. SR–OCC–94–01 and SR–ICC–94–01]

Self-Regulatory Organizations; The Options Clearing Corporation and The Intermarket Clearing Corporation; Order Approving Proposed Rule Changes Relating to the Cross-Netting of Foreign Currency Options and Futures

May 19, 1994.

On January 18, 1994, The Options Clearing Corporation ("OCC") and The Intermarket Clearing Corporation ("ICC") filed proposed rule changes (File Nos. SR–OCC–94–01 and SR–ICC–94–01) with the Securities and Exchange Commission ("Commission") pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act").[1] Notice of the proposals appeared in the **Federal Register** on March 3, 1994, to solicit comment from interested persons.[2] No comments were received by the Commission. This order approves the proposals.

I. Description of the Proposal

A. Cross-Netting Under Previous Rules

Under OCC and ICC rules, a joint clearing member (*i.e.*, a clearing member which is a clearing member of both OCC and ICC) may elect to cross-net its OCC exercise and assignment settlement obligations in OCC-cleared foreign currency options ("OCC obligations") with its delivery obligations in ICC-cleared foreign currency futures ("ICC obligations") on the same foreign currency. Cross-netting occurs when OCC obligations settle on a date that also is a delivery date for ICC obligations. Because such dates coincide only one day each month, cross-netting is performed only one day each month.

Previously, a joint clearing member that had elected to settle by cross-netting selected either OCC or ICC as its designated clearing organization ("DCO") and settled its cross-netted obligations with its DCO in accordance with the rules of the DCO. (OCC and ICC have virtually identical rules regarding the settlement of foreign currency obligations.) The DCO, in turn, performed its ordinary clearance and

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[13] The Commission originally attempted to address the underlying issues of limit order protection and competition among the exchanges through an integrated national market system rule. Specifically, the Commission proposed Rule 11Ac1–3 under the Act in 1979 to require that all limit orders that are collected in a particular market center receive intermarket price protection against executions at inferior prices. See Securities Exchange Act Release No. 15770 (April 26, 1979), 44 FR 26692 (addressing the practice of transporting block orders from one market to another to avoid limit orders in the former market). Due to the lack of interest from the relevant markets and potential difficulties in implementing a system for intermarket price protection, the Commission withdrew proposed Rule 11Ac1–3. See Securities Exchange Act Release No. 31344 (October 21, 1992), 57 FR 48581 (October 27, 1992).

[14] See Securities Exchange Act Release No. 31343 (October 21, 1992), 57 FR 48645 (October 27, 1992) (File No. SR–NYSE–90–39) ("NYSE Clean Cross Order").

[15] See Securities Exchange Act Release Nos. 33708 (March 3, 1994), 59 FR 11339 (March 10, 1994) (File No. SR–MSE–93–05); 33391 (December 28, 1993), 59 FR 336 (January 4, 1994) (File No. SR–PSE–91–11); and 27205 (August 31, 1989), 54 FR 37180 (September 7, 1989) (File No. SR–Phlx–89–17).

[16] 15 U.S.C. 78f and 78k–1 (1988).

[17] 15 U.S.C. 78s(b)(2) (1988).

[1] 15 U.S.C. 78s(b) (1988).

[2] Securities Exchange Act Release No. 33666 (February 23, 1994), 59 FR 10193.

settlement activities and acted as agent for the other clearing organization in settling the cross-netted obligations.[3]

The agreement by one clearing organization to act as agent for the other was contained in the Mutual Agency Agreement for Foreign Currency Settlement ("Mutual Agency Agreement") between OCC and ICC. The Mutual Agency Agreement set forth the rights and obligations of OCC and ICC in effecting cross-netted settlements and the effect of the default of a joint clearing member on such rights and obligations.

B. Cross-Netting Under Newly Approved Rules

ICC no longer desires to be a cross-netting DCO; therefore, OCC and ICC are eliminating the ability of a joint clearing member to select ICC as a DCO. These rule changes will have no effect: (1) On the basic procedures under which cross-netted obligations are settled or (2) upon any joint clearing member because no joint clearing member currently or has ever selected ICC as its cross-netting DCO.

To accomplish the rule changes, OCC and ICC are amending OCC Rule 1605(c) and ICC Rule 1205(c). The two rules deal with the cross-netting of foreign currency obligations and are being modified to state that henceforth joint clearing members can only designate OCC to act on their behalf with respect to cross-netting settlement. OCC and ICC also are deleting from OCC By-Laws Article XV, Section 1 and from ICC Rule 1202 the term and definition of "designated clearing organization."

OCC and ICC are replacing the existing Mutual Agency Agreement with the Agreement for Cross-Netting Foreign Currency Settlements ("Cross-Netting Agreement"). The Cross-Netting Agreement, which is based on the Mutual Agency Agreement, has been drafted by OCC and ICC to implement the above-described rule changes. Specifically, the Cross-Netting Agreement provides that: (1) OCC and ICC will furnish a form notice by which a joint clearing member may elect to cross-net its OCC and ICC obligations and which will provide that only OCC will effect the cross-netted settlements; (2) OCC agrees to act as agent for ICC in effecting cross-netted settlements with a joint clearing member; and (3) neither OCC nor ICC will change its rules relating to the margining and to the settling of foreign currency obligations without the consent of the other. The Cross-Netting Agreement also sets forth settlement, default, indemnity, and termination procedures. Those procedures are basically unchanged from the Mutual Agency Agreement except for modifications made to reflect that only OCC can effect cross-netted settlement.

II. Discussion

The Commission believes that the proposal is consistent with the Act and particularly with Section 17A of the Act.[4] Section 17A(b)(3)(F) of the Act[5] requires that the rules of a clearing agency be designed to assure the safeguarding of funds in the custody or control of the clearing agency or for which it is responsible. The proposed modifications to the OCC and ICC rules, in essence, eliminate a cross-netting option that has never been used. Accordingly, the rule changes should have no significant effect on either OCC's or ICC's ability to safeguard securities or funds.

III. Conclusion

For the reasons discussed above, the Commission believes that the proposal is consistent with the requirements of the Act, particularly those of section 17A of the Act, and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act,[6] that the above-mentioned proposed rule changes (File Nos. SR–OCC–94–01 and SR–ICC–94–01) be, and hereby are, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Johnathan G. Katz,

Secretary.

[FR Doc. 94–12891 Filed 5–25–94; 8:45 am]

BILLING CODE 8010–01–M

[3] For a more detailed description of cross-netting, refer to Securities Exchange Act Release No. 24781 (August 6, 1987), 53 FR 30268 [File No. SR–OCC–86–14].

[4] 15 U.S.C. 78q–1 (1988).

[5] 15 U.S.C. 78q–1(b)(3)(F) (1988).

[6] 15 U.S.C. 78s(b)(2) (1988).

[7] 17 CFR 200.30–3(a)(12) (1993).

Issuer Delisting; Applications to Withdraw From Listing and Registration; (Winstar Communications, Inc., Common Stock, $.01 Par Value; Series A Redeemable Common Stock Purchase Warrants; Series B Redeemable Common Stock Purchase Warrants) File No. 1–10726

May 20, 1994.

Winstar Communications, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified securities from listing and registration on the Boston Stock Exchange, Inc. ("BSE").

The reasons alleged in the application for withdrawing these securities from listing and registration include the following:

According to the Company, its Common Stock, Series A & B Redeemable Common Stock Purchase Warrants are listed on the BSE and quoted in the NASDAQ SmallCap Market under the symbols "WCII," "WCIIW" and "WCIIZ," respectively The Company now seeks to withdraw the securities from listing on the BSE.

According to the Company, the decision to withdraw the securities is based on the limited and sporadic trading activity of the securities on the BSE since the date of listing. The Company's primary trading market has been and continues to be the NASDAQ SmallCap Market. The Company believes that the benefits of remaining listed on the BSE do not outweigh the costs involved in maintaining such listing, since the NASDAQ SmallCap Market represents the primary trading market for the securities.

Any interested person may, on or before June 13, 1994 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 94–12893 Filed 5–25–94; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

New Route Opportunities [New York-Turin, Italy]

The U.S. Government has been informed through diplomatic channels that the Government of Italy is willing to permit one U.S. air carrier to provide scheduled combination service between

New York and Turin, Italy on an extra-bilateral basis. Since only one carrier may be authorized for this service, we are requesting applications from all U.S. certificated carriers that are interested in performing services between New York and Turin.[1]

We request that exemption applications to provide this service be filed no later than May 31, 1994; that answers be filed no later than June 7, 1994; and that replies be filed no later than June 13, 1994.

Except for the filing dates, exemption applications should conform to subpart D of part 302 of the Department's regulations. Applications should be filed with the Department's Docket section, room 4107, 400 Seventh Street SW., Washington, DC 20590. Further procedures for acting on the applications filed, if necessary, will be established in a future Department order.

We will serve a copy of this notice on all U.S. certificated carriers licensed to conduct airline services with large jet aircraft.

Dated: May 19, 1994

Paul L. Gretch,

Director, Office of International Aviation

[FR Doc. 94–12867 Filed 5–25–94; 8:45 am]

BILLING CODE 4910–62–P

Federal Aviation Administration

Proposed Advisory Circular 21–ACSEP, Aircraft Certification Systems Evaluation Program

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice announces the availability of proposed Advisory Circular (AC) 21–ACSEP, Aircraft Certification Systems Evaluation Program, for review and comments. The proposed AC 21–ACSEP provides information and guidance concerning a comprehensive evaluation program employed by the FAA in its overall certificate management and continued airworthiness regulatory program.

DATES: Comments submitted must identify the proposed AC 21–ACSEP file number PO–220–0163, and be received by July 11, 1994.

ADDRESSES: Copies of the proposed AC 21–ACSEP can be obtained from and comments may be returned to the following: Federal Aviation Administration, Production Certification Branch, AIR–220, Aircraft Manufacturing Division, Aircraft Certification Service, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Robert Tessier, Production Certification Branch, AIR–220, Aircraft Manufacturing Division, room 815, Aircraft Certification Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, (202) 267–8361.

SUPPLEMENTARY INFORMATION:

Background

The proposed AC 21–ACSEP provides information and guidance to FAA production approval applicants or holders, and their suppliers, concerning a comprehensive evaluation program employed by the FAA in its overall certificate management and continued airworthiness regulatory program.

Comments Invited

Interested persons are invited to comment on the proposed AC 21–ACSEP listed in this notice by submitting such written data, views, or arguments as they desire to the aforementioned specified address. All communications received on or before the closing date for comments specified above will be considered by the Director, Aircraft Certification Service, before issuing the final AC.

Comments received on the proposed AC 21–ACSEP may be examined before and after the comment closing date in room 815, FAA headquarters building (FOB–10A), 800 Independence Avenue, SW., Washington, DC 20591, between 8:30 a.m and 4:30 p.m.

Issued in Washington, DC, on May 13, 1994.

Michael Fradette,

Acting Manager, Aircraft Manufacturing Division.

[FR Doc. 94–12869 Filed 5–25–94; 8:45 am]

BILLING CODE 4910–13–M

Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Victoria Regional Airport, Victoria, TX

AGENCY: Federal Aviation Administration (FAA).

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Victoria Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before June 27, 1994.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate copies of the FAA at the following address: Mr. Ben Guttery, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Staff, ASW–610D, Fort Worth, Texas 76193–0610.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. David Roush, Manager of Victoria Regional Airport at the following address: Mr. David M. Roush, Airport Manager, Victoria Regional Airport, Route 6, Building 530, Victoria, Texas 77904.

Air carriers and foreign air carriers may submit copies of the written comments previously provided to the Airport under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Ben Guttery, Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Staff, ASW–610D, Fort Worth, Texas 76193–0610, (817) 222–5614.

The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Victoria Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On May 12, 1994, the FAA determined that the application to impose and use the revenue from a PFC submitted by Victoria Regional Airport was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than September 6, 1994.

The following is a brief overview of the application:

Level of the proposed PFC: $3.00

Proposed charge effective date:
November 15, 1994

Proposed charge expiration date:
October 31, 1997

Total estimated PFC revenue:
$195,960.00

[1] Trans World Airlines has a pending exemption application in Docket 49535 for authority to conduct scheduled combination service between New York and Turin. TWA may amend or supplement its application under the procedural timeframes established in this notice.

Brief description of proposed project(s):

Projects To Impose and Use PFC's

Construct new passenger terminal

Proposed class or classes of air carriers to be exempted from collecting PFC's: None.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports office located at: Federal Aviation Administration, Southwest Region, Airports Division, Planning and Programming Staff, ASW–610D, 2601 Meacham Blvd., Fort Worth, Texas 76137–4298.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at Victoria Regional Airport.

Issued in Fort Worth, Texas on May 12, 1994.

John M. Dempsey,

Manager, Airports Division.

[FR Doc. 94–12870 Filed 5–25–94; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Customs Service

Public Meetings on Customs "MOD Act"

AGENCY: Customs Service, Treasury.

ACTION: Notice of meetings.

SUMMARY: This notice announces the scheduling of four public meetings on the Customs "Mod Act" and informs the public of the agency's intention to hold a final public meeting in Washington, D.C. sometime in August (date to be announced later). The public meetings presently scheduled will be held in (1) Buffalo, New York, (2) Chicago, Illinois, (3) El Paso, Texas, and (4) Miami, Florida. The purpose of these meetings is to (1) give Customs managers an opportunity to share "straw man" implementation proposals relating to carrier manifest requirements and entry and clearance procedures, and (2) give participants an opportunity to ask questions, make suggestions, and provide the Customs Service with informal input relative to implementing the Customs Modernization provisions of the North American Free Trade Agreement Implementation Act. To control attendance, those planning to attend are requested to notify Customs in advance through the designated local contact person specified.

DATES: In Buffalo, New York, June 21, 1994; in Chicago, Illinois, June 24, 1994; in El Paso, Texas, June 30, 1994, and; in Miami, Florida, July 13, 1994. The meetings at locations other than El Paso are scheduled from 8:30 a.m. to 2:30 p.m. The El Paso meeting will begin at 8:00 a.m.

ADDRESSES: In Buffalo, New York, at the Radisson Hotel and Suites Buffalo, 4243 Genesee Street, Buffalo, New York; in Chicago, Illinois, at the Northbrook Hilton, 2855 North Milwaukee Avenue, Northbrook, Illinois; in El Paso, Texas, at the El Paso Airport Hilton, 2027 Airway Blvd., El Paso, Texas, and; in Miami, Florida, at the Hyatt Regency Miami, 400 S.E. Second Avenue, Miami, Florida.

FOR FURTHER INFORMATION CONTACT: Debra Rutter, Office of Inspection and Control, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229. Phone: (202) 927–0510; FAX: (202) 927–1356.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 1993, the President signed the North American Free Trade Agreement Implementation Act. The Customs modernization portion of this Act (Title VI of Public Law 103–182, 107 Stat. 2057, codified at 19 U.S.C. 3301 note), popularly known as the Customs Modernization Act or "Mod Act," became effective when it was signed. In order to share "straw man" implementation proposals specific to carrier manifest requirements and entry and clearance procedures, remote filing, and general order procedures, and to invite informal dialogue relative to implementation plans and issues, Customs will hold open meetings in (1) Buffalo, New York, on June 21, 1994, at the Radisson Hotel and Suites Buffalo, 4243 Genesee Street, Buffalo, New York; (2) Chicago, Illinois, on June 24, 1994, at the Northbrook Hilton, 2855 North Milwaukee Avenue, Northbrook, Illinois; (3) El Paso, Texas, on June 30, 1994, at the El Paso Airport Hilton, 2027 Airway Blvd., El Paso, Texas, and; (4) Miami, Florida, on July 13, 1994, at the Hyatt Regency Miami, 400 S.E. Second Avenue, Miami, Florida. The meetings at locations other than El Paso are scheduled from 8:30 a.m. to 2:30 p.m. The El Paso meeting will begin at 8:00 a.m.

Meetings will begin with a general briefing covering the Office of Inspection and Control's operational, automation and enforcement issues. Following the general briefing, staff members from the Office of Inspection and Control will conduct a series of presentations concentrating on vessel, air, truck and rail transportation "straw man" proposals for implementing specific Mod Act provisions and proposals on general order procedures and remote entry filing (for release purposes). In addition, a briefing will be provided by members of the In-bond Task Force and the Automated Export System Development Team. Among the topics to be discussed at these sessions will be: carrier manifest requirements, electronic transmission of data, carrier entry and clearance procedures, and carrier liability issues. Participants will be given ample opportunity to ask questions and provide suggestions during these sessions. Please note that while the Buffalo, New York, and El Paso, Texas, meetings will not include presentations on the vessel and air proposals, and that the Miami, Florida, meeting will not include the presentation on the motor carrier and rail proposals, the written proposals on these subjects will be made available to participants at the these meetings.

Persons planning to attend are requested to pre-register by FAX with the local contact listed below. Individuals not having access to facsimile equipment may pre-register by calling the following local contacts:

For the Buffalo Meeting:

Mr. John Stefko, Telephone: (716) 846–3807, or the Buffalo District Supervisor, Telephone: (716) 846–4368, Fax: (716) 846–5011.

For the Chicago Meeting:

Mr. Jerome Gothelf, Telephone: (312) 353–4729, Extension 265, Fax: (312) 886–8118.

For the El Paso Meeting:

Ms. Terry Romo, Telephone: (915) 540–5800, Fax: (915) 540–5792.

For the Miami meeting:

Ms. Ruby Hogan, Telephone: (305) 536–5263, Fax: (305) 536–4734.

Attendees are encouraged to arrive approximately 15 minutes in advance of the meeting.

Customs intends to hold one final meeting in Washington, D.C. Information regarding that meeting will be announced and published in the **Federal Register** at a later date.

Dated: May 20, 1994.

Stuart P. Seidel,

Acting Director, Office of Regulations and Rulings.

[FR Doc. 94–12900 Filed 5–25–94; 8:45 am]

BILLING CODE 4820–02–P

[T.D. 94–48]

Extension of Caesar J. Thibodeaux, Inc.'s Customs Gauger Approval to the Site Located in Harvey, LA

AGENCY: U.S. Customs Service.

ACTION: Notice of the extension of Caesar J. Thibodeaux, Inc.'s Customs gauger approval to include their Harvey, Louisiana gauging facility.

SUMMARY: Caesar J. Thibodeaux, Inc., of Pasadena, Texas, a Customs approved gauger under § 151.13 of the Customs Regulations (19 CFR 151.13), has been given an extension of its Customs gauger approval to include the Harvey, Louisiana site. Specifically, the extension given to the Harvey site will include the approval to gauge petroleum and petroleum products, organic compounds in bulk and liquid form and animal and vegetable oils.

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. Caesar J. Thibodeaux, Inc., a Customs commercial approved gauger, has applied to Customs to extend its Customs gauger approval to its Harvey, Louisiana facility. Review of the qualifications of the Harvey site shows that the extension is warranted and, accordingly, has been granted.

Location

Caesar J. Thibodeaux, Inc.'s new site is located at 1448 MacArthur Avenue, Harvey, Louisiana 70058.

Approved-Accredited Sites

Caesar J. Thibodeaux, Inc., has been approved by the U.S. Customs Service at the following locations: Pasadena, Texas; Groves, Texas; Sulphur, Louisiana; Gonzales, Louisiana; Corpus Christi, Texas; and Harvey, Louisiana.

EFFECTIVE DATE: May 16, 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: May 19, 1994.

George D. Heavey,

Director, Office of Laboratories and Scientific Services.

[FR Doc. 94–12866 Filed 5–25–94; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF VETERANS AFFAIRS

Summary of Precedent Opinions of the General Counsel

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is publishing a summary of legal interpretations issued by the Department's General Counsel involving veterans' benefits under laws administered by VA. These interpretations are considered precedential by VA and will be followed by VA officials and employees in future claims matters. It is being published to provide the public, and, in particular, veterans' benefit claimants and their representatives, with notice of VA's interpretation regarding the legal matter at issue.

FOR FURTHER INFORMATION CONTACT: Jane L. Lehman, Chief, Law Library, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–6558.

SUPPLEMENTARY INFORMATION: VA regulations at 38 CFR 2.6(e)(9) and 14.507 authorize the Department's General Counsel to issue written legal opinions having precedential effect in adjudications and appeals involving veterans' benefits under laws administered by VA. The General Counsel's interpretations on legal matters, contained in such opinions, are conclusive as to all VA officials and employees not only in the matter at issue but also in future adjudications and appeals, in the absence of a change in controlling statute or regulation or a superseding written legal opinion of the General Counsel.

VA publishes summaries of such opinions in order to provide the public with notice of those interpretations of the General Counsel which must be followed in future benefit matters and to assist veterans' benefit claimants and their representatives in the prosecution of benefit claims. The full text of such opinions, with personal identifiers deleted, may be obtained by contacting the VA official named above.

O.G.C. Precedent 1–94

Question Presented

Whether, in computing annual income for improved pension purposes, the $2,000 exclusion provided by 25 U.S.C. 1407 for certain Native American tribal per-capita payments applies to the sum of all payments received during an annual reporting period or applies to each individual payment received during the reporting period.

Held

For purposes of computing annual income under the improved-pension statutes, 25 U.S.C. 1407 authorizes the exclusion from a claimant's income of no more than $2,000 of the aggregate amount received during the relevant twelve-month period as per capita distributions from a Native-American tribal trust fund.

Effective date: January 19, 1994

O.G.C. Precedent 2–94

Question Presented

Does a temporary total relating based on convalescence, under 38 CFR 4.30 satisfy the requirement in 38 U.S.C. 1114(s) of a disability rated as total for entitlement to special monthly compensation?

Held

The plain and unambiguous language of 38 U.S.C. 1114(s) does not restrict the nature of total ratings that may serve as a basis of entitlement to the special rate of disability compensation which section 1114(s) authorizes. A temporary total rating based on convalescence under 38 CFR 4.30, satisfies the requirement in section 1114(s) of a disability rated as total.

Effective date: February 2, 1994

O.G.C. Precedent 3–94

Question Presented

May the Department of Veterans Affairs (VA) consolidate monthly benefits of National Service Life Insurance (NSLI) beneficiaries into one annual payment in order to protect against misuse of benefit checks?

Held

No statutory authority exists which would allow VA to accumulate monthly NSLI benefits, other than monthly payments of less than $5 on policies which matured prior to August 1, 1946, into a single annual payment.

Effective date: February 8, 1994.

O.G.C. Precedent 4–94

Question Presented

Under what circumstances may withheld pension benefits be paid to the children of a veteran's surviving spouse (now deceased) where the surviving spouse's benefits were withheld due to the surviving spouse's residence in the People's Republic of China?

Held

a. Following the death of a veteran's surviving spouse, payment of pension benefits withheld from the surviving spouse under 31 U.S.C. 3329 (which

bars sending Government checks to certain foreign countries) and deposited in the special deposit account in the Department of the Treasury is governed by the provisions of 31 U.S.C. 3330 (c) and (d). Under section 3330(d)(1)(A), payment of such benefits is precluded where a claim is not filed within one year following the surviving spouse's death. Further, under 31 U.S.C. 3330(d)(2), payment may only be made on the basis of a rating or decision existing at the time of the surviving spouse's death.

b. After the death of the surviving spouse, amounts withheld due to the surviving spouse's foreign residence and deposited in the Treasury as miscellaneous receipts pursuant to 31 U.S.C. 3330(b), and amounts not paid as a result of 38 U.S.C. 5308 (which bars payment of non-contractual veterans' benefits to aliens located in the territory of an enemy of the United States), may only be paid in accordance with the accrued-benefit provisions of 38 U.S.C. 5121. Those provisions require that an application have been filed within one year of the surviving spouse's death. They also limit benefits to those to which the surviving spouse was entitled at death based on existing ratings or decisions or on evidence in the file on the date of death and only authorize payment of benefits due and unpaid for a period not to exceed one year.

Effective date: February 8, 1994.

O.G.C. Precedent 5–94

Questions Presented

How, if at all, are the provisions of 38 U.S.C. 5101(a), 5110(a), and 5110(g) and 38 CFR 3.114(a) to be applied in establishing an effective date for service connection of non-Hodgkin's lymphoma (NHL) based on an original claim made pursuant to 38 CFR 3.313?

Held

An effective date for service connection of non-Hodgkin's lymphoma under 38 CFR 3.313 may generally be based on the date of receipt by the Department of Veterans Affairs of an original claim for that benefit filed on or after August 5, 1964, regardless of whether the claim had previously been denied, if the claimant was otherwise eligible on the date of claim. As a practical matter, the provisions of 38 U.S.C. 5110(g) and 38 CFR 3.114(a) permitting payment of retroactive benefits for periods prior to the date of receipt of a claim under certain circumstances could not be applicable in determining the effective date of an award of service connection under § 3.313 because no one could have met all eligibility requirements for benefits under § 3.313 on its effective date of August 5, 1964.

Effective date: February 18, 1994.

O.G.C. Precedent 6–94

Questions Presented

a. Prior to March 10, 1976, did Diagnostic Code 5296 contain a system for rating skull loss under which single skull holes were rated exclusively by comparison to coin size and multiple skull holes were rated exclusively based on reference to a specified area in square inches?

b. If so, what was the rationale for such a system and was it legally supportable?

Held

a. Former Diagnostic Code 5296, as in effect prior to March 10, 1976, established a bifurcated system of assigning disability ratings for partial skull loss, under which ratings could be assigned either on the basis of the aggregate of two or more areas of skull loss or on the size of a single area of skull loss. Prior to the 1976 revision, this diagnostic code provided for assignment of a 50-percent rating where: (1) There were two or more areas of skull loss whose aggregate area exceeded 2 square inches, or (2) there was a single area of skull loss which was greater in size than a 50-cent piece. Similarly, the prior provisions of the diagnostic code provided a 30-percent rating where: (1) There were two or more areas of skull loss whose aggregate area exceeded 1 square inch, or (2) there was a single area of skull loss which was greater in size than a 25-cent piece.

b. The establishment of such rating criteria necessarily implies a finding that a single area of skull loss greater than a specified size was considered to represent a greater impairment of earning capacity than two or more smaller areas having a greater aggregate area. We cannot conclude that establishment of such criteria was outside the scope of the Administrator of Veterans' Affairs' discretion under statutory provisions authorizing establishment of a rating schedule.

Effective date: February 24, 1994.

O.G.C. Precedent 7–94

Question Presented

Does the amount of a Federal Tort Claims Act settlement to be set off against benefits payable under 38 U.S.C. 1151 include the amount of attorney fees paid out of the settlement proceeds?

Held

When an individual is awarded a judgment or enters into a compromise on a Federal Tort Claims Act claim subject to 38 U.S.C. 1151, that individual's future veterans' disability compensation benefits based on the same disability must be offset by the entire amount of the judgment or settlement proceeds, including the amount of any attorney fees paid out of such proceeds.

Effective date: March 1, 1994.

O.G.C. Precedent 8–94

Questions Presented

a. If no claim has been filed under the Vocational Rehabilitation program authorized by chapter 31, title 38, United States Code, does Vocational Rehabilitation Service, Veterans Benefits Administration (VBA) have statutory authority to evaluate a veteran for purposes of determining the individual's eligibility for compensation benefits under chapter 11, title 38, United States Code?

b. If such statutory authority exists, is an implementing regulation also required pursuant to section 501(a)(3), title 38, United States Code?

c. If Vocational Rehabilitation Service within VBA does not have statutory authority to provide a rehabilitation assessment for purposes of the VA compensation benefits program, is there statutory and regulatory authority for requesting an equivalent VA examination (*e.g.*, a fee-basis consultation by a psychologist who specializes in vocational assessments)?

Held

a. Vocational Rehabilitation evaluations conducted under authority of chapter 31, title 38, United States Code, may be provided only to eligible persons applying for benefits under that chapter and only for the specific purposes of that chapter.

b. The Secretary has authority under section 501(a)(3), title 38, United States Code, to conduct a "vocational rehabilitation assessment" for purposes of determining the existence of facts to support an IU rating. Further, 38 U.S.C. 512 authorizes the Secretary to delegate to any VA component the responsibility for making such assessments.

c. Under 38 U.S.C. 513, the Secretary theoretically may, subject to procurement rules, contract with third parties for such assessments if he deems them to be necessary for proper administration of the compensation benefits program. However, as noted in the [Office of General Counsel unpublished decision, dated July 25,

1988], the Congress has previously considered and failed to enact legislation mandating use of such assessments. Therefore, Congress may perceive that administrative implementation of such a requirement by the Secretary is an attempt to circumvent the legislative will of Congress by providing for a procedure which the latter, to date, has rejected.

d. If the Secretary elects to exercise all or any of the statutory authority cited in paragraphs (b) or (c) of this holding, the Secretary must, as a prerequisite, promulgate appropriate implementing regulations consistent therewith and with the dictates of due process. In particular, substantive regulations first would have to be promulgated detailing the scope, purpose, criteria for, and potential legal effect of such assessments and should include a delegation of the task of administering the requirement to a particular agency activity.

e. As to the case which precipitated this inquiry, we believe that the assessment agreed to by the parties and incorporated in the COVA remand may be conducted on an ad hoc basis by any agency activity competent to do so as informally designated by the Secretary. Absent such a consensual arrangement, however, and without appropriate regulatory authority, imposing that assessment on a case-by-case basis would violate due process and would be ultra vires. Moreover, absent a policy determination on the use of an employability assessment in deciding IU claims, and absent appropriate regulations, administrative procedures, and delegation of authority implementing such a policy, we would recommend against inviting or encouraging even consensual use of the assessment on an ad hoc basis in future cases. Among other legal concerns, such action could provoke claims of unequal treatment under the law.

Effective date: March 25, 1994.

O.G.C. Precedent 9–94

Question Presented

Do decisions of the U.S. Court of Veterans Appeals (CVA or court) invalidating Department of Veterans Affairs (VA) regulations or statutory interpretations have retroactive effect?

Held

Decisions of the CVA invalidating VA regulations or statutory interpretations do not have retroactive effect in relation to prior "final" adjudications of claims, but should be given retroactive effect as they relate to claims still open on direct review.

Effective date: March 25, 1994.

By Direction of the Secretary.

Mary Lou Keener,

General Counsel.

[FR Doc. 94–12808 Filed 5–25–94; 8:45 am]

BILLING CODE 8320–01–M

Veterans Health Administration

Advisory Committee for Cooperative Studies, Health Services, and Rehabilitation Research and Development Subcommittee on Scientific Review and Evaluation for Health Services Research and Development Service; Meeting

The Department of Veteran Affairs, Veterans Health Administration, gives notice under Public Law 92–463, that a meeting of the Advisory Committee for Cooperative Studies, Health Service, and Rehabilitation Research and Development Subcommittee on Scientific Review and Evaluation for Health Services Research and Development will be held at The Best Western Boston, Inn at Children's, 342 Longwood Avenue, Boston, Massachusetts, June 1 through June 3, 1994. The session on June 1, 1994, is scheduled to begin at 12 p.m. and end at 5 p.m. The sessions scheduled for June 2 and 3 are scheduled to begin at 8 a.m. and end at 5 p.m. The purpose of the meeting is to review research and development applications concerned with the measurement and evaluation of health care systems and with testing new methods of health care delivery and management. Applications are reviewed for scientific and technical merit and recommendations regarding their funding are prepared for the Associate Chief Medical Director for Research and Development.

The meeting will be open to the public (to the seating capacity of the room) at the start of the June 1 session for approximately one hour to cover administrative matters and to discuss the general status of the program. The closed portion of the meeting involves discussion, examination, reference to, and oral review of staff and consultant critiques of research protocols, and similar documents. During this portion of the meeting, discussion and recommendations will deal with qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, as well as research information, the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action regarding such research projects. As provided by the subsection 10(d) of Public Law 92–463, as amended by Public Law 94–409, closing portions of these meetings is in accordance with 5 U.S.C. 552(c)(6) and (9)(B).

Due to the limited seating capacity of the room, those who plan to attend the open session should contact Mr. Bill, Judy, Review Program Manager (12B3), Health Services Research and Development Service, Department of Veterans Affairs, 810 Vermont Avenue, Washington, DC 20420 (phone: 202–523–7425) at least five days before the meeting.

Dated: May 17, 1994.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 94–12809 Filed 5–25–94; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 59, No. 101
Thursday, May 26, 1994

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10:00 a.m. on Tuesday, May 31, 1994, to consider the following matters:

Summary Agenda

No matters scheduled.

Discussion Agenda

Memorandum and resolution re: Proposed amendments to Part 333 of the Corporation's rules and regulations, entitled "Extension of Corporate Powers," which would require Corporation-insured mutual state-chartered savings banks that are not members of the Federal Reserve System to comply with new substantive provisions of the Corporation's regulations when proposing to convert to the stock form of ownership.

Memorandum and resolution re: Notice and request for comments regarding the Corporation's review of the mutual-to-stock conversion process for Corporation-insured depository institutions.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC.

The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those attendees needing such assistance should call (202) 942–3132 (Voice); (202) 942–3111 (TTY), to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Acting Executive Secretary of the Corporation, at (202) 898–6757.

Dated: May 24, 1994.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Acting Executive Secretary.

[FR Doc. 94–13102 Filed 5–24–94; 3:04 pm]

BILLING CODE 6714–01–M

FEDERAL ELECTION COMMISSION

DATE AND TIME: Thursday, June 2, 1994, at 10:00 am.

PLACE: 999 E Street, NW., Washington, DC.

STATUS: This Meeting Will Be Open to the Public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes
Advisory Opinion 1994–10: Robert F. Bauer on behalf of Franklin National Bank
Convention Regulations: Final Rules and Explanation and Justification (continued from meeting of May 26, 1994)
Administrative Matters
Foreign National Brochure
Administrative Matters

PERSON TO CONTACT FOR INFORMATION: Ron Harris, Press Officer, Telephone: (202) 210–4155.

Delores Hardy,

Administrative Assistant.

[FR Doc. 94–13101 Filed 5–24–94; 3:04 pm]

BILLING CODE 6715–01–M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Tuesday, May 31, 1994.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed continuation of the program of outside audits of the Federal Reserve Banks.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: May 24, 1994.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 94–13026 Filed 5–24–94; 10:35 am]

BILLING CODE 6210–01–P

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of May 30, 1994.

An open meeting will be held on Wednesday, June 1, 1994, at 10:00 a.m., in Room 1C30. A closed meeting will be held on Wednesday, June 1, 1994, following the open meeting.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Schapiro, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the open meeting scheduled for Wednesday, June 1, 1994, at 10:00 a.m., will be:

Consideration of proposed rule 3a12–11 under the Securities Exchange Act of 1934 ("Exchange Act") exempting debt securities listed on a national securities exchange from the restrictions on borrowing of Section 8(a) and the proxy, shareholder communications, and information statement rules of Sections 14(a), 14(b), and 14(c) of the Exchange Act. Other proposed amendments would provide for the automatic effectiveness of Form 8–A registration statements for listed debt securities and the elimination of the filing fee associated with Form 8–A registration statements for listed debt. The Commission will also consider whether to authorize a one-step filing procedure for Exchange Act registration on a combined Form 8–A/Listing Application for debt securities that are to be listed on a national securities exchange. Finally, consideration of whether to solicit comment as to the advisability of extending reporting requirements to issuers of debt securities that are traded in the over-the-counter market where the issuer is not otherwise subject to periodic reporting requirements.

For further information, please contact Beth A. Stekler, Division of Market Regulation at (202) 942–0190; with regard to issues relating to the proxy rules, Form 8–A, or reporting, Joseph P. Babits, Division of Corporation Finance at (202) 272–2589 or (202) 942–2910 after 5/30/94.

Consideration of a release that would propose amendments to Rule 19b–4 and Form 19b–4 to streamline the procedures for

the filing by self-regulatory organizations ("SROs") of proposed rule changes under the Securities Exchange Act of 1934. The release also proposes amendments to Rule 6a–2 and Form X–15AJ–2 to streamline and conform requirements for SROs to file certain information annually.

For further information, please contact Andrew S. Margolin at (202) 942–0073.

The subject matter of the closed meeting scheduled for Wednesday, June 1, 1994, following the open meeting will be:

Institution of administrative proceedings of an enforcement nature.

Settlement of administrative proceedings of an enforcement nature.

Institution of injunction actions.

Opinion.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Felicia Kung (202) 942–0500.

Dated: May 24, 1994.

Jonathan G. Katz,

Secretary.

[FR Doc. 94–13113 Filed 5–24–94; 8:45 am]

BILLING CODE 8010–01–M

Corrections

Federal Register
Vol. 59, No. 101
Thursday, May 26, 1994

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Part 778

[Docket No. 940530-4130]
RIN 0694-AA83

Export Administration Regulations: Changes in Categories 3, 4, and 5 of the Commerce Control List; Revisions to Country Groups and Policies; Implementation of Import Certificate/ Delivery Verification (IC/DV) Procedures for Bulgaria and Romania; Adjustments to General License GLX

Correction

In rule document 94-11467 beginning on page 25303, in the issue of Monday, May 16, 1994, make the following correction:

Supplement No. 5 to part 778 [Corrected]

On page 25308, in the third column, in the amendment to Supplement No. 5 to part 778, in the heading, in the third line, "Reguibs," should read "Regions,".

BILLING CODE 1505-01-D

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1, 4, 30, 150

Proposed Amendments to Commodity Pool Operator and Commodity Trading Advisor Disclosure Rules

Correction

In proposed rule document 94-11380 beginning on page 25351, in the issue of Monday, May 16, 1994, make the following corrections:

1.On page 25353, in the 2nd column, in the 12th line from the top, "13" should be removed.

2.On the same page, in the same column, in the first full paragraph, in the tenth line, after the word "trading." insert "13".

BILLING CODE 1505-01-D

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1845

Acquisition Regulation; Addition of Coverage to the NASA FAR Supplement on Providing Facilities to Contractors

Correction

In rule document 94-6464 beginning on page 13250, in the issue of Monday, March 21, 1994, make the following correction:

On page 13250, in the second column, under **DATES:**, in the second line, "March 21, 1944." should read "March 21, 1994."

BILLING CODE 1505-01-D

federal register

Thursday
May 26, 1994

Part II

Office of Personnel Management

5 CFR Part 591

Cost-of-Living Allowances (Nonforeign Areas) and Report on Summer 1993 Surveys Used To Determine Cost-of-Living Allowances in Selecting Nonforeign Areas; Proposed Rule and Notice

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 591

RIN 3206–AF88

Cost-of-Living Allowances (Nonforeign Areas)

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) proposes to increase certain cost-of-living allowance (COLA) rates paid to General Schedule, U.S. Postal Service, and certain other Federal employees in Kauai County, Hawaii; the City and County of Honolulu, Hawaii; Guam and the Commonwealth of the Northern Mariana Islands; and the U.S. Virgin Islands. OPM also proposes to consolidate the two nonforeign COLA areas in the U.S. Virgin Islands into a single allowance area. In addition, OPM proposes to remove from regulations three locations listed as places where nonforeign post differentials are paid. These three locations are no longer territories or possessions of the United States and, therefore, are not covered by the nonforeign area post differential program.

DATES: Comments must be received on or before July 25, 1994.

ADDRESSES: Send or deliver comments to Allan G. Hearne, Methodology Development Branch, Office of Compensation Policy, Personnel Systems and Oversight Group, Office of Personnel Management, room 6H31, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Allan G. Hearne, (202) 606–2838.

SUPPLEMENTARY INFORMATION: Under section 5941 of title 5, United States Code, certain Federal employees in nonforeign areas outside the 48 contiguous States are eligible for cost-of-living allowances (COLA's) when local living costs are substantially higher than those in Washington, DC. Nonforeign area COLA's are currently paid in the following locations: Alaska, Hawaii, Puerto Rico, the U.S. Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands.

OPM contracts with Runzheimer International to conduct living-cost surveys in all of the nonforeign allowance areas. During the summer of 1993, Runzheimer surveyed Hawaii, Guam, Puerto Rico, and the U.S. Virgin Islands. At that time, Runzheimer also surveyed the Washington, DC, area, which is the base or reference area for living-cost comparisons.

As background to this notice of proposed rulemaking, OPM is publishing a separate **Federal Register** notice immediately following this notice. The separate notice provides the complete "Report to OPM on Living Costs in Hawaii, Guam and the Commonwealth of the Northern Mariana Islands, Puerto Rico, United States Virgin Islands, and in the Washington, DC, Area, March 1994," produced by Runzheimer International. This report explains the methodology, procedures, and results of the summer 1993 living-cost surveys.

This notice of proposed rulemaking and the notice immediately following are based only on the results of the summer 1993 surveys. OPM is publishing the proposed rate adjustments and survey results at this time to expedite the implementation of proposed COLA rate adjustments. These notices do not cover the winter 1994 living-cost surveys conducted in Alaska. Any proposed COLA rate adjustments and the results of the winter 1994 surveys will be published in separate notices later this year after OPM has fully analyzed the results of the Alaska surveys.

The proposed increases in COLA rates are summarized in the following table:

PROPOSED INCREASES IN COLA RATES

Allowance area category	Current rate	Proposed rate
City and County of Honolulu, Hawaii; Commissary/Exchange.	17.5	20.0
County of Kauai, Hawaii; All Employees.	17.5	20.0
Territory of Guam and Commonwealth of the Northern Mariana Islands; Commissary/Exchange.	17.5	20.0
U.S. Virgin Islands; All Employees.	*12.5 or 17.5.	17.5

*Current rates for St. Croix and St. Thomas/St. John, respectively.

OPM proposes to adjust only those rates that would increase. Rates that would otherwise decrease will remain unchanged, as required by a general provision in the Treasury, Postal Service, and General Government Appropriations Act, 1992 (Pub. L. 102–141). Without this provision, a total of four rates would decrease in three of the allowance areas covered by the summer 1993 surveys.

In addition to proposing COLA rate adjustments, OPM is proposing to consolidate the two allowance areas in the U.S. Virgin Islands into a single allowance area. The two allowance areas are (1) the island of St. Croix and (2) the islands of St. Thomas and St. John. The new allowance area would be named the U.S. Virgin Islands allowance area. Living-cost surveys would continue to be conducted on both St. Croix and St. Thomas, but the data would be consolidated to represent the Virgin Islands as a whole. OPM believes this action would improve the survey yield, which has been less than optimal. This action would also address comments OPM received from members of Congress and Federal employees concerning OPM's living-cost measurements in the Virgin Islands.

OPM also proposes to remove from regulations three locations that are listed as places where nonforeign post differentials are paid. The three locations are the Canton, Enderbury, and Christmas Islands. These islands are no longer territories or possessions of the United States and, therefore, are not covered by the nonforeign area post differential program.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 591

Government employees, Travel and transportation expenses, Wages.

U.S. Office of Personnel Management.

James B. King,

Director.

Accordingly, OPM proposes to amend 5 CFR part 591 as follows:

PART 591—ALLOWANCES AND DIFFERENTIALS

Subpart B—Cost-of-Living Allowance and Post Differential—Nonforeign Areas

1. The authority citation for subpart B of part 591 continues to read as follows:

Authority: 5 U.S.C. 5941; E.O. 10000, 3 CFR, 1943–1948 Comp., p. 792; E.O. 12510, 3 CFR, 1985 Comp., p. 338.

2. In § 591.204, paragraph (b)(4) is revised to read as follows:

§ 591.204 Establishment of allowance areas.

* * * * *

(b) * * *

(4) The U.S. Virgin Islands.

* * * * *

3. In § 591.208, paragraph (b) is revised to read as follows:

§ 591.208 Post Differential.

* * * * *

(b) The places at which differentials are paid are—

(1) American Samoa (including the island of Tutuila, the Manua Islands, and all other islands of the Samoa group east of longitude 171 degrees west of Greenwich, together with Swains Island);

(2) Guam;

(3) The commonwealth of the Northern Mariana Islands;

(4) Johnston Island and Sand Island; and

(5) Midway Islands and Wake Island.

* * * * *

4. Appendix A of subpart B is revised to read as follows:

Appendix A of Subpart B—Places and Rates at Which Allowances Shall Be Paid

This appendix lists the places where a cost-of-living allowance has been approved and shows the allowance rate to be paid to employees along with any special eligibility requirements for the allowance payment. The allowance percentage rate shown is paid as a percentage of an employee's rate of basic pay.

Geographic coverage/allowance category	Authorized allowance rate (percent)
State of Alaska:	
City of Anchorage and 50-mile radius by road:	
Local Retail	25.0
Commissary/Exchange	17.5
City of Faribanks and 50-mile radius by road:	
Local Retail	25.0
Commissary/Exchange	20.0
City of Juneau and 50-mile radius by road:	
All Employees	25.0
Rest of the State:	
All Employees	25.0
State of Hawaii:	
City and county of Honolulu:	
Local Retail	22.5
Commissary/Exchange	20.0
County of Hawaii:	
All Employees	15.0
County of Kauai:	
All Employees	20.0
County of Maui and County of Kalawao:	
All Employees	22.5
Territory of Guam and Commonwealth of the Northern Mariana Islands:	
All Locations:	
Local Retail	22.5
Commissary/Exchange	20.0
Commonwealth of Puerto Rico:	
All Locations:	
Local Retail	10.0
Commissary/Exchange	0.0
The U.S. Virgin Islands:	
All Employees	17.5

Definitions of Allowance Categories

The following definitions of the allowance categories identified in the tables in this appendix shall be used to determine employee eligibility for the appropriate allowance rate:

Allowance category	Definition
Local Retail	This category includes those employees who purchase goods and services from private retail establishments.
Commissary/Exchange	This category includes those employees who shop at private retail establishments, but who, as a result of their Federal civilian employment, also have unlimited access to commissary and exchange facilities. This category is established only in those allowance areas that have these facilities.

Note: Eligibility for access to military commissary and exchange facilities is determined by the appropriate military department. If an employee is furnished with these privileges for reasons associated with his or her Federal civilian employment, he or she will have an identification card that authorizes access to such facilities. Possession of such an identification card—i.e., one issued by reason of his or her Federal civilian employment—is sufficient evidence that the employee uses the facilities.

5. Appendix B of subpart B is revised to read as follows

Appendix B of Subpart B—Places and Rates at Which Differentials Shall Be Paid

This appendix lists the places where a post differential has been approved and shows the differential rate to be paid to eligible employees The differential percentage rate shown is paid as a percentage of an employee's rate of basic pay

Geographic coverage	Percentage differential rate	Effective date
American Samoa (including the island of Tutuila, the Manua Islands, and all other islands of the Samoa group east of longitude 171° west of Greenwich, together with Swains Island)	25	June 8 1975
Johnston Island and Sand Island	25	Do
Midway Islands	25	Do.
Territory of Guam and Commonwealth of the Northern Mariana Islands.	20	First day of the first pay period beginning on or after January 8, 1993
Wake Island	25	June 8, 1975

[FR Doc. 94–12462 Filed 5–25–94; 8:45 am]

BILLING CODE 6325–01–M

OFFICE OF PERSONNEL MANAGEMENT

Report on Summer 1993 Surveys Used To Determine Cost-of-Living Allowances in Selected Nonforeign Areas

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This notice publishes the "Report to OPM on Living Costs in Hawaii, Guam and the Commonwealth of the Northern Mariana Islands, Puerto Rico, United States Virgin Islands, and in the Washington, DC, Area, March 1994," prepared by Runzheimer International under Government contract OPM–90–0705. This report provides the basis for the increases in certain cost-of-living allowances (COLA's) being proposed by OPM in the notice of proposed rulemaking immediately preceding this notice.

DATES: Consistent with the deadline on comments in response to the notice of proposed rulemaking immediately preceding this notice, OPM requests that comments on the report be submitted on or before July 25, 1994.

ADDRESSES: Send or deliver comments to Allan G. Hearne, Methodology Development Branch, Office of Compensation Policy, Personnel Systems and Oversight Group, Office of Personnel Management, room 6H31, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Allan G. Hearne, (202) 606–2838.

SUPPLEMENTARY INFORMATION: Under 5 CFR 591.206(c), COLA survey summaries must be published in the **Federal Register**. Accordingly, OPM is publishing the complete "Report to OPM on Living Costs in Hawaii, Guam and the Commonwealth of the Northern Mariana Islands, Puerto Rico, United States Virgin Islands, and the Washington, DC, Area, March 1994," produced by Runzheimer International. The Runzheimer report describes the surveys that were conducted for OPM in the summer of 1993 in Hawaii, Guam, Puerto Rico, the Virgin Islands, and the Washington, DC, area. It also explains in detail the methodologies, calculations, and findings.

OPM is publishing the survey results at this time to expedite the implementation of potential COLA rate adjustments. This notice does not cover the winter 1994 living-cost surveys conducted in Alaska. The results of the winter 1994 surveys will be published in a separate notice later this year after OPM has fully analyzed the results of the Alaska surveys.

Based on the summer 1993 living-cost surveys, Runzheimer computed index values of relative living costs in allowance areas using an index scale where the living costs in the Washington, DC, area are set at 100. (See the Executive summary of the March 1994 Runzheimer report accompanying this notice.) OPM notes that the summer surveys indicated that COLA rates in three allowance areas are above levels otherwise warranted. However, the Treasury, Postal Service, and General Government Appropriations Act, 1992 (Pub. L. 102–141), bars any reduction in COLA rates through December 31, 1995. Thus, the only rate adjustments to be made are rate increases, as described in the notice of proposed rulemaking immediately preceding this notice.

U.S. Office of Personnel Management.

James B. King,

Director.

Report to OPM on Living Costs In Hawaii, Guam and the Commonwealth of the Northern Mariana Islands, Puerto Rico, United States Virgin Islands, and in the Washington, DC Area

March 1994

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Executive Summary

This report culminates the fourth living-cost comparison study undertaken by Runzheimer International for the Office of Personnel Management (OPM) under contract OPM–90–0705. The contract requires Runzheimer to:

(1) Survey living costs in 7 cost-of-living allowance (COLA) areas and the Washington, DC, area, and

(2) Compare living costs between the areas and the DC area.

To determine living costs in the identified areas and build this report, Runzheimer researched over 3,000 outlets and gathered more than 12,000 price quotes.

This report presents the results of the living-cost surveys conducted during the summer of 1993. The results of the winter 1994 living-cost surveys will be presented in a subsequent report to be provided to OPM in mid-1994.

To ease interpretation of the research results, we display the outcome of the comparisons as living-cost indexes in the table below. In addition, the table shows living-cost indexes for federal employees who have unlimited access to commissary and exchange facilities because of their employment. The index for the Washington, DC, area (not shown) is 100.00 because it is, by definition, the reference area.

FINAL COST COMPARISON INDEXES

Allowance area	Local pricing	Commissary & exchange
City & Cnty of Honolulu, Hawaii	122.90	120.26
Hawaii Cnty, Hawaii	109.63	NA
Kauai Cnty, Hawaii	119.27	NA
Maui Cnty, Hawaii	119.32	NA
Guam, CNMI *	122.25	120.81
Puerto Rico	103.00	102.17
U.S. Virgin Islands	117.81	NA

*Commonwealth of the Northern Mariana Islands.
NA=Not Applicable.

One of the changes OPM requested this year was to separate the reporting of the summer and winter living-cost surveys. As noted earlier, this has been done. The purpose of this change was to allow OPM to adjust COLA where warranted in a more timely manner.

Another change was to combine the St. Croix and St. Thomas, Virgin Island, data to form a single index for the U.S. Virgin Islands. This change was made to address concerns about the quantity of data, obtained in the Virgin Islands. Combining the two areas significantly increases the data base and improves price comparisons.

For the 1993 summer surveys, OPM asked Runzheimer to change of its data collection procedures and data analyses relative to last year's surveys. Runzheimer also initiated other changes with OPM's approval. Some of these changes included:

- Using a moving average approach to introduce new Federal employment weights;
- Increasing the quantity of housing data obtained in certain areas—most notably parts of the Virgin Islands;
- Making minor changes in pricing sources for certain items to refine the comparisons of D.C. and allowance area prices;
- Taking into account the effects of the earthquake in Guam by ensuring that goods & services pricing—most notably fresh produce—was not abnormally skewed;
- Taking into account the effects of Hurricane Iniki in Kauai by ensuring that prices—particularly housing costs—were not abnormally skewed;
- Employing a new methodology for collecting and analyzing Virgin Island, Guam, and Puerto Rico automobile insurance rates; and
- Employing a new methodology for determining automobile maintenance costs.

In addition, to monitor, fine-tune, and maintain effective control of the data-gathering efforts in both the Pacific and Caribbean regions, two of Runzheimer's senior research staff traveled to these regions to visit retail outlets, Runzheimer research associates, housing data sources, and living communities.

We discuss these and other adjustments in appropriate sections throughout this report.

Report to OPM on Living Costs in Hawaii, Guam and the Commonwealth of the Northern Mariana Islands, Puerto Rico, U.S. Virgin Islands, and in the Washington, DC Area

1. Introduction

1.1 Report Objectives

This comprehensive report culminates data-gathering and research work undertaken in 1993 as required by Task 2 of contract OPM–90–0705 between the Office of Personnel Management (OPM) and Runzheimer International. The report details the results of Runzheimer International's surveys of over 3,000 outlets to obtain more than 12,000 price quotes and the analyses of the data.

This is the fourth report Runzheimer has produced for OPM under this contract. In 1990, in fulfillment of Task 1 of the contract, Runzheimer worked with OPM to design a model for estimating comparative living costs between the allowance areas and the Washington, D.C., area. Task 2 of the contract required that Runzheimer apply the model by conducting living-cost surveys, analyzing the results, and developing living-cost comparative indexes. On February 26, 1991, OPM published that model and the results of the first surveys conducted under the model in the Federal Register. On December 10, 1992, OPM published in the Federal Register the second report, which covered the summer 1991 and winter 1992 surveys. On August 30, 1993, OPM published in the Federal Register the next report that covered the summer 1992 and winter 1993 surveys.

Unlike previous reports, this report provides only the results of the summer 1993 surveys. This change was made to allow OPM the opportunity to adjust COLA rates where warranted in a more timely manner. Results of the 1994 winter surveys (i.e., the Alaska surveys) will be presented in a separate report to be provided to OPM in mid-1994.

The analyses in this report establish the comparative cost differences between the allowance areas listed below and the Washington, D.C., area. By law, Washington, D.C., is the base of

"reference" area for the nonforeign-area COLA program.

1. City and County of Honolulu, Hawaii
2. Hawaii County, Hawaii
3. Kauai County, Hawaii
4. Maui County, Hawaii
5. Guam and the Commonwealth of the Northern Mariana Islands (CNMI)
6. Puerto Rico
7. U.S. Virgin Islands

Under OPM regulations, federal civilian employees who have unlimited access to commissaries and post exchanges due to their employment by the government may receive a different allowance rate than other federal employees. This regulation does not apply to federal employees who have limited access or unlimited access for other reasons—e.g., being married to active or retired military personnel.

Task 2 of the OPM contract also required Runzheimer International to calculate comparative living costs in the areas listed below and the Washington, D.C., area for federal civilian employees who have access to military commissaries and post exchanges.

1. City and County of Honolulu, HI
2. Guam/CNMI
3. Puerto Rico

1.2 Changes in This Year's Survey

Runzheimer and OPM made several changes to the surveys and analyses, including—

- reporting the results of the summer and winter surveys separately;
- using a moving average approach to introduce new Federal employment weights;
- combining St. Croix and St. Thomas data to produce indexes for the Virgin Islands as a whole;
- increasing the sample size of housing information in several areas, including Hawaii, San Juan, St. Croix, and the Maryland suburbs of the Washington, D.C., area;
- developing a percent-to-market value formula to calculate real estate taxes for San Juan because tax assessment data were no longer available as a result of a decentralization of property tax function in Puerto Rico;
- increasing the comparability of automobile insurance in the Virgin Islands, Guam, and Puerto Rico, compared with the Washington, D.C., area;
- surveying only the cash price at branded gas stations unless only non-branded stations are available; and
- more accurately defining the distinguishing differences between family dining and fine dining.

Runzheimer has continued to include catalog sales in its survey. Since the Sears catalogs have been discontinued. Runzheimer has researched hundreds of catalogs to determine which are most appropriate. Runzheimer researchers found that most catalogs have uniform shipping charges. Only catalogs that sell merchandise in the allowance areas and the Washington, D.C., area were used.

Appendix 3 identifies Goods & Services, Miscellaneous Expense, and Housing Related pricing changes. Current housing data can be found in appendix 9A and Appendix 9B. Other changes are discussed where applicable in the report.

1.3 Pricing Period

Consistent with last year's tropical-area surveys. Runzheimer collected data for the Hawaii, Guam/CNMI, Puerto Rico, and Virgin Islands allowance areas (and the Washington, D.C., area) in August, September, and October of 1993, pricing most items during August. Also during August, our research associates priced durable goods, such as cars, and, in October, items such as homeowner insurance, which depend on the pricing of other items (i.e., housing).

To ensure consistent seasonable catalog pricing, Runzehimer used spring/summer catalogs for the catalog items covered in these surveys.

1.4 Living Cost Components

In accordance with federal regulations, expense components Runzheimer costed to develop analyses, comparisons, and the report were:

1. Housing and Housing Related Expenses
2. Transportation
3. Consumption Goods & Services
4. Miscellaneous Expenses

Runzehimer factored sales, excise and property taxes into the analysis where applicable. However, in keeping with previous reports, we did not factor federal, state and local income taxes into the analysis. Because income taxes significantly affect living-cost analyses, Runzheimer and OPM are researching the issue of including income taxes in future surveys.

Educational opportunities vary significantly among locations in terms of availability, quality, and other factors. Runzheimer analyst and OPM officials agree that, without additional information, attempts to measure cost differences in education in the selected areas would be highly subjective and would not add to the integrity of the model. Therefore, education expense is not included in the model or surveys.

2. Overall Model

2.1 Measurement of Living-Cost Differences

The most common and most widely accepted way to measure living-cost differences between and among locations is to select representative items that people purchase in these locations and to calculate the respective cost differences, combining them according to their importance to one another (as measured by relative percentage of expenditures). Runzheimer applied this methodology to compare the living costs in each of the allowance areas with the living costs in the Washington, D.C. area.

To move from this basic concept to computing comparative living costs between each allowance area and the Washington, D.C., area, Runzheimer followed five main processes or steps:

Step 1 Identify the segment of the population for which this analysis is being targeted (i.e., the target population).

Step 2 Determine how these people spend their money.

Step 3 Select items to represent the expense categories for which these people spend their money.

Step 4 Conduct pricing surveys of the selected items in each area.

Step 5 Analyze cost ratios for the selected items and aggregate them according to the relative importance of each item.

2.1.1 Target Population: Federal Employees

Runzheimer's living-cost model measures living-cost differences for non-military Federal employees having annual base salaries between $10,000 and $80,000, the salary range of the 1990 General Schedule (GS) of the Federal Government. Because living cost differences may vary depending on an employee's income level, Runzheimer designed its analytical model to identify living costs at three income levels.

In its first report to OPM, Runzheimer used the salary distribution of all General Schedule employees as of March 31, 1990, which OPM supplied to determine the income levels that most accurately represent the Federal employee population. After analyzing the array of salary data, Runzheimer picked the midpoints of the lower middle and upper thirds of the distribution as its three income levels ($18,000, $28,400 and $45,200 respectively).

Runzheimer applied the same income levels for this report as it did for the first. In previous reports, Runzheimer

recommended that OPM consider introducing changes in income levels and weights on a gradual basis. OPM agreed, and this year OPM introduced new Federal employment weights that are based on a moving average. OPM has informed Runzheimer that OPM plans to introduce other changes, such as in the representative income levels and Consumer Expenditure Survey (CES) weights, in future surveys.

Runzheimer uses Federal employment weights in the model in two ways: (1) to combine survey data from multiple survey areas within a single allowance area and (2) to combine relative living costs by income level within each allowance area into a single index for the area (as required by section 591.205(c) of title 5, Code of Federal regulations).

OPM's moving average allows the gradual introduction of new employment distribution data over time. The weights are based on a three-year average of GS employment. Each year, the latest GS employment data will be added to the three-year average, the oldest data will be deleted, and a new three-year average will be computed. This will keep the weights current while mitigating any fluctuations due to short-term changes in Federal employment.

In this first application of the moving average, OPM is departing slightly from the process described above in that the three employment distributions used are for the periods of 1990, 1992, and 1993. The 1990 rather than 1991 employment distribution is used because the model previously used 1990 data only. (See Appendix 13.)

2.1.2 Determination of Expenditure Patterns

2.1.2.1 Source of Expenditure Data

Conforming with last year's process, Runzheimer used the "prepub" statistical reports from the 1988 CES dated February 13, 1990 (see Appendix 1) as the basis for weighting expenditure patterns.

2.1.2.2 Income Level Adjustments

Because the CES reflected 1988 expenditure levels, Runzheimer reduced the three 1990 incomes back to 1988 levels before beginning the expenditure analysis. To calculate estimated 1988 income levels, Runzheimer used the average percentage salary increases of Federal employees for the two-year period in question as supplied by OPM officials (4.1% increase 1988–89 and 3.6% increase 1989–90, resulting in a 7.85% two-year increase). This adjustment reduced the 1990 income levels to estimated 1988 levels of $16,700, $26,300, and $41,900.

2.1.2.3 Family Size Considerations

A family size of 2.6 was inherent in the weighting scheme Runzheimer employed to price all allowance areas. Derived from CES research, the number represented an average for the nation.

2.1.2.4 Analysis of the 1988 Consumer Expenditure Survey

From the 1988 CES, Runzheimer used the statistical report entitled "Table 2. Income before Taxes," which listed average expenditures for families earning similar incomes, organized into eight income ranges. Runzheimer analyzed these data to develop typical spending patterns for the three income profiles identified in 2.1.2.2. (The table below displays the results of the analysis.)

Seven income categories encompassed these three income profiles:

$10,000 to $14,999
$15,000 to $19,999
$20,000 to $29,999
$30,000 to $39,999
$40,000 to $49,999
$50,000 and over
All respondents combined

The 1988 CES grouped expenses into small, logical families of items. For example, the report divided money spent by families on beef into four groups: ground beef, roast, steak and other beef. The steak and roast groupings were further separated into smaller clusters of items (e.g., sirloin and round steak, chuck and round roast).

Drawing on this survey of expenditure data, Runzheimer sorted the item groupings into the four main cost components specified in the OPM regulations: Consumption Goods & Services, Transportation, Housing, and Miscellaneous Expenses. Runzheimer observed that families in the lower income ranges spent more of their money, as a percentage of total expenses, on goods and services and housing than families in higher income ranges. Also, families spent approximately the same percentage of their total expenses on transportation, regardless of income. Consequently, the Miscellaneous Expense component—which includes such things as medical-care expenses, contributions, gifts to non-family members, pension funds, long-term savings and investments, and life insurance premiums—increased as a percentage of total expenses as income increased.

To develop accurate and defensible weighting patterns for the three income levels, Runzheimer performed linear regression analysis on the selected 1988 CES data. Listed below are the results of Runzheimer's analysis for the income ranges listed on the preceding page:

COMPONENT EXPENSES EXPRESSED AS A PERCENTAGE OF TOTAL EXPENSES

Income Level 1991	Income Level 1988 (Est.)	Goods & Services (percent)	Housing (percent)	Transportation (percent)	Misc. (percent)	Total (percent)
$18,000	$16,700	39.59	24.35	20.76	15.30	100.00
28,400	26,300	39.15	23.48	20.33	17.04	100.00
45,200	41,900	38.74	22.66	19.94	18.66	100.00

Runzheimer further sorted Goods & Services into ten categories and used linear regression techniques to provide ratios of renters to homeowners at each income level. Statistics on these component groupings appear later in this report.

2.2 General Formulae and Applications

An "'index" is a mathematical way to compare one price (or set of data) with another. For example, if a price index for a can of green beans is 110, that means that a can of green beans costs 10% more in the pricing area (i.e., allowance area) than in the reference area (i.e., the Washington, D.C., area).

Runzheimer computed indexes for hundreds of items. To combine these indexes, Runzheimer applied weights from the CES that reflected the relative amount consumers normally spend on the items. For example, the price of a can of green beans has a lower weight

than the price of a pound of apples because, according to the CES, people generally spend less on canned green beans than on apples.

Runzheimer employed an indexing methodology known as Laspeyres to derive total cost indexes for each of three income levels and for each costed location. As applied to living-cost research, the Laspeyres index reflects the expenditure patterns of the people in the reference area (i.e., the Washington, D.C., area) to weight the prices. Because detailed CES data by income level are not published for the Washington, D.C., area, Runzheimer used nationwide CES data to compute weights. Consequently, Runzheimer did not technically apply the Laspeyres index methodology in its pure form. Nevertheless, Runzheimer firmly believes that this nuance does not invalidate the price comparisons presented in this report.

As described in the example above and in greater detail in sections 3.2 and 6.2, Runzheimer applied the Laspeyres methodology to compute price indexes for the Goods & Services and the Miscellaneous Expenses components, respectively. For the Transportation and the Housing components, Runzheimer used a combination of a cost-build-up approach and the Laspeyres methodology to compute component indexes.

In conformance with section 591.205(c), title 5, Code of Federal Regulations, Runzheimer followed a five-step process to derive the overall total indexes for each allowance area. First, Runzheimer used the CES data and the income ranges described in section 2.1.2.4 above to derive the amount of money consumers typically spend on each component at each income level. These amounts appear in the table below and in Appendix 14.

TYPICAL CONSUMER EXPENDITURES BY INCOME LEVEL AND COMPONENT

Income level	Goods & services	Own/rent	Transportation	Misc.	Total
Lower	$7,126	$4,383	$3,737	$2,754	$18,000
Middle	11,119	6,668	5,774	4,839	28,400
Upper	17,510	10,242	9,013	8,434	45,200

Note: Values may not total because of rounding.

Second, for each allowance area, Runzheimer multiplied the values above by the component indexes for the allowance area. Because the Housing component consisted of two indexes (one for owners and another for renters), we produced two sets of total relative costs—one for owners and another for renters.

Third, for each allowance area and income level, Runzheimer combined the total relative costs for owners and renters using the proportion of owners and renters as identified in the CES to weight the costs. (See section 4.2.1) This produced an overall, average, relative living cost at each income level in each allowance area.

Fourth, for each allowance area, the overall, average relative costs by income level were combined using federal employment weights based on the employment at each income level in the allowance area. Applying the same allowance-area employment weights, Runzheimer computed an overall, average cost for the reference area.

The last step was to divide the overall, average relative cost for the allowance area by the overall, average cost for the reference area to produce the final index. (See Appendix 14 for the calculations for each index.)

2.3 Data Collection Process

As noted earlier, Runzheimer obtained price information on over 12,000 items from over 3,000 outlets. To accomplish this important research effort, we selected the most efficient and effective information-gathering approaches possible. This section describes the various approaches.

2.3.1 In-house Research Staff

Runzheimer research personnel at its corporate headquarters in Rochester, Wisconsin, played a major role in all data-collection activities. These professionals:

- Contacted manufacturers, trade associations, governmental agencies, and retail establishments to ensure that suitable items were selected and priced;
- Contacted professionals in the real estate business in each of the costed locations to obtain general information as well as specific rental rates and home market values;
- Conducted pricing surveys on site and by telephone for many items;
- Served as a liaison for field researchers;
- Performed hundreds of quality control checks in conformance with editing rules communicated by Runzheimer to OPM once the data had been collected (these checks often involved verification of the survey data through telephone calls as well as comparing current data-gathering results with those from the 1992-1993 survey); and
- Analyzed and computed the category, component and total comparative cost indexes.

2.3.2 Field Researchers—"Research Associates"

Collection of most price data was best accomplished through personal visits to retail outlets (e.g., grocery, clothing, automobiles). For these activities, Runzheimer hired residents of each allowance area as independent contractors ("research associates"). For years, when measuring living costs for its clients, Runzheimer has applied this approach to data collection in over 80 countries worldwide.

To avoid any real or perceived conflicts of interest, Runzheimer did not hire persons as research associates who were either employees of the federal government, or who had immediate family who were employees of the federal government.

2.3.3 On-site Visits by Runzheimer Research Personnel

Full-time Runzheimer research professionals travelled to selected allowance areas to supervise data-collection activities and perform various quality-control checks on the data as necessary. Each such visit occurred during the pricing period.

The researchers visited living communities within the allowance areas to look at housing accommodations personally and to talk with local real estate professionals. They also visited numerous retail outlets to verify item quality, selection and price levels in general.

In addition, these researches met with Runzheimer's research associate(s) to answer any data-collection questions and to provide any additional training and instruction as necessary.

2.4 Editing and Quality Control Procedures

Runzheimer's experience in measuring living-cost differences

enabled us to establish editing and quality-control procedures at all stages of collecting and analyzing data. All data provided by research associates were manually reviewed by analysts prior to being entered into Runzheimer's computer system. Data elements were subsequently checked through software programs.

Federal regulations in section 591.205(b)(1)(i), title 5, Code of Federal Regulations, state that, "Whenever possible, exact brands and models are priced in each location." Every effort was made to satisfy this objective. (See section 3.3 for a discussion of brand and model selection.) Nevertheless, in a number of the allowance areas, the exact brands and models were either not readily available or not available at all. In these instances, editing decisions and substitutions were needed.

Runzheimer defines "editing" as the removal and/or replacement of a price quote based on consistent and logical criteria. In all areas, Runzheimer was concerned that items of lesser or greater quality than the item specified might inadvertently be included in the analysis and bias the results. Therefore, any price quote that varied significantly from other price quotes for the item was flagged, verified, and if necessary, eliminated from the analysis.

Removing an item from a location analysis causes redistribution of its weight to other items in its subcategory (or category when no subcategory exists). Consequently, whenever possible, Runzheimer avoided removing an unpriced item from a location analysis. When the review process revealed a missing price for an item, Runzheimer resurveyed to obtain a price wherever possible.

2.5 Pricing Surveys in Hawaii County, Puerto Rico, and the Virgin Islands

Three allowances areas have multiple survey areas within each allowance areas. The three allowance areas are Hawaii County, Hawaii; Puerto Rico; and the U.S. Virgin Islands. For each of these areas, OPM provided Runzheimer GS employment distribution data based on the moving-average approach described in section 2.1.1.

In the Hawaii County allowance area, two areas are surveyed: Hilo and Kailua Kona. The OPM data indicated that approximately 82% of the GS employees worked in the Hilo area, and the remaining 18% worked in the Kailua Kona area. To combine prices from both cities, Runzheimer used approximately an 82% Hilo and 18% Kailua Kona weighting. (See Appendix 13.)

Similarly, in the Puerto Rico allowance area, two areas are surveyed: Mayaguez and San Juan. The OPM data indicated that approximately 84% of the GS workforce in Puerto Rico work at facilities within or near the San Juan-Caguas-Areciro Consolidated Metropolitan Statistical Area. The remaining 16% is distributed throughout Puerto Rico without any particular concentration. However, more of these remaining employees generally appeared to live closer to Mayaguez than any other large Puerto Rican city. Therefore, with OPM's approval, Mayaguez was chosen for the survey. To combine the prices from both cities, Runzheimer used approximately an 84% San Juan and 16% Mayaguez weighting.

As noted earlier, this year OPM asked Runzheimer to combine survey data from St. Croix and St. Thomas, Virgin Islands. The same approach used in Hawaii County and Puerto Rico was applied to the Virgin Islands data. OPM's data indicated that approximately 46% of the GS employees worked on St. Croix, and that the remaining 54% worked on St. Thomas and St. John. Therefore, to combine the prices from these areas, Runzheimer used approximately a 46% St. Croix and 54% St. Thomas/St. John weighting.

2.6 Surveying the Washington, DC, Area

OPM defined the Washington, DC., area in the federal regulations as the Washington DC–MD–VA Metropolitan Statistical Area. Because federal employees who work in this area reside in Virginia, in Maryland, and in the District of Columbia, Runzheimer selected retail outlets and living communities from all three. Runzheimer's model gave equal weight to the average prices in each geographic area.

Because of the size and diversity of the Washington, D.C., area, Runzheimer conducted substantially more pricing surveys there than in other areas. For the Goods & Services component, Runzheimer generally surveyed to obtain six times as many price quotes in the Washington, D.C., area as in the typical allowance area. For the Housing, Transportation and Miscellaneous Expense components, data collection was generally triple that of the typical allowance area.

3. Consumption Goods & Services

3.1 Component Overview

Based on the CES data, the Goods & Services component consisted of ten categories of family expense:

Food at Home
Food Away from Home
Tobacco
Alcohol
Furnishings & Household Operations
Clothing
Domestic Services
Professional Services
Personal Care
Recreation

To aid in quality control and analysis of future pricings, Runzheimer further subdivided four of the largest categories—food at home, furnishings and household operations, clothing, and recreation—into subcategories. Specific examples of products and services from these four subdivided categories can be found below. These examples only represent a minor portion of the total number of items (products and services) Runzheimer priced within each subdivided category. (See Appendix 2 for a complete description of all marketbasket items.)

EXAMPLES OF SUBCATEGORIES AND ITEMS SURVEYED IN THE FOUR MAJOR GOODS & SERVICES CATEGORIES

Goods and services category	Subcategories and items surveyed (examples)		
Food at Home	Meats	Cereals & Breads	Groceries.
	Pork Chops	Cookies	Coffee.
	Whole Chicken	Spaghetti	Ketchup.
	Ground Beef	Cake	Margarine.
	Dairy	Fruits & Vegetables	
	Milk	Apples	
	Cheddar Cheese	Frozen Peas	
		Fresh Oranges	
Furnishing and Household Operations.	Services	Furniture	Misc. Household Eqpt.

EXAMPLES OF SUBCATEGORIES AND ITEMS SURVEYED IN THE FOUR MAJOR GOODS & SERVICES CATEGORIES—Continued

	Appliance Repair	Living Room Chair	
	Supplies	Major Appliances	Hammer.
	Toilet Tissue	Kitchen Range	Electric Drill.
	Laundry Soap	Refrigerator	Lawn Trimmer.
	Household Textiles	Housewares &	
	Bath Towel	Small Appliance	
		Two-slice Toaster	
Clothing	Men's and Boy's	Infant's	
	Boy's Jeans	Disposable Diapers	
	Man's Jeans	Footwear	
	Women's and Girl's	Man's Shoes	
	Woman's Slacks	Apparel Products and Services	
	Girl's Blouse	Coin Laundry	
	Girl's Jeans		
Recreation	Fees and Admissions	TV, Radio and Eqpt	Entertainment.
	Bowling	Video Rental	Board game.
	Golf	Pets	Reading.
		Pet Food	Magazine.

From its ten categories of expense (which include the four subdivided categories above), Runzheimer selected a marketbasket of items on which to base its goods and services analysis. A "marketbasket" is a selected group of products and services that represent hundred or even thousands of other items. Pricing every item available to consumers in a given locale would be unnecessary and inefficient.

Runzheimer selected typically purchased items and weighted these according to their relative importance in terms of consumer expenditure patterns. Each marketbasket item represented a specific group of related expense items. Using CES data, we determined the relative importance (weight) of each item. We compared the average price of each marketbasket item in each allowance area with the average price in the Washington, D.C., area. The price differences (expressed as indexes) were aggregated based on the item, subcategory and category weighting, resulting in a total Goods & Services component index at each income level.

In 1991, OPM directed Runzheimer to include catalog pricing (including applicable shipping costs) to reflect this common purchasing option in allowance areas. OPM identified items to survey based on comments received on the 1990 survey. Runzheimer identified items to survey that were either unavailable or difficult to find in each allowance area. Together, OPM and Runzheimer agreed to survey five marketbasket items by catalog: For the 1992–1993 survey, OPM asked Runzheimer to survey additional items by catalog; for example, furniture. For this year's survey, Runzheimer has added additional catalog items. For the 1992–1993 survey, Runzheimer found that the cost to ship certain catalog items to Guam varied between catalog outlets. With OPM's approval Runzheimer continued to price a private freight company that specializes in shipments to Guam for shipping costs.

In each survey area, Runzheimer generally requested three price quotes for each item (and sometimes more than three) from the local economy—one from each of three different outlets. It should be remembered that Hawaii County, Hawaii; Puerto Rico; and the Virgin Islands each have two separate survey areas. Therefore, Runzheimer generally doubled the number of price quotes obtained in these allowance areas.

3.2 Marketbasket Research

3.2.1 Expenditure Research—Category Weightings

Ruzheimer tabulated the expense data from the 1988 Consumer Expenditure Survey according to the ten categories of goods and services. As in the component analysis, Runzheimer used the expense data from the seven most appropriate income ranges as input into a linear regression analysis. From that analysis, Runzheimer calculated the category weightings for each income level as listed belows:

CATEGORY WEIGHTINGS EXPRESSED AS A PERCENTAGE

Category	Lower	Middle	Upper
Food at Home	25.52	22.38	19.35
Food Away from Home	15.95	16.09	16.23
Tobacco	3.13	2.54	1.96
Alcohol	2.92	2.79	2.67
Furnishings & Hsld. Op	14.35	15.95	17.49
Clothing	14.24	14.93	15.59
Domestic Service	1.78	1.79	1.81
Professional Services	5.77	5.84	5.91
Personal Care	3.57	3.47	3.38
Recreation	12.77	14.22	15.61
Totals	100.00	100.00	100.00

3.2.2 Expenditure Research—Subcategory and Item Weightings

Runzheimer also drew upon the expense data from the 1988 CES to determine proper subcategory and item weightings and to identify marketbasket items. Logical groupings of family expenditures provided the basis for subcategory and item weights. Unlike category weightings, which vary by income level, subcategory and item weightings are computed from national aggregate expenditures only (i.e., all three income levels used the same set of subcategory and item weightings) as this approach is most common in similar public and private sector cost-of-living analyses.

Runzheimer's expenditure research process included procedures to ensure that no marketbasket item had an overwhelmingly large or insignificantly small item weighting.

3.3 Marketbasket Item Specifications

From each logical expense grouping, Runzheimer selected one or more marketbasket items to represent all items in the grouping. When selecting specific items for the marketbasket, Runzheimer worked to satisfy these three criteria:

- Items should be readily available in all locations if possible or should be items of local significance.
- Item price levels should logically represent the price levels of unselected items in the "logical grouping."
- Items should have the same or nearly the same application in all locations.

Appendix 2 lists Runzheimer's marketbasket items. Once an item was selected, Runzheimer's research analysts identified the specific brand and/or model/size of each item available in all (or most) locations. For some items, this involved contacting manufacturers, trade associations, retail establishments, etc. For other items, isolating specifications was quite straight forward because of their nature (e.g., bread, nonprescription pain reliever). Appendix 3 identifies changes in the current items selected for pricing in the Goods & Services, Miscellaneous Expense, and Housing Related categories, along with explanation for the changes.

3.3.1 Exchange and Commissary Expenditure Research

Runzheimer used the same marketbasket items to price commissaries and exchanges as were used for the local pricings. We obtained one price quote for each marketbasket item surveyed in these facilities.

Runzheimer did not assume that people with access to military facilities made all purchases in these facilities. Instead, we used OPM's 1980 Living Pattern Survey of federal employees to determine the percentage of purchases that families typically make in military facilities versus local outlets. For example, as the following table shows, in Honolulu, 52.7% of Food at Home is purchased at a PX or commissary. These percentages were used to aggregate the local and commissary/exchange prices into one set of appropriate blended prices. (The blended prices were compared to the local prices in the Washington, DC, areas just as each allowance area's local prices were.)

PERCENTAGES OF PURCHASES MADE AT PX/COMMISSARIES

Category	Allowance Areas		
	Guam	Honolulu	San Juan
Food at Home	70.0	52.7	29.1
Food Away	0.0	0.0	0.0
Tobacco	64.0	84.0	65.0
Alcohol	76.0	73.0	64.0
Furn. & Hsld. Op.	64.5	44.2	32.7
Clothing	43.7	34.0	10.7
Domestic Service	0.0	0.0	0.0
Professional Services	0.0	0.0	0.0
Personal Care	49.3	33.3	7.3
Recreation	49.7	32.7	15.7

3.4 Goods & Services Data Collection Procedures

3.4.1 Data Collection Materials

The living-cost surveys conform with the provisions of the Paperwork Reduction Act and are approved by the Office of Management and Budget (OMB).

Runzheimer collected data with OMB-approved data collection materials (see Appendix 5). All Runzheimer-developed worksheets conformed to the OMB-approved materials.

3.4.2 Outlet Selection

Proper outlet selection is crucial to measuring living-cost differences accurately because misjudgment can seriously affect survey results. Runzheimer paid particular attention to choosing appropriate outlets, focusing on three key guidelines to ensure proper outlet selection.

First, for areas that had numerous outlets from which to choose, Runzheimer identified targets in several different geographic areas. For example, in the Washington, D.C., area, Runzheimer selected outlets in and around six different geographic areas: that is, two areas in Virginia, two in Maryland and two in the District of Columbia.

Runzheimer's second guideline was that for any one marketbasket item, all outlets be similar in type. For example, wherever possible, Runzheimer surveyed the prices of blue jeans at department stores, hammers at hardware stores, and refrigerators at appliance stores. Gathering prices for the same item from hardware stores in one area and discount stores in another could have distorted price comparisons.

The last guideline involved the diversity of outlets in Runzheimer's sample. We believe that pricing different items in different types of outlets more accurately portrays living-cost differences. For example, for efficiency, Runzheimer could have priced all clothing items in department stores. However, to incorporate price levels at other types of outlets that sell clothing items, whenever possible, Runzheimer surveyed some items in men's and women's clothing stores, some items in department stores, other items in shoe stores and still other items in discount department stores.

Runzheimer's research analysts selected outlets on the basis of:

- Personal experience of Runzheimer on-site research associates and travelling researchers;
- Informal telephone interviews with knowledgeable residents in each area;
- Yellow pages sections of area telephone books;
- Area chambers of commerce and information bureaus; and
- Experience gained from other surveys conducted by Runzheimer.

Runzheimer obtains outlets from various sources because no one source lists all outlets available. For example, in the allowance areas especially, many outlets choose not to advertise in the yellow pages.

With new businesses constantly appearing (and old ones disappearing), outlet selection will be an ongoing process. Also, one can expect a portion of outlets to refuse to participate every year. Therefore, updating Runzheimer's outlet sample is a necessary and important part of each pricing survey.

An example of refining outlet selection for this year's survey is the attention paid to defining the

distinguishing differences between restaurants categorized as appropriate for family dining and those appropriate for fine dining. OPM developed a matrix which defined such characteristics as menu selections, atmosphere, table setting, seating, reservations, and AAA ratings. This allowed Runzheimer researchers to compare apples to apples between the allowance areas and the Washington, D.C., area. Also, OPM established guidelines directing Runzheimer to survey 100% family restaurants for breakfast, roughly 75% for lunch, and roughly 66% for dinner.

3.4.3 Special Considerations in Guam and Kauai

The effects of Typhoon Omar and Hurricane Iniki in 1992 on the economies of Guam and Kauai, respectively, has been minimal over the long term. At the time, Runzheimer officials worked with local research associates to determine the impact of the storm on local prices.

This is not to say that the storms had no effect on the local economies. Indeed, prices in these two areas for the 1993–1994 survey have been re-examined carefully.

Of equal concern this year was the earthquake that rocked Guam during August, causing considerable damage and seriously disrupting the flow of fresh produce into the island. For a period of about two weeks, all such produce had to be flown in at considerably higher cost. Fortunately, when normal shipping channels reopened, "normal" pricing was quickly restored, causing negligible affect on the Goods & Services pricing. Also, a senior Runzheimer researcher from the headquarters office traveled to Guam immediately following the earthquake to determine the full extent of the impact on goods and services pricing.

3.5 Inclusion of Sales and Excise Taxes

For all items subject to sales tax, the appropriate amount of tax was added prior to analysis. Runzheimer also included all applicable sales, property and excise taxes to items that were part of other living-cost components. For example, automobile purchase costs in Puerto Rico include an excise tax based upon vehicle type and dealer's acquisition cost. Runzheimer included this tax in computing the total purchase price of a vehicle in Puerto Rico. (See sections 5.2.1 and 5.2.7.)

Runzheimer gathered applicable information on taxes by contacting appropriate sources of information in the allowance areas, such as the Excise Tax Officer of the St. Thomas Bureau of Internal Revenue. Runzheimer also drew upon appropriate tax publications, such as the State of Maryland's *Sales and Use Tax Laws and Regulations* and the "General Excise Tax Law" (Chapter 237) of the *Hawaii Tax Reports.*

3.6 Goods & Services Survey Results

In section 2.2 of this report, Runzheimer presented a detailed explanation of the economic model used to analyze the price data. As it applies to Goods & Services, the approach involved comparing the average prices of marketbasket items in each allowance area with those in the Washington, D.C., area. The resulting price ratios were aggregated into subcategory and then category indexes using the expenditure weightings derived from the 1988 CES.

In the area of professional services (accounting and legal fees), Runzheimer and OPM noted the existence of a relatively few extreme values that were either exceptionally low or high cost. In situations such as this, statisticians frequently use the median or trim the data in some manner to enhance reliability. Consequently, Runzheimer recommended that the observations be ranked from low to high and that the top and bottom 20% of the observations be "trimmed" (i.e., eliminated) from the data before averages or trends were calculated. (Data were not trimmed if there were four or fewer observations.) OPM agreed. These procedures reduce the influence of anomalies and make survey results more stable from one year to the next.

Appendix 4 contains tables showing the ten category indexes, the three weighting patterns, and the three total consumption Goods & Services indexes for each allowance area. The Washington, D.C., area does not require a table because it is, by definition, "the reference location" where all category and component indexes equal 100.

4. Housing

4.1 Component Overview

The Housing component consists of expenses related to owning or renting a dwelling. These include:

- mortgage or rent payments,
- utilities,
- real estate taxes,
- homeowner's or renter's insurance,
- home maintenance, and
- telephone.

At each of the three income levels, Runzheimer measured annual housing costs under the two main housing categories: ownership and rental.

4.2 Housing Model

4.2.1 Expenditure Research

Section 2.1.2.4 describes how Runzheimer analyzed the 1988 CES to identify the portion of expenses attributable to each of the four components. Runzheimer also used this survey to determine the national average ratio of families who own, as opposed to rent, their residences. Using the expense data from the seven most appropriate income ranges as input into a linear regression analysis, Runzheimer calculated own and rent weights:

OWN/RENT WEIGHTINGS

Category	Income Levels		
	Lower (percent)	Middle (percent)	Upper (percent)
Homeowner[1]	37.10	46.91	62.86
Renter	62.90	53.09	37.14
Totals	100.00	100.00	100.00

[1] With mortgage.

Runzheimer excluded expenditure data for homeowning families without a mortgage because they were not typical of homeowners in the base area or in the allowance areas with the largest concentrations of federal employees.

The 1988 CES was also used to identify which home-maintenance items to price and to establish the relative importance of those items.

4.2.2 Development of Housing Profiles

To compare housing costs accurately in all locations, Runzheimer constructed a model to measure housing costs under six different circumstances; that is, we identified six typical housing profiles and matched these profiles to three income levels, as shown in the table below. Runzheimer and OPM agreed that at least one criterion for the owner profile should be the square footage of the home and at least one criterion for the renter profile should be the number of bedrooms in the rental unit. The profiles for homeowners and renters are:

HOUSING PROFILES

Income level	Renter profile	Owner profile
Lower ..	3–1–1 600[1] sq. ft. apt..	4–2–1 900 sq. ft. Condo or detached house.
Middle .	4–2–1 900 sq. ft. apt..	5–3–1.5 1,300 sq. ft. detached house[2]
Upper ..	4–2–2 or 5–3–2 1,100 sq. ft. townhouse or detached house.	7–3–2 1,700 sq. ft. detached house.

[1] Defined as "Total rooms—Bedrooms—Baths and representative size." Total rooms excludes bathrooms, hallways, entrance areas, and closets but includes bedrooms, living room, family room, kitchen, formal dining room, and den/study. The representative size is roughly the midpoint size for the range of housing surveyed at the income level.

[2] Row houses may be used in Northeast Washington, DC, where the availability of single family detached homes is limited.

4.2.3 Living Community Selection

Runzheimer surveyed the same living communities and data sources for the summer 1993 survey as it did for the 1992–1993 study with the following exceptions:

- broadened the housing survey for St. Croix, Virgin Islands;
- gathered comparable home-sale data from additional appraisers in selected points in Maryland;
- arranged for additional data sources for comparable home sales at the upper income level in San Juan;
- added a new on-line data source for comparable home-sale prices for all the islands of Hawaii.

To gather data, our researchers contacted real estate brokers, residential appraisers and other knowledgeable real estate professionals in each area to obtain information on the predominant age(s), size(s) and type(s) of housing in various communities and housing subdivisions. When available and appropriate, Runzheimer identified at least six communities (two at each income level) in each allowance area. However, this goal was not achievable in some of the smaller allowance areas. For the Washington, D.C., area, Runzheimer selected at least nine communities (three at each income level) in which to gather renter and homeowner data.

A table of living communities used for pricing can be found in Appendix 6.

4.2.4 Identification and Quantification of Housing-Related Expenses

From the 1988 CES, Runzheimer identified and categorized housing-related expense items into one of five groups:

- utilities,
- real estate taxes,
- owners/renters insurance,
- maintenance, and
- telephone.

4.2.4.1 Utilities

For this study, Runzheimer classified electric, heat (oil or gas), water and sewer as utilities. Although most utility companies had ready access to current charges per unit of consumption and average consumption patterns for all households, very few (if any) separated consumption patterns by number of family members in a household or by size/type of accommodation.

Runzheimer focused on average annual consumption experience per household, gathering this information from utility companies serving each allowance area and the Washington, D.C., area. Combining this consumption data with current utility rates, Runzheimer computed average annual utility costs for each of electric, gas or oil (whichever Runzheimer found to be more widely used, if used at all), water and sewer. Runzheimer then assigned this average consumption pattern to the homeowner profile at the middle income level.

Because some utility costs vary by size of house and yard, Runzheimer calculated a multiplier consistent with the standard home sizes to arrive at utility rates for the other five profiles. The table below shows the standard sizes and utility factors for each profile. The standard sizes roughly equate to the reference size of each profile. The formula to calculate each multiplier was:

Multiplier = 1+(.5 × (Standard square feet—1300)/1300)

The resulting utility multipliers are:

UTILITY MULTIPLIERS

Income level	Renter profile		Owner profile	
	Square feet	Multiplier	Square feet	Multiplier
Lower	600	.73	900	.85
Middle	900	.85	1,300	1.00
Upper	1,100	.92	1,700	1.15

4.2.4.2 Real Estate Taxes

For this study, Runzheimer contacted the city assessor in each allowance area to obtain real estate tax information on the selected living communities. (See Appendix 6 for a listing of the communities.) Real estate tax formulas were obtained for most living communities; however, Runzheimer's researchers found that in San Juan, PR, the formulas do not always translate into the actual taxes paid by typical property owners.

Therefore, in San Juan, Runzheimer undertook a comparative study of current actual taxes paid by homeowners and their current home values. Runzheimer then developed an average ratio for taxes paid to current home values. This ratio was applied to the average home value in that community to obtain an average real estate tax amount for the desired homeowner profile.

4.2.4.3 Owners/Renters Insurance

As it did for previous surveys, Runzheimer undertook to gather insurance-rate information for the allowance areas for both renter and owner profiles. These rates represent coverage for structure and contents for homeowners but contents only for renters.

Previous research conducted by Runzheimer, at the request of OPM, found that insurance coverage for disasters, such as floods and earthquakes, is not commonly purchased by allowance area residents. Consequently, Runzheimer, with the concurrence of OPM, does not consider these additional riders. (See *Report to OPM on Living Costs in Selected NonForeign Areas and in the Washington-D.C., Area,* June 1992 at 57 FR 58556). Runzheimer notes, however, that OPM is reviewing the results of the Federal Employee Housing and Living Patterns Survey as they apply to this issue.

4.2.4.4 Maintenance

Many factors were involved in measuring the cost of maintaining a home, including area climate, architecture and building materials, and the cost of maintenance materials and labor. As it did for the previous survey, Runzheimer priced such household maintenance commodities as fire extinguisher, bathroom caulking and kitchen faucet. Pest control service was priced in each allowance area surveyed.

Runzheimer developed maintenance costs based on the cost of maintenance materials and labor rates in each area. Runzheimer's approach to maintenance was the same as the approach to goods and services, as explained below.

Runzheimer used expenditure data from the 1988 CES to identify the national average home-maintenance expense, the maintenance items to survey, and the appropriate item weighting. Because most, if not all, maintenance items were included in rent, maintenance costs were not added in the three renter profiles.

To compute home-maintenance cost differences between each allowance area and the Washington, DC, area for the homeowner profiles, Runzheimer obtained prices for selected building materials and labor rates for maintenance work. For each area, Runzheimer computed the relative cost (i.e., an index) for each maintenance item compared to the cost of that item in the DC area. As with Goods & Services, the results of the nationwide CES were used to weight these maintenance indexes into an overall index for each area.

To combine maintenance indexes with the other homeowner costs, which were expressed in dollar amounts, Runzheimer converted the indexes to dollars. To do this, Runzheimer multiplied the maintenance cost index for each area by the CES nationwide average maintenance cost and assigned that cost to the middle-income homeowner profile.

Logically, maintenance costs for larger homes would be greater than costs for middle-sized homes, while costs for smaller homes would be less. Therefore, in this study, Runzheimer applied the same homeowner multipliers used in the utilities model for the lower and upper income profiles (.85 and 1.15 respectively) to recognize differences in maintenance costs due to house size.

4.2.4.5 Telephone

Telephone expenses consisted of local service charges, possible additional charges for local calls, and charges for long distance calls. To measure estimated expenses for local service and local calls, where available, Runzheimer surveyed the cost of touch-tone service with unlimited calling.

To estimate long distance charges in all areas, Runzheimer surveyed the cost of three ten-minute direct dial calls per month to large U.S. mainland cities (i.e., Los Angeles, Chicago, and New York City). Runzheimer measured the price of a call placed in the survey area at the time of day necessary to be received in the respective city at 8:00 p.m. local time. In many areas, this resulted in pricing a combination of daytime and evening-rate calls.

4.3 Housing Data Collection Procedures

As was done in previous years, Runzheimer collected housing information from a variety of sources. Also as in previous years, Runzheimer research personnel traveled to profiled communities in the allowance areas to observe first hand the comparability of homes in one area versus another and the appropriateness of individual housing units for the profiled income level.

Last year, OPM modified the contract to require several additional steps to increase the quantity and quality of housing data collected. These extra steps were incorporated again this year and included purchasing data from additional real estate listing services, making greater use of assessor's records when other data were not available, and contacting more real estate professionals to obtain additional home sales, rental data, and market trend information.

4.3.1 Homeowner Data Collection

In the homeowner data-gathering phase, Runzheimer obtained sale prices of homes (called "comparable sales") in the area that matched the housing profiles. In the communities that were identified (see section 4.2.3), Runzheimer tried to obtain all the comparable sales during the 6-month period prior to the date of the survey. For the surveys covered in this report, the home sales pricing period was January 1993 through July 1993.

As was done last year, Runzheimer contacted knowledgeable and helpful real estate professionals in each location and/or used real estate sales data and listing services. The amount of data obtained depended on the number of home sales in the community and the availability of square footage and other information. This in turn depended on the size of the community, the economic conditions, the quality and quantity of the realty data available, and the willingness and ability of local realty professionals and assessor offices to provide data. If the comparable sales data obtained from the first data sources were insufficient, Runzheimer contacted additional data sources in the area to attempt to secure more sales data, if practical.

4.3.2 Renter Data Collection

In some cases, the same Realtors and brokers who assisted in our profiling phase were very active in the rental markets as well. When this occurred, Runzheimer obtained current rental rates and fees for our profiled apartments, townhouses, and houses from these sources.

Runzheimer also contacted rental management firms that operate apartment complexes matching the profile specifications. In large metropolitan areas, such as the Washington, D.C., area where rental complexes abound, our housing analysts conducted telephone surveys to obtain current rental information.

OPM modified the contract last year to expand the level of effort that Runzheimer expended in the collection of housing data. The result both last year and this year was a marked increase in the quantity of housing data collected for both rentals and sales.

Rental data were obtained from a variety of sources, e.g., brokers, property managers, newspaper advertisements, and others. Analyses of these data indicated that there are two separate rental markets—a broker market and a non-broker market. Rental rates and estimates provided by brokers generally exceed those obtained from other sources.

In each area, the quantity of data obtained from either source-type varies significantly. Therefore, analyzing all of the rental data (both broker and non-broker) together for an area and income level is undesirable. Because OPM has no information on how federal employees who rent generally secure

their lodgings, Runzheimer applied equal weights to the broker and non-broker data to compute the overall average rental rate for the area and income level. (See Appendix 9B.)

4.4 Housing Analysis

4.4.1 Homeowner Data Analysis

One of the most important factors relating to the price of a home is the number of square feet of living space. For each income profile in each allowance area and the Washington, D.C., area, Runzheimer computed that average price per square foot for the comparables. Except as noted below, Runzheimer used this value times the reference square footage for the profile to determine the average home value for the profile.

Runzheimer experienced difficulties in obtaining housing data in some areas. For example, despite several efforts to obtain more detailed information from various sources, Runzheimer was able to obtain very few comparable sales with square footage information for home sales in Mayaguez. Also, as noted earlier in this report, OPM elected to combine the St. Croix and St Thomas data to address concerns about the number of home-sale observations obtained in the Virgin Islands.

4.4.1.1 Data Trimming

Based on experience from the previous home-pricing surveys, last year OPM modified the living-cost model as it applied to the analysis of housing data. The modifications allowed the use of housing costs trend data as well as current housing costs in the analysis of owner and renter living costs. These analyses are consistent with section 591.205(b)(3) of title 5, Code of Federal Regulations, and result in improved housing data results.

One of the modifications involves "trimming" the observations. Runzheimer and OPM noted that a relatively few extreme values (values that were either exceptionally low or high cost) could have a significant influence on the average housing costs observed at an income level within an area. Including these extreme values had the potential to cause results to vary erratically from one year to the next.

In situations such as this, statisticians frequently use the median or trim the data in some manner to reduce its volatility. The use of the median home value was not desirable because some areas had relatively sparse data at one or more income levels. This could make the median unstable from one year to the next.

Last year Runzheimer recommended, and OPM agreed, that the observations be ranked from low to high on the basis of the cost per square foot and that the top and bottom 20% of the observations be "trimmed" (i.e., eliminated) from the data before averages or trends were calculated. (Data were not trimmed if there were four or fewer observations.) These procedures reduce the influence of home sales anomalies and make survey results more stable from one year to the next.

4.4.1.2 Special Considerations

The new procedures also involved analyzing data in a more thorough and integrated manner. The procedures required analyzing the current housing survey data, analyzing the trends observed when these data were compared with the previous survey's data, and comparing these trends with the views obtained from real estate professionals in the area. How and which data were used depended on the quality and quantity of data collected and how the trends observed agreed among income levels and with the views of local real estate professionals. These procedures are discussed below.

Runzheimer sought to gather all of the appropriate comparable sales data available in each area. As a minimum, Runzheimer sought to obtain 10 Realtor sales per community per income level or 20 per income level per area. In many areas, the sales data exceeded the minimum.

If the minimum number could not be obtained or if highly divergent trend data were observed among income levels in the area or as compared with the views of local real estate professionals, additional analyses were performed. These analyses were:

1. If the current data were significantly better than the previous data (e.g., greater in quantity or more consistent), the current data were used to the extent practical.

2. If at least three observations at each income level were available, and the previous data were better than the current data or the previous and current data were of equivalent quality, the change (i.e., trend) in the average price was used to update the previous data. This was done using one of the following procedures, depending on the situation:

a. If data problems occurred at one income level only, the average rate of change at the other two income levels was used to adjust the previous prices for the affected income level.

b. If data problems occurred in two income levels, the rate of change observed at the non-problem income level was used to adjust the previous prices for the two affected income levels.

c. If data problems occurred at all income levels, the average rate of change observed at all three income levels was used to adjust the previous prices at all income levels.

3. If fewer than three observations were available at any income and/or the data quality was questionable at all levels, all three levels of current and previous survey data were merged. These data were then analyzed by applying the procedures described in section 4.4.1.1 above to each set of merged data, and the average cost per square foot was computed for each set of data and compared to estimate the overall change in the area. This overall change was applied to the previous average costs by income level to determine the current costs at each income level for the area.

The areas for which these procedures were applied and the calculations used are found in Appendix 9A.

4.4.2 Rental Data Analysis

Runzheimer assigned each rental quote data point to a single income level, based on these criteria:

- Assign one bedroom apartments to the lower income level.
- Assign two bedroom apartments to the middle income level.
- Assign townhouses and detached houses with a minimum of two bedrooms to the upper income level.

4.4.2.1 Data Trimming and Special Analyses

In the analysis of rental data, Runzheimer applied the same procedures used to trim the home sales data (see section 4.4.1.1) except that data were ranked on the basis of monthly rental rates, not cost per square foot. Also, as with home sales analyses, special analyses were applied to rental data when the data where sparse or highly divergent trends were observed among income levels. These analyses were the same as those applied to home sales data (see section 4.4.1.2) except that if data were merged, overall estimates were based on monthly rental rates, not the cost per square foot. (See Appendix 9B for these analyses.)

4.4.3 Analysis of Housing-Related Expenses

Because section 4.2.4 covers the identification and quantification of housing-related expenses, these topics are not repeated here.

However, it should be noted that Runzheimer incorporated home sale prices from this study into the calculations of real estate taxes and

homeowner's insurance, which depend upon the value of the home.

4.5 Housing Survey Results

In the above sections, Runzheimer describes how it measured the costs for maintenance, insurance, utilities, real estate taxes, rents, and homeowner mortgages. Appendix 7 shows the cost of each of these items, for renters and homeowners separately, in each allowance area and in the Washington, D.C., area. For Hawaii County, Hawaii; Puerto Rico; and the Virgin Islands, these costs are shown separately for each of the survey areas within the allowance area.

Appendix 8 compares the total cost of these items in each allowance area with the total cost of the same items in the Washington, D.C., area. Again, there are separate comparisons for renters and homeowners.

The final housing-cost comparisons take the form of indexes that are used in Appendix 14 to derive the total, overall index for owners and renters. (Refer to section 2.2 for a discussion of the general formulae and how the component indexes are combined.)

5. Transportation

5.1 Component Overview

The Transportation component consisted of expenses related to private and public transportation. The private transportation category contained expenses related to owning and operating a vehicle in each area. The public transportation category focused on the cost of air fares from each location to a common point within the contiguous 48 states.

As in previous surveys, Runzheimer used national average expenditure data to combine the private and public transportation relative cost differences between each allowance area and the Washington, D.C., area to arrive at a total Transportation component index.

5.2 Private Transportation Methodology

Runzheimer determined that an accurate and reasonable approach to measure transportation costs was to select and analyze three commonly driven vehicles (a domestic auto, an import auto and a utility vehicle) in all areas.

New vehicles were the basis for developing the transportation-cost calculations. Although Runzheimer could have developed costs from the premise that "identical" used vehicle would be purchased from auto dealers in each location, Runzheimer believed that costing new vehicles reduced the potential for inconsistencies due to value judgments concerning used vehicles.

5.2.1 Vehicle Selection and Pricing

As mentioned above, Runzheimer selected and priced a domestic auto, an import auto, and a utility vehicle as the basic vehicle types to cost in all locations. We based our selection of these vehicle types on their popularity in the United States as demonstrated by owner registration data.

To select a specific make and model within each vehicle type, Runzheimer identified the top-selling models in each car class. For these models, Runzheimer's research associates collected new vehicle prices.

At each auto dealership in the sample, Runzheimer recorded the suggested retail prices of the three vehicles plus any additional charges, such as shipping, excise tax, dealer prep, and additional dealer markup. Runzheimer used the suggested retail prices (not negotiated prices) in the analysis. Runzheimer also included documentation fees as part of the new-vehicle costs in Hawaii. Contacted dealerships explain that a documentation fee is charged on a new-car purchase to cover paperwork costs. Runzheimer did not include a fee for the Washington, D.C., area and other tropical areas because dealers in those areas do not typically charge a documentation fee.

The three vehicles selected for analysis were:

Domestic Vehicle—Ford Taurus GL 4-door sedan 3.0L 6cyl

Utility Vehicle—Chevrolet S10 Blazer 4X4 2 door 4.3L 6 cyl

Import Vehicle—Honda Civic DX 4-door sedan 1.5L 4 cyl

Runzheimer priced 1993 models in this survey. All vehicles were equipped with standard options, such as automatic transmission, AM/FM stereo radio and air conditioning.

Car dealers in the Washington, D.C., area do not recommend vehicle rustproofing. However, it is suggested or recommended in allowance areas. Therefore, we include rustproofing as an add-on in all allowance areas, but not in the Washington, D.C., area.

5.2.2 Vehicle Trade Cycle

Calculating the cost to own and operate a vehicle requires that two important factors be determined: miles driven and time period of ownership. In the automobile industry, these two factors are known collectively as a vehicle's "trade cycle." The trade cycle is stated as a length of time either in months or years, and the total number of miles driven in that time period (e.g., four-year, 60,000-mile trade cycle). This information is required to compute annual costs related to fuel, oil, tires, maintenance and depreciation.

Conforming with previous living-cost reports, Runzheimer used a four-year 60,000-mile trade cycle in all areas based upon the following information:

- The Internal Revenue Service has used this trade cycle for many years to compute the allowable cents-per-mile reimbursement rate for persons who drive their personal vehicle for business purposes.
- The four-year time period coincides with the typical length of a vehicle loan.
- U.S. Department of Energy statistics for 1988 show that the U.S. average for number of vehicles miles driven was: 18,595 per household and 10,246 miles per vehicle.

Runzheimer has been unable to find conclusive statistics on average annual miles driven per vehicle in any allowance area. In the past, Runzheimer contacted car dealers to obtain their observations on average odometer mileage on trade-in vehicles.

From the opinions gathered, we concluded that, in most cases, the average annual miles driven in allowance locations appeared to be less than or equal to 15,000. In the Washington, D.C., area, the opinions of those contacted indicated an average annual mileage of 15,000 or more. Therefore, without definitive statistics to prove otherwise, Runzheimer set a standard used in all reports to date of 15,000 miles per year, which results in a four-year, 60,000-mile trade cycle.

5.2.3 Fuel Performance and Type

To establish average fuel-performance ratings, Runzheimer selected the "city driving" figures published by the Environmental Protection Agency (EPA). Runzheimer chose the "city" instead of "highway" figures because all locations contained considerable stop-and-go driving conditions. All vehicles included in this study used regular unleaded fuel. Runzheimer obtained self-service cash prices at branded stations only, and substituted full-service when self-service was not available or only non-branded stations were available.

As in its second report to OPM, Runzheimer has included in its analysis a number of fuel-performance factors; specifically, temperature, road surface, and gradient. Based on our research of these three factors, Runzheimer analysts developed fuel-performance adjustment percentages in each allowance area.

5.2.3.1 Impact of Temperature upon Fuel Performance

Runzheimer consulted two published sources to develop its adjustment percentages for this fuel-efficiency factor: *Passenger Car Fuel Economy: EPA and Road* and *The Weather Almanac* (Ruffner & Blair). Miles-per-gallon performance varies by ambient temperature. The lower the temperature, the fewer miles-per-gallon achieved and vice versa. In the EPA study, the temperature at which no adjustments to fuel performance occur is 77° F. Below that temperature, miles-per-gallon achieved drops; above 77°, miles-per-gallon achieved improves. To measure the effect temperature has on miles-per-gallon for each allowance area, Runzheimer research average monthly temperatures as reported in *The Weather Almanac*.

In each location and for each month, Runzheimer assigned the appropriate shortfall factor from the EPA study based on the average monthly temperature for each given location. After assigning factors to each month, Runzheimer averaged the twelve factors for each location. The results of these calculations are shown in section 5.2.3.4.

5.2.3.2 Impact of Road Surface upon Fuel Performance

For its analysis, Runzheimer assumed that federally controlled roadways are typically composed of concrete and/or high-load asphalt and that locally controlled roadways are typically composed of low-load asphalt. EPA's research indicates that cars are generally more fuel-efficient on the firmer, high-load surfaces than on the softer, low-load surfaces.

Although traffic patterns and road usage certainly vary among areas, Runzheimer could find no relevant studies of these issues. Therefore, Runzheimer assumed that federally controlled roadways generally support twice the traffic of or are used at least twice as much as locally controlled roadways.

In each allowance area, Runzheimer researched the total mileage falling into either the federal or local categories. For example, Hawaii contains 1,456 miles of federally controlled roads and 2,606 miles of locally controlled roads. The usage assumption allowed Runzheimer to increase federal road mileage by a factor of two.

Runzheimer applied the average low-load asphalt factor (which reflects dry, wet, and snowy conditions) to the local mileage percentage and the average concrete and/or high-load asphalt factor to the federal mileage percentage to create a weighted average factor for each area. The weighted factor for the allowance areas surveyed was 0.98. The Washington, D.C., area was assigned a factor of 1.00 on the premise that the vast majority of traffic in that area travels on dry, high-load surfaces. (See section 5.2.3.4 for application of this factor in estimating overall MPG.)

5.2.3.3 Impact of Gradient upon Fuel Performance

Runzheimer consulted EPA's *Passenger Car Fuel Economy: EPA and Road* to determine the effect of local topography (i.e. gradient) upon fuel efficiency. EPA provides mileage factors based upon various gradients ranging from less than 0.5% (essentially flat) to greater than 6% (steep).

Runzheimer reviewed the topographic features of each area and found a wide range of road conditions. However, Runzheimer was unable to find information on the types of terrain drivers typically encounter in each area or the number of miles drivers travel in each type of terrain.

Lacking such information, Runzheimer assumed that drivers in the allowance areas generally travel roads having approximately the same gradients that are found on average in the United States. Applying the information from EPA's research, Runzheimer computed a fuel-performance factor of 0.981 for this type of driving. This factor was assigned to each allowance area. Runzheimer assigned a factor of 1.00 to the Washington, D.C., area on the premise that the vast majority of traffic in that area travels on major freeways and highways that are relatively flat. (See section 5.2.3.4 for application of this factor in estimating overall fuel efficiency.)

5.2.3.4 Overall Impact upon Fuel Performance

Runzheimer applied the results of the analyses described above to "localize" or make geographically sensitive adjustments to the EPA average ratings and establish reasonable fuel-performance ratings for each allowance area.

In the table below, the factor 1.00 means that no adjustment to EPA fuel performance is appropriate. A factor of less than 1.00 means that the estimated gasoline mileage in the area is less than the EPA average. For example, the total adjustment factor for Guam is 0.95. This means that the estimated gasoline mileage in Guam is 95% of the EPA estimated average. Note that the adjustment factor for the Washington, D.C., area (0.94) indicates that average gasoline mileage in that area is below the EPA estimate also.

Summary of Fuel-Performance Adjustments

Location	Temperature	Road Surface	Gradient	Total
Hawaii	0.99	0.98	0.98	0.95
Guam	.99	.98	.98	.95
Puerto Rico	1.01	.98	.98	.97
Virgin Islands	1.01	.98	.98	.97
Washington, D.C	.94	1.00	1.00	.94

NOTE: These adjustments compound. That is, the Total adjustment is the result of multiplying the three individual factors together for each location/area.

5.2.4 Vehicle Maintenance

With OPM's concurrence, Runzheimer selected the five most common maintenance service/repair jobs performed on vehicles as the basis for vehicle maintenance analysis:

- tune-up,
- oil change,
- automatic transmission fluid change,
- flush/fill coolant, and
- muffler installation.

Automobile manufacturers' recommended maintenance schedules were used to determine the frequency of performing each of these maintenance jobs. Maintenance schedules vary, depending on the driving conditions

typically encountered. Consistent with the assumptions used for fuel economy and tire mileage, Runzheimer assumed that driving conditions in the allowance areas were generally severe and used the maintenance schedules that reflected that kind of driving. For the D.C. area, Runzheimer assumed that driving conditions were normal and used the maintenance schedules that reflected that kind of driving.

The recommended frequency of performing each of these jobs was combined with the prices charged by local dealers and service stations to compute an estimated annual maintenance expense.

For this year's survey, Runzheimer collected specific parts costs and hourly labor costs in each location, three prices per item, per location. Runzheimer used Chilton's Labor Guide and Parts Manual to determine service times for each maintenance procedure, and used only one service time per maintenance procedure. This will result in more uniform prices within each location.

5.2.5 Tires

Research previously conducted by Runzheimer for OPM (see the June 1992 report) revealed that various factors (e.g., road quality/state of repair, road composition) caused tread life (the average number of miles a tire is expected to last) to be less in allowance areas than in the Washington, D.C. area. Based on these findings, Runzheimer based tire expenses on a 40,000-mile tread-life in allowance areas, and a 55,000-mile tread-life in the Washington, D.C., area.

5.2.6 License and Registration Fees, and Miscellaneous Tax

Runzheimer obtained information regarding appropriate license and registration fees, and miscellaneous taxes (i.e., personal property tax and motor vehicle registration tax) from each area. One-time fees and miscellaneous taxes were divided equally over each vehicle's four-year trade cycle. Sales and excise taxes were included in the purchase price of each vehicle (see section 5.2.7.). Ongoing fees and taxes were included as part of the annual costs.

5.2.7 Depreciation

From Runzheimer's experience, the single largest annual expense related to owning and operating newer vehicles is vehicle depreciation, the lost value of the vehicle as it ages and is driven. To calculate average annual depreciation, Runzheimer divides the difference between the purchase price and the residual value by the number of years the vehicle is owned.

In the depreciation equation, Runzheimer used suggested retail prices, plus any additional charges, such as shipping, excise tax, dealer prep, and additional dealer markup. (Runzheimer did not believe that negotiated prices could be collected on an equitable basis.) As discussed earlier, the trade cycle was determined to be four years, 60,000 miles. Runzheimer research indicated that residual values were the same in all areas. This research effort is explained below.

Runzheimer is aware that several firms and associations track and publish weekly or monthly used-car and used-truck wholesale auction prices. Some firms even publish projections of the future value of today's new vehicles. Most publications provide several residual values for each vehicle, depending on its condition at the time of trade-in (e.g., clean, average, rough). Several common publications of this type are *Black Book*, *Kelley Blue Book*, *Automotive Market Report*, and *NADA* National Automobile Dealers Association). Unfortunately, these sources only track prices for vehicles sold in the contiguous 48 states and then publish broad-based average residual values for each vehicle.

To get specific information from sources knowledgeable about the used vehicle markets in allowance areas, Runzheimer contacted auto dealers and financial institutions in these areas. Most of the sources with whom Runzheimer spoke said that they used the above-mentioned publications as guides, just as dealers and financial institutions across the United States used them.

Runzheimer found no conclusive evidence that used vehicles in allowance areas were (on average) worth more or less than used vehicles in the Washington, D.C., area. Therefore, we reported the same used vehicle prices in all areas. An appropriate and logical source for these values was the April 1993 issue of *Black Book Official Finance/Lease Guide* for 1993 vehicles.

It should be noted for clarification that identical residual values did not translate into identical depreciation amounts in all locations. Depreciation amounts were higher in allowance areas than in the Washington, D.C., area because new vehicle prices in all allowance areas were higher. For example, new vehicle prices in Puerto Rico averaged 50% more than Washington, D.C., prices.

5.2.8 Finance Expense

Runzheimer included the average annual cost of financing a vehicle in the total cost of private transportation. Runzheimer surveyed automobile dealerships in Puerto Rico and banks in all other areas for their auto-loan interest rates, using a 48-month loan length with 80% financing as the basis in all locations.

5.2.9 Vehicle Insurance

Runzheimer measured the cost of auto insurance in each location. To determine the type of coverage to price, Runzheimer contacted insurance agents in each area to obtain information on the typical policy. Listed below are the most common coverages, limits, and deductibles for the surveyed living-cost areas.

Bodily Injury—$100,000/$300,000
Property Damage—$50,000
Medical—$5,000
Uninsured Motorist—$100,000/$300,000
Comprehensive—$100 Deductible
Collision—$250 Deductible

Runzheimer found that insurance companies in Guam, Puerto Rico, and the Virgin Islands provide slightly different limits and deductibles than those listed above; therefore, Runzheimer and OPM agreed to incorporate the premiums associated with these different limits and deductibles into the indexes.

To do this, Runzheimer surveyed in the D.C. area the price of insurance policies that were equivalent to the policy offered in the allowance area. From this comparison, Runzheimer computed an index that was applied to the price of the typical policy surveyed in the Washington, DC, area. By applying this factor to the average price in the D.C. area, Runzheimer was able to estimate the cost of equivalent coverage in the allowance area. (See Appendix 10B.)

In all areas, Runzheimer attempted to identify the most "popular" automobile insurance companies by analyzing market-share reports compiled by an industry rating bureau. The policy described above was then priced again this year for each location. Two or three price quotes were obtained for each area, totalled for each area, and averaged together to produce the final number for this component in each allowance area.

5.3 Public Transportation Methodology

As was done last year, Runzheimer surveyed the cost of air fares as they relate to recreational travel. Runzheimer priced the lowest available round-trip

air fare from each allowance area and the Washington, D.C., area to Los Angeles, California. Los Angeles was selected because it is a common point approximately equidistant from most of the allowance areas and the Washington, D.C., area. The cost of the trip from each allowance area to Los Angeles was compared with the cost of the trip from the Washington, D.C., area to Los Angeles to compute the public transportation category indexes. (See Appendix 11.)

5.4 Transportation Survey Results

Runzheimer measured the costs for fuel, maintenance and oil, tires, licensing, taxes, depreciation, finance, and insurance for three types of automobiles in each allowance area and in the Washington, D.C., area to determine typical private transportation costs. Appendix 10A shows the cost of each of these items in each area. As with the housing costs, private transportation costs for Hawaii County, Puerto Rico, and the Virgin Islands, are shown separately for each of the survey areas within these allowance areas. These data are combined to produce composite costs for each allowance area using the respective federal employment distributions. (See sections 2.5 and 2.6 for a discussion of employment weighting in these two areas.)

Appendix 11 compares the total cost of the private transportation items for each vehicle in each allowance area with the total cost of the same items in the Washington, D.C., area. Appendix 11 also shows how the private and public transportation indexes were combined using expenditure weights derived from the CES data to produce final transportation indexes.

The final transportation indexes are used in Appendix 14 to derive the total overall index. (Refer to section 2.2 for a discussion of the general formulae and how the component indexes are combined.)

6. Miscellaneous Expenses

6.1 Component Overview

The Miscellaneous Expense component consists primarily of four unrelated groups of expenses:

- Medical care,
- Contributions (including gifts to non-family members),
- Personal insurance, and
- Savings and investments (including pensions).

Runzheimer believes that certain miscellaneous expense items should not affect living-cost differences between locations. For example, Runzheimer considers charitable contributions a personal choice, so we include this expenditure as a constant amount in all locations. Based on research into all of the expenses of this component, Runzheimer also regards expenses related to personal insurance, savings and investments, and pensions as constants, for reasons discussed in section 6.2.2.

To measure the miscellaneous expenses, Runzheimer constructed a pricing methodology similar to the one used in the Goods & Services component. Runzheimer selected representative items for medical care, priced them in all areas, and then computed a Miscellaneous Expense component index based on the relative importance of costed items/categories held constant.

6.2 Miscellaneous Expense Model

6.2.1 Expenditure Research

From the 1988 CES, Runzheimer tabulated the miscellaneous expense data into logical expense groupings and then determined the appropriate item weighting. The table on the following page lists the categories that Runzheimer selected to price and their weights:

MISCELLANEOUS EXPENSE CATEGORIES & WEIGHTS

Categories	Income level		
	Lower (percent)	Middle (percent)	Upper (percent)
Medical Care	43.41	31.56	22.40
Contributions (including gifts) [1]	12.38	14.90	16.85
Personal Insurance & Pensions [1]	44.21	53.54	60.75
Totals	100.00	100.00	100.00

[1] Held constant.

6.2.2 Miscellaneous Expense Methodology

As stated in section 2.2, Runzheimer used the Laspeyres indexing methodology to compute the Miscellaneous Expense component index. For groups of items held constant, the model assumed a price ratio between the allowance area and the Washington, D.C., area equal to 100.00%.

Runzheimer defined personal insurance and pensions as the portion of a family's budget that was targeted for long-term financial security. This is consistent with the definitions used by the CES, the results of which are used as weights in the COLA model. In the CES, money stored in a savings account or investment vehicle for future expenditures (of goods and services, housing, or transportation) is accounted for in the other component weightings.

In section 6.1, we noted that expenses related to personal insurance were held constant for all locations. This was based on information received from life insurance companies and OPM officials. The life insurance companies contacted indicated that policies written (and premiums charged) to persons within the United States and its territories did not vary due to location. Runzheimer's research and discussions with OPM officials also indicated that, in general, federal employees in all areas received similar or identical benefits packages—variations are generally due to personal preference. Therefore, Runzheimer believed, and OPM concurred, that holding these types of expenses constant was appropriate.

6.3 Miscellaneous Expense Data Collection Procedures

Medical care items were surveyed consistent with the approach used in the Goods & Services component. For quality-control purposes, Runzheimer used its in-house research staff to conduct much of this survey.

The following medical-care items were priced in each allowance area and in the Washington, D.C., area:

- Nonprescription pain reliever.
- Prescription drugs.
- Vision check.
- Dental service.
- Doctor visit.
- Hospital room.
- Health insurance.

Runzheimer computed a Medical Care subcategory price index for each item in each allowance area by comparing each local average price with the Washington, D.C., area average prices. These indexes were combined using weights derived from the CES to compute a Medical Care subcategory index for each allowance area.

6.4 Miscellaneous Expense Survey Results

Appendix 12 contains the results of Runzheimer's data collection and index calculations. As the appendix shows, the relative costs of the majority of the items in the Miscellaneous Component are based on surveyed prices. Therefore, the Miscellaneous Component index reflects living-cost differences among areas. The cost of only two items—life insurance/pensions and contributions—does not differ among areas. Although these two items together have a significant weight, one should keep in

mind that the Miscellaneous Component has the smallest weight of the four components.

Section 2.2 describes how the Miscellaneous Expense component indexes are combined with the other component indexes to derive the final index for each area.

7. Final Results

7.1 Total Comparative Cost Indexes

The total comparative cost indexes appear below. Appendix 14 shows how each index was derived from the component indexes.

FINAL COST COMPARISON INDEXES

Allowance area	Local pricing	Commissary and exchange
City & Cnty of Honolulu, Hawaii	122.90	120.26
Hawaii Cnty, Hawaii	109.63	NA
Kauai Cnty, Hawaii	119.27	NA
Maui Cnty, Hawaii	119.32	NA
Guam, CNMI[1]	122.25	120.81
Puerto Rico	103.00	102.17
U.S. Virgin Islands	117.81	NA

[1] Commonwealth of the Northern Mariana Islands.

NA=Not Applicable.

7.2 General Comments

Runzheimer's primary goal throughout its work on each study has been to bring fairness and accuracy to the results. The scope of this multi-year engagement has become more comprehensive by virtue of special research projects, seasonal pricings, expanded marketbasket pricings and other efforts. Runzheimer believes that living-cost research is a dynamic process, not a static one, and that fresh research and analysis will enhance further the quality of the survey and the findings. Moreover, we believe that planned, ongoing interaction with OPM will aid the process and improve accuracy.

7.3 Recommendations

As noted earlier in this report, Runzheimer and OPM are researching the issue of including income taxes in the living-cost surveys and analyses. We believe that the research will show that income taxes represent a significant portion of living expenses—a portion that varies from one area to the next.

As also noted in the report, Runzheimer recognizes that it applied the same salary levels and CES data this year as it did in the 1990 surveys. We commend OPM for introducing new Federal employment weights and urge OPM to continue with its plans to introduce gradually new CES data and salary levels in future surveys.

FINAL COST COMPARISON INDEXES—Continued

APPENDIX 1.—CONSUMER EXPENDITURE SURVEY (CES)

[By Income Before Taxes: Average annual expenditures and characteristics of all consumer units, Consumer Expenditure Survey 1988, Feb. 13, 1990]

Item	June 7, 1990						
	Total complete reporting	$10,000 to $14,999	$15,000 to $19,999	$20,000 to $29,999	$30,000 to $39,999	$40,000 to $49,999	$50,000 and over
Number of consumer units (in thousands)	81354	9433	8219	14586	10901	7198	12209
Number of sample interviews	30900	3500	3107	5496	4119	2849	4983
Consumer unit characteristics:							
Income before taxes[1]	$28540	$12320	$17373	$24591	$34375	$44331	$74234
Income after taxes[1]	26149	11892	16345	22963	31660	40100	66345
Average number of persons in consumer unit	2.6	2.2	2.5	2.7	2.9	3.2	3.1
Age of reference person	46.9	50.1	46.5	44.7	43.2	42.3	45.3
Average number in consumer unit:							
Earners	1.4	0.9	1.2	1.5	1.8	2.0	2.1
Vehicles	2.0	1.4	1.9	2.2	2.6	2.7	3.1
Children under 18	0.7	0.6	0.7	0.7	0.9	1.0	0.8
Persons 65 and over	0.3	0.5	0.4	0.3	0.2	0.1	0.1
Percent distribution:							
Male	66	57	64	71	78	82	87
Female	34	43	36	29	22	18	13
Homeowner with mortgage	38	15	26	36	52	64	76
Homeowner without mortgage	24	32	26	25	18	14	14
Renter	39	53	47	39	30	21	11
Black	11	12	10	10	5	6	4
White and other	89	88	90	90	95	94	96
Elementary (1–8)	11	17	12	8	5	2	3
High school (9–12)	44	51	54	48	42	40	24
College	44	31	34	44	53	58	73
Never attended and other	1	1	1	0	0	0	0
At least one vehicle owned	86	84	91	95	96	97	97
Average annual expenditures	26389.07	16788.64	19558.35	24896.36	31659.60	37562.00	52320.19
Food	3804.39	2777.33	3194.53	3765.02	4587.49	5281.61	6296.11
Food at home	2176.94	1809.23	1954.49	2174.01	2556.74	2906.55	3109.86
*Cereals and bakery products	317.03	266.20	274.62	320.55	375.38	417.06	450.19
*Cereals and cereal products	111.15	101.45	100.46	111.31	134.59	145.71	138.66
*Flour	4.83	6.43	4.59	4.99	5.06	4.15	4.17
*Prepared flour mixes	9.88	9.30	9.21	10.32	11.92	14.72	12.18
*Ready-to-eat and cooked cereals	73.49	65.38	65.31	72.80	89.56	98.06	92.85

APPENDIX 1.—CONSUMER EXPENDITURE SURVEY (CES)—Continued

[By Income Before Taxes: Average annual expenditures and characteristics of all consumer units, Consumer Expenditure Survey 1988, Feb. 13, 1990]

Item	June 7, 1990						
	Total complete reporting	$10,000 to $14,999	$15,000 to $19,999	$20,000 to $29,999	$30,000 to $39,999	$40,000 to $49,999	$50,000 and over
*Rice	7.98	8.00	6.06	7.95	9.66	9.48	10.14
*Pasta, cornmeal and other cereals	14.97	12.33	15.29	15.24	18.39	19.30	19.34
*Bakery products	205.88	164.75	174.16	209.23	240.80	271.35	311.53
*Bread	65.72	58.48	61.24	68.58	72.19	78.50	86.03
*White bread	35.48	32.79	33.61	38.12	39.98	39.46	42.54
*Bread, other than white	30.24	25.69	27.63	30.46	32.21	39.05	43.49
*Crackers and cookies	51.76	41.43	42.92	53.39	60.40	75.75	77.18
*Cookies	32.19	24.30	27.98	33.01	35.93	47.99	49.96
*Crackers	19.57	17.13	14.94	20.38	24.46	27.76	27.21
*Frozen and refrigerated bakery products	13.55	10.10	10.54	13.12	15.29	17.64	24.89
*Other bakery products	74.84	54.74	59.46	74.14	92.92	99.46	123.44
*Biscuits and rolls	26.62	18.31	20.95	27.08	30.87	38.69	45.14
*Cakes and cupcakes	20.31	13.30	15.37	21.50	26.94	26.92	31.29
*Bread and cracker products	2.82	2.70	2.40	2.36	3.73	4.07	4.89
*Sweetrolls, coffee cakes, doughnuts	19.60	15.04	15.68	18.44	23.22	23.31	33.90
*Pies, tarts, turnovers	5.48	5.38	5.07	4.76	8.16	6.48	8.22
*Meats, poultry, fish and eggs	560.01	477.38	555.07	541.91	635.94	699.55	812.35
*Beef	183.66	152.35	204.56	185.96	215.42	225.57	263.75
*Ground beef	79.09	71.32	84.22	79.31	96.47	91.12	101.79
*Roast	33.40	28.09	34.54	34.19	35.85	40.13	50.81
*Chuck roast	13.23	11.36	14.43	13.12	16.66	14.71	17.87
*Round roast	9.13	7.79	10.19	8.42	8.80	15.67	13.71
*Other roast	11.04	8.93	9.92	12.65	10.28	9.75	19.23
*Steak	59.01	41.47	71.43	61.32	70.25	77.08	93.67
*Round steak	11.62	11.60	16.74	13.83	12.33	11.66	13.85
*Sirloin steak	12.96	8.51	11.79	12.72	14.53	20.48	24.43
*Other steak	34.42	21.36	42.90	34.77	43.40	44.94	55.39
*Other beef	12.17	11.47	14.37	11.14	12.84	17.24	17.48
*Pork	114.19	104.51	108.16	108.24	132.60	131.31	157.61
*Bacon	20.23	24.20	17.46	18.44	23.15	18.48	25.09
*Pork chops	27.10	19.23	28.84	25.14	36.30	28.37	34.33
*Ham	27.43	25.79	27.94	28.11	31.54	35.35	39.08
*Ham, not canned	24.47	21.68	25.11	26.25	28.62	29.58	36.43
*Canned ham	2.96	41.0	2.83	1.86	2.92	5.77	2.65
*Sausage	16.60	14.09	17.07	13.98	17.67	22.46	23.28
*Other pork	22.83	21.21	16.84	22.58	23.95	26.65	35.83
*Other meats	83.61	71.60	75.58	79.96	98.98	113.62	118.21
*Frankfurters	17.37	15.97	17.17	17.77	19.56	21.76	22.58
*Lunch meats (cold cuts)	58.88	49.13	49.48	56.28	71.83	80.88	86.21
*Bologna, liverwurst, salami	19.11	17.97	16.54	19.36	22.06	23.99	25.51
*Other lunchmeats	39.78	31.16	32.94	36.92	49.77	56.89	60.70
*Lamb, organ meats and others	7.36	6.51	8.93	5.91	7.58	10.98	9.42
*Lamb and organ meats	6.17	5.97	5.33	4.82	7.57	8.63	8.50
*Mutton, goat and game	1.19	0.54	3.60	1.10	0.01	2.36	0.92
*Poultry	85.49	69.40	81.53	82.16	85.67	111.40	133.20
*Fresh and frozen chickens	66.41	55.25	66.61	65.26	66.71	81.88	96.35
*Fresh whole chicken	17.24	17.03	17.44	20.11	14.32	16.24	23.38
*Fresh and frozen chicken parts	49.17	38.22	49.18	45.15	52.39	65.64	72.97
*Other poultry, incl whole frzn chickens	19.08	14.15	14.91	16.91	18.96	29.52	36.85
*Fish and seafood	65.24	50.44	57.57	56.89	74.24	86.03	109.89
*Canned fish and seafood	17.95	14.01	15.77	16.67	23.21	21.96	26.53
*Fresh and frozen shellfish	14.98	5.89	17.35	14.09	15.81	18.33	32.78
*Fresh and frozen finfish	32.31	30.53	24.45	26.13	35.23	45.74	50.59
*Eggs	27.83	29.08	27.68	28.69	29.02	31.61	29.68
*Dairy products	277.91	237.49	246.39	287.05	337.97	365.06	383.11
*Fresh milk and cream	134.41	132.08	125.44	135.91	160.12	158.15	168.53
*Whole milk	52.12	58.46	57.48	57.54	55.58	44.53	55.37
*Other milk and cream	82.29	73.61	67.97	78.37	104.54	113.61	113.17
*Other dairy products	143.50	105.41	120.95	151.15	177.85	206.92	214.57
*Butter	8.89	8.28	8.17	8.63	9.20	12.22	13.04

APPENDIX 1.—CONSUMER EXPENDITURE SURVEY (CES)—Continued

[By Income Before Taxes: Average annual expenditures and characteristics of all consumer units, Consumer Expenditure Survey 1988, Feb. 13, 1990]

Item	June 7, 1990						
	Total complete reporting	$10,000 to $14,999	$15,000 to $19,999	$20,000 to $29,999	$30,000 to $39,999	$40,000 to $49,999	$50,000 and over
*Cheese	79.01	54.41	69.16	83.03	98.98	111.72	119.08
*Ice cream and related products	41.68	31.02	33.95	46.55	53.10	60.05	61.85
*Miscellaneous dairy products	13.93	11.70	9.67	12.93	16.57	22.93	20.60
*Fruits and vegetables	376.38	327.70	335.02	366.35	441.76	487.04	526.17
*Fresh fruits	120.98	102.64	104.99	116.33	148.47	156.62	172.21
*Apples	21.57	16.83	17.80	21.56	26.58	28.77	29.44
*Bananas	20.65	19.42	19.04	21.64	24.06	22.66	27.22
*Oranges	10.98	9.36	9.43	9.37	15.38	16.47	14.72
*Other fresh fruits	67.78	57.02	58.71	63.75	82.45	88.72	100.83
*Fresh vegetables	110.67	101.90	100.87	106.30	124.19	123.40	158.76
*Potatoes	16.61	13.93	17.56	15.59	19.18	20.55	22.24
*Lettuce	13.73	11.36	11.61	12.80	16.85	16.95	20.85
*Tomatoes	14.87	13.49	14.08	14.64	17.94	16.43	19.74
*Other fresh vegetables	65.47	63.12	57.63	63.28	70.21	69.47	95.93
*Processed fruits	86.81	75.04	80.64	82.22	98.04	126.19	121.27
*Frozen fruits and fruit juices	19.59	17.95	18.61	18.42	22.98	32.00	28.71
*Frozen orange juice	14.43	13.60	13.91	14.55	14.89	21.97	20.88
*Other frozen fruits and juices	5.16	4.35	4.70	3.87	8.10	10.03	7.83
*Canned and dried fruits	21.22	18.05	18.46	20.85	24.80	32.50	26.30
*Fresh, canned or bottled fruit juices	46.00	39.04	43.58	42.95	50.26	61.68	66.26
*Processed vegetables	57.92	48.13	48.52	61.49	71.05	80.82	73.92
*Frozen vegetables	21.30	13.63	16.57	23.19	27.40	32.62	31.07
*Canned and dried vegetables and juices	36.62	34.50	31.95	38.30	43.65	48.21	42.85
*Canned beans	6.64	5.41	6.00	6.98	7.85	9.98	7.27
*Canned corn	4.21	2.91	3.86	4.70	4.31	6.10	4.37
*Other canned and dried veg., & juices	25.77	26.17	22.09	26.62	31.49	32.12	31.21
*Other food at home	645.61	500.46	543.39	658.15	765.69	937.83	938.05
*Sugar and other sweets	80.66	65.44	64.53	82.49	97.73	122.23	111.61
*Candy and chewing gum	45.41	32.09	31.13	46.37	55.74	75.32	71.53
*Sugar	17.07	18.57	17.60	17.61	18.27	17.57	16.01
*Artificial sweeteners	2.36	1.56	2.44	2.90	1.78	3.70	2.68
*Jams, preserves, other sweets	15.82	13.22	13.36	15.62	21.94	25.64	21.39
*Fats and oils	56.65	48.51	45.63	59.62	69.18	76.24	70.54
*Margarine	11.96	10.65	9.89	12.19	14.51	15.78	15.49
*Other fats, oils, and salad dressing	31.66	26.57	26.33	32.32	37.90	45.04	38.58
*Nondairy cream and imitation milk	4.49	4.53	3.64	4.91	4.72	5.00	4.89
*Peanut butter	8.54	6.75	5.77	10.20	12.05	10.42	11.57
*Miscellaneous foods	272.98	209.21	230.18	278.73	325.17	410.76	393.38
*Frozen prepared foods	46.13	34.31	44.35	47.46	54.87	69.97	66.80
*Frozen meals	16.75	14.44	19.43	16.05	23.09	21.11	23.97
*Other frozen prepared foods	29.39	19.87	24.92	31.41	31.78	48.86	42.82
*Canned and packaged soups	21.41	17.65	16.96	21.06	24.10	35.62	28.50
*Potato chips, nuts, and other snacks	59.78	41.00	37.67	64.36	71.49	95.82	100.20
*Potato chips and other snacks	46.79	30.06	31.54	53.75	55.18	74.06	77.26
*Nuts	12.99	10.94	6.13	10.61	16.31	21.76	22.94
*Condiments and seasonings	61.52	49.20	56.11	58.41	77.90	82.89	92.16
*Salt, spices, other seasonings	12.31	10.17	11.24	11.99	14.15	14.15	20.09
*Olives, pickles, relishes	7.62	5.36	8.73	7.01	9.48	10.54	10.59
*Sauces and gravies	31.62	25.10	26.76	29.73	42.60	43.35	46.87
*Baking needs and misc. products	9.97	8.58	9.38	9.67	11.67	14.85	14.61
*Other canned/packaged prepared foods	84.14	67.05	75.08	87.44	96.82	126.46	105.73
*Salads and desserts	13.23	11.82	12.59	11.96	17.20	18.07	18.37

APPENDIX 1.—CONSUMER EXPENDITURE SURVEY (CES)—Continued

[By Income Before Taxes: Average annual expenditures and characteristics of all consumer units, Consumer Expenditure Survey 1988, Feb. 13, 1990]

Item	June 7, 1990						
	Total complete reporting	$10,000 to $14,999	$15,000 to $19,999	$20,000 to $29,999	$30,000 to $39,999	$40,000 to $49,999	$50,000 and over
*Baby food	16.25	10.38	15.03	16.91	19.52	26.99	12.93
*Miscellaneous prepared foods	54.66	44.85	47.47	58.57	60.10	81.41	74.43
*Nonalcoholic beverages	204.37	164.51	186.49	210.29	233.06	283.11	287.11
*Cola	92.19	66.57	88.15	99.91	101.86	140.51	123.90
*Other carbonated drinks	32.62	23.55	29.15	28.70	40.86	43.90	53.99
*Coffee	40.93	38.84	38.48	38.15	43.16	47.73	54.95
*Roasted coffee	25.27	22.96	23.27	24.63	26.36	31.15	34.98
*Instant and freeze dried coffee	15.66	15.87	15.21	13.52	16.81	16.58	19.98
*Non-carbonated fruit flavored drinks	16.30	12.30	11.92	21.28	20.62	24.65	21.32
*Tea	11.18	10.67	8.25	11.36	13.49	15.33	13.42
*Other non-alcoholic beverages	11.15	12.58	10.54	10.90	13.08	10.98	19.52
Food prepared by cu on out of town trips	30.94	12.80	16.56	27.01	40.55	45.49	75.42
Food away from home	1627.45	968.10	1240.03	1591.02	2030.75	2375.06	3186.24
*Meals at restaurants, carry-outs & other	1275.77	799.32	1039.21	1294.24	1591.66	1870.30	2351.22
*Lunch	499.88	277.04	407.25	514.76	619.15	709.45	956.78
*Dinner	549.30	339.39	440.28	550.06	662.77	822.65	1057.00
*Snacks and non alcoholic beverage	142.56	105.40	121.94	145.83	190.00	225.33	207.78
*Breakfast and brunch	84.04	77.48	69.75	83.59	119.74	112.87	129.66
Board (including at school)	43.62	6.74	7.89	27.65	36.46	39.33	153.00
Catered affairs	41.27	7.39	5.78	34.97	50.79	47.01	142.76
Food on out of town trips	195.31	93.30	115.14	165.61	254.20	300.02	451.05
School lunches	42.24	20.43	26.30	41.51	67.39	84.77	70.55
Meals as pay	29.24	40.92	45.71	27.04	30.27	33.64	17.65
Alcoholic beverages	281.70	182.87	235.22	290.56	343.77	352.96	506.47
*At home	148.36	107.27	126.68	152.37	189.69	178.29	246.36
*Beer and ale	89.05	72.34	77.77	95.86	108.21	102.60	126.68
*Whiskey	12.73	12.89	5.93	13.17	16.76	13.43	21.68
*Wine	32.15	13.69	26.16	31.70	40.94	46.88	70.20
*Other alcoholic beverages	14.43	8.35	16.82	11.65	23.78	15.38	27.80
Away from home	133.34	75.61	108.54	138.19	154.08	174.67	260.11
*Beer and ale	37.50	20.21	32.77	39.59	40.20	53.06	62.61
*Wine	18.54	12.05	15.72	19.17	18.68	24.52	38.32
*Other alcoholic beverages	58.12	36.45	50.81	60.89	71.66	67.59	113.53
Alcoholic beverages purchased on trips	19.17	6.90	9.24	18.54	23.54	29.50	45.66
Housing	8069.13	5495.09	5946.80	7511.85	9260.40	10608.79	15719.12
Shelter	4470.25	3043.10	3139.50	4124.86	5049.86	5901.40	8909.44
Owned dwellings	2554.04	961.15	1151.03	1976.74	2970.57	4060.42	6925.93
Mortgage interest	1560.48	318.45	520.13	1051.78	1925.39	2783.87	4724.67
Mortgage interest and charges	1560.38	318.45	520.13	1051.78	1925.39	2783.87	4724.01
Prepayment penalty charges. (own home)	0.10	0.00	0.00	0.00	0.00	0.00	0.66
Property taxes	496.08	316.48	301.71	417.03	599.30	643.81	1125.91
Maintenance, repairs, insur, othr expenses	497.48	326.23	329.20	507.92	445.87	632.74	1075.35
Homeowners and related insurance	151.74	102.72	105.11	139.48	163.01	200.84	313.16
Fire and extended coverage	4.98	3.14	4.17	8.42	3.90	7.28	4.94
Homeowners insurance	146.76	99.58	100.94	131.06	159.11	193.56	308.22
Ground rent	26.88	26.40	38.12	35.13	23.98	14.38	12.57
Maintenance and repair service	252.68	166.84	159.60	260.79	187.82	293.13	607.16
Painting and papering	52.01	34.57	12.75	55.29	21.09	49.82	144.99
Plumbing and water heating	23.06	12.17	16.84	22.72	17.23	32.94	55.39
Heat, a/c, electrical work	42.03	40.31	20.65	28.44	44.68	61.59	90.02
Roofing and gutters	46.96	21.78	51.88	49.75	40.70	55.18	111.23

APPENDIX 1.—CONSUMER EXPENDITURE SURVEY (CES)—Continued

[By Income Before Taxes: Average annual expenditures and characteristics of all consumer units, Consumer Expenditure Survey 1988, Feb. 13, 1990]

Item	June 7, 1990						
	Total complete reporting	$10,000 to $14,999	$15,000 to $19,999	$20,000 to $29,999	$30,000 to $39,999	$40,000 to $49,999	$50,000 and over
Other repair/maintenance service	78.78	53.15	53.69	101.29	54.90	85.14	164.91
Repair & replace hard surface flooring	8.14	4.68	2.92	2.46	7.98	6.77	33.94
Repair of built-in appliances	1.68	0.16	0.88	0.85	1.24	1.69	6.68
Maintenance/repair commod	65.41	28.29	25.78	71.76	70.93	122.37	141.50
Paints, wallpaper and supplies	17.47	6.93	5.76	14.64	18.25	33.17	45.07
Tools and equipment for painting and wallpapering	1.88	0.74	0.62	1.57	1.96	3.56	4.84
Plumbing supplies and equipment	5.65	2.25	3.48	6.92	6.24	11.04	11.40
Electrical supplies, heat/cool equip	3.76	0.62	4.14	3.32	4.94	2.21	10.24
Materials for hard surface floor, repair and replace	1.85	0.82	0.03	1.32	0.66	5.63	5.85
Material and equipment for roof/gutters	5.18	3.60	3.34	8.46	4.25	3.31	5.16
Materials for plaster, panel, siding, windows, doors, screens, awnings	11.08	9.36	4.91	12.62	12.57	15.49	23.43
Materials for patio, walk, fence, drive, masonry, brick, and stucco work	2.12	0.28	0.61	6.99	0.71	2.30	3.03
Materials for landscaping maintenance	2.52	0.09	0.00	7.40	2.38	2.17	4.45
Miscellaneous supplies/ equipment	13.89	3.60	2.89	8.52	18.98	43.49	28.02
Materials for insulation, other maintenance/repair	7.87	3.60	2.36	6.16	10.04	14.88	18.16
Materials to finish basement, remodel rms or build patios, walks, etc (maint., rep., repl.) (own prop)	6.02	0.00	0.53	2.36	8.95	28.61	9.86
Property management and security	0.74	1.98	0.53	0.72	0.13	1.95	0.79
Property management	0.64	1.88	0.24	0.60	0.12	1.95	0.62
Management and upkeep serv for security	0.10	0.10	0.28	0.13	0.01	0.00	0.18
Parking	0.04	0.00	0.06	0.03	0.00	0.07	0.17
Rented dwellings	1469.41	1753.31	1777.24	1804.99	1563.71	1248.94	825.42
Rent	1428.30	1708.38	1718.30	1762.19	1521.88	1216.05	785.55
Rent as pay	17.34	25.29	32.67	15.87	14.30	0.70	9.59
Maintenance, insurance and other expenses	23.76	19.63	26.27	26.92	27.53	32.19	30.29
Tenant's insurance	8.68	4.34	9.22	9.27	12.89	10.61	10.03
Maintenance and repair services	9.01	10.32	13.18	11.46	9.64	6.78	12.67
Repair or maintenance service	8.62	10.32	13.18	11.46	9.50	5.20	11.94
Materials for dwelling under construction and additions	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Repair & replace hard surface flooring	0.36	0.00	0.00	0.00	0.00	1.58	0.69
Repair of built-in appliances	0.03	0.00	0.00	0.00	0.14	0.00	0.05
Maintenance and repair comm	6.07	4.97	3.87	6.19	5.00	14.80	7.59
Paint, wallpaper, and supplies	1.19	0.85	1.39	1.12	2.22	1.63	1 10
Tools and equipment for painting and wallpapering	0.13	0.09	0.15	0.12	0.24	0.18	0.12
Materials for plast., panels, roofing, gutters, etc	0.68	1.43	0.34	0.94	0.69	0.81	0.56
Materials for patio, walk, fence, driveway, masonry, brick & stucco work	0.02	0.06	0.00	0.01	0.00	0.06	0.02

APPENDIX 1.—CONSUMER EXPENDITURE SURVEY (CES)—Continued

[By Income Before Taxes: Average annual expenditures and characteristics of all consumer units, Consumer Expenditure Survey 1988, Feb. 13, 1990]

Item	June 7, 1990						
	Total complete reporting	$10,000 to $14,999	$15,000 to $19,999	$20,000 to $29,999	$30,000 to $39,999	$40,000 to $49,999	$50,000 and over
Plumbing supplies and equipment	0.38	0.23	0.53	0.75	0.25	0.20	0.17
Electrical supplies, heat./cool. equip	0.92	1.10	0.16	0.03	0.11	8.91	0.01
Miscellaneous supplies/equipment	1.84	2.07	0.79	2.69	1.08	1.80	3.41
Materials for insulation, other maintenance and repair	0.58	0.51	0.73	0.49	0.56	0.67	0.72
Termite/pest control (cap. improvement) (renter)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Materials for additions, finish basements, remodeling rooms	1.08	1.44	0.07	1.89	0.26	0.24	2.69
Construction mtls jobs not started	0.18	0.12	0.00	0.31	0.26	0.89	0.00
Materials for hard surface flooring	0.14	0.00	0.46	0.26	0.00	0.52	0.00
Materials for landscape maintenance	0.76	0.14	0.03	0.27	0.42	0.68	2.21
Other lodging	446.79	328.64	211.23	343.13	515.57	592.04	1158.09
Owned vacation homes	78.26	147.93	26.59	48.70	89.46	52.59	199.82
Prepayment penalty charges (own vac)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Mortgage interest	48.65	124.50	5.47	31.06	51.05	23.57	117.74
Property taxes	16.90	12.09	14.93	9.58	21.13	16.99	45.43
Maintenance, insurance other expenses	12.71	11.34	6.19	8.06	17.28	12.03	36.65
Homeowners and related insurance	3.07	1.77	1.42	2.32	2.69	1.79	10.56
Homeowners insurance	3.04	1.54	1.42	2.32	2.69	1.79	10.51
Fire/extended coverage	0.03	0.22	0.00	0.00	0.00	0.00	0.05
Ground rent	3.33	0.90	3.95	1.64	6.88	1.26	9.64
Maintenance/repair services	5.52	8.06	0.71	3.83	6.37	8.30	14.44
Repair/remodeling (service)	5.52	8.06	0.71	3.83	6.37	8.30	14.44
Repair and replace hard surface floor	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Maintenance/repair comm	0.39	0.61	0.11	0.28	0.11	0.23	0.70
Paints, wallpaper, supplies	0.08	0.19	0.06	0.00	0.03	0.08	0.29
Tools/equipment for painting and wallpapering	0.01	0.02	0.01	0.00	0.00	0.01	0.03
Materials for plastering, panels, roofing, gutters dnspouts, siding wdows, drs., screens, and awnings	0.05	0.00	0.00	0.02	0.00	0.03	0.32
Materials for patio, walk, fence, drive, drive, masonry, brick, stucco	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Plumbing supplies/equipment	0.02	0.04	0.00	0.00	0.03	0.07	0.05
Electrical supplies, heat./cool equip	0.01	0.00	0.00	0.01	0.04	0.00	0.00
Miscellaneous supplies/equipment	0.01	0.00	0.05	0.02	0.00	0.04	0.00
Materials for insulation/other maint./repair	0.01	0.00	0.05	0.00	0.00	0.04	0.00
Materials for finishing basements remodeling rooms	0.00	0.00	0.00	0.02	0.00	0.00	0.00
Materials for hard surface floor	0.20	0.35	0.00	0.23	0.00	0.00	0.00
Materials for landscaping maintenance	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Property management and security	0.40	0.00	0.00	0.00	1.23	0.44	1.30

APPENDIX 1.—CONSUMER EXPENDITURE SURVEY (CES)—Continued

[By Income Before Taxes: Average annual expenditures and characteristics of all consumer units, Consumer Expenditure Survey 1988, Feb. 13, 1990]

Item	June 7, 1990						
	Total complete reporting	$10,000 to $14,999	$15,000 to $19,999	$20,000 to $29,999	$30,000 to $39,999	$40,000 to $49,999	$50,000 and over
Property management	0.40	0.00	0.00	0.00	1.23	0.44	1.30
Management and upkeep serv for securit	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Parking	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Expenses for other properties	154.47	101.84	74.84	137.28	169.04	223.95	390.55
Housing while attending school	35.48	3.69	3.44	17.58	30.76	35.15	118.12
Lodging while out of town	178.58	75.19	106.36	139.57	226.31	280.35	449.60
Utilities, fuels and public services	1726.29	1412.79	1542.51	1711.07	1924.68	2089.22	2593.19
Natural gas	232.22	212.96	214.65	215.34	246.68	276.67	354.61
Util.—Natural gas (renter)	50.85	73.43	66.38	52.66	42.66	34.00	19.84
Util.—Natural gas (own home)	180.07	139.37	147.88	161.65	200.38	242.17	329.43
Util.—Natural gas (own vac.)	1.22	0.16	0.30	0.97	0.49	0.50	5.32
Util.—Natural gas (rented vac.)	0.08	0.00	0.09	0.05	0.15	0.00	0.02
Electricity	700.08	578.32	608.01	695.11	801.49	859.67	1048.84
Electricity (renter)	169.94	222.94	196.59	197.41	178.88	122.29	74.86
Electricity (own home)	524.87	350.24	408.24	493.70	618.75	733.65	957.87
Electricity (own vac.)	5.03	4.75	2.86	3.92	3.40	3.70	15.87
Electricity (rented vac.)	0.25	0.39	0.32	0.09	0.45	0.02	0.25
Fuel oil and other fuels	94.02	76.70	81.76	99.42	92.78	114.59	128.02
Fuel oil	55.60	38.86	47.89	54.62	53.00	82.53	89.36
Fuel oil (renter)	5.21	5.93	6.49	5.91	6.38	3.26	4.78
Fuel oil (own home)	49.96	32.34	41.40	48.50	46.57	79.27	82.89
Fuel oil (own vac.)	0.38	0.59	0.00	0.21	0.05	0.00	1.69
Fuel oil (rented vac.)	0.06	0.00	0.00	0.00	0.00	0.00	0.00
Coal	3.50	6.85	0.57	6.20	3.64	5.23	0.33
Coal (renter)	0.55	1.20	0.20	0.94	0.98	0.00	0.00
Coal (own home)	2.95	5.66	0.37	5.26	2.66	5.23	0.33
Coal (own vac.)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Coal (rented vac.)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Bottled gas	24.48	22.49	23.52	28.34	23.75	17.90	23.47
Gas, bottled/tank (renter)	3.78	5.78	4.73	2.54	3.06	0.69	2.10
Gas, bottled/tank (own home)	18.58	15.77	17.30	24.49	19.10	12.94	15.42
Gas, bottled/tank (own vac.)	2.12	0.93	1.49	1.31	1.59	4.26	5.94
Gas, bottled/tank (rented vac.)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Wood and other fuels	10.43	8.49	9.77	10.26	12.38	8.93	14.87
Wood/other fuels (renter)	1.31	2.07	1.19	1.35	0.64	0.21	1.33
Wood/other fuels (own home)	9.05	6.42	8.57	8.71	11.74	8.64	13.42
Wood/other fuels (own vac.)	0.06	0.00	0.00	0.20	0.00	0.08	0.13
Wood/other fuels (rented vac.)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Telephone	528.79	425.98	507.41	539.06	590.21	601.80	769.38
Water and other public services	171.19	118.83	130.68	162.14	193.53	236.49	292.34
Water/sewerage maintenance	131.02	91.41	99.79	124.06	150.67	178.26	222.63
Water/sewer maintenance (renter)	18.53	20.04	17.05	22.99	18.20	15.51	8.91
Water/sewer maintenance (own home)	111.57	69.24	82.52	100.46	131.51	161.47	212.17
Water/sewer maintenance (own vac.)	0.83	1.83	0.22	0.52	0.96	1.29	1.43
Water/sewer maintenance (rented vac.)	0.09	0.30	0.00	0.08	0.00	0.00	0.13
Trash/garbage collection	38.67	26.89	29.90	37.16	40.93	55.27	65.76
Trash/garb. collection (renter)	5.28	5.02	4.95	7.21	4.98	5.00	2.97
Trash/garb. collection (own home)	33.31	21.88	24.79	29.91	35.69	50.26	62.64
Trash/garb. collection (own vac.)	0.08	0.00	0.16	0.04	0.25	0.00	0.15
Trash/garb. collection (rented vac.)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Septic tank cleaning	1.50	0.52	0.98	0.92	1.94	2.96	3.95
Septic tank cleaning (renter)	0.01	0.00	0.00	0.00	0.00	0.00	0.00
Septic tank cleaning (own home)	1.48	0.52	0.98	0.91	1.84	2.96	3.95
Septic tank cleaning (own vac.)	0.00	0.00	0.00	0.01	0.00	0.00	0.00
Septic tank cleaning (rented vac.)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Household operations	387.45	200.78	222.83	310.21	448.86	530.72	955.30
Personal services	176.53	82.78	119.28	166.06	275.08	311.41	321.27
Babysitting	74.62	42.11	58.03	85.19	133.19	114.65	115.47

APPENDIX 1.—CONSUMER EXPENDITURE SURVEY (CES)—Continued

[By Income Before Taxes: Average annual expenditures and characteristics of all consumer units, Consumer Expenditure Survey 1988, Feb. 13, 1990]

Item	June 7, 1990						
	Total complete reporting	$10,000 to $14,999	$15,000 to $19,999	$20,000 to $29,999	$30,000 to $39,999	$40,000 to $49,999	$50,000 and over
Care for elderly, invalids, handicapped, etc	11.66	3.93	0.55	4.58	1.46	0.47	24.66
Day care centers, nursery/preschools	90.25	36.75	60.69	76.28	140.43	196.28	181.13
Other household expenses	210.92	118.00	103.56	144.16	173.78	219.31	634.03
Housekeeping services	67.76	36.72	22.44	28.84	41.53	50.94	269.17
Gardening, lawn care service	49.60	27.27	22.86	30.40	31.13	53.69	159.01
Water softening service	2.81	2.73	0.76	2.19	2.95	4.10	7.63
Household laundry/dry cleaning, sent out (non-clothing) not coin-operated	1.63	1.04	0.41	1.66	2.63	2.53	3.39
Coin-operated household laundry/dry cleaning (non-cloth)	4.78	5.92	5.63	5.41	4.47	6.09	2.27
Other home services	17.86	4.29	9.02	12.39	13.96	13.96	60.11
Termite/pest control products	0.20	0.05	0.09	0.09	0.25	0.12	0.21
Moving, storage, freight express	26.46	10.87	10.32	23.78	32.08	46.84	56.17
Appliance repair, incl. service center	16.44	9.82	17.88	18.93	20.85	17.46	25.57
Reupholstering/furniture repair	13.85	10.37	5.31	13.68	15.55	11.69	32.30
Repairs/rentals of lawn/garden equipment hand/power tools,/other household equip.	5.92	4.16	4.59	4.90	6.20	9.08	13.38
Appliance rental	2.08	4.33	2.47	1.01	1.16	0.52	0.54
Rental of office equipment for non-business use	0.17	0.02	0.27	0.04	0.01	0.57	0.46
*Repair of miscellaneous household equipment and furnishings	0.48	0.00	1.32	0.19	0.02	0.94	0.59
Rental and installation of dishwashers, range hoods, and garbage disposals	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Housekeeping supplies	382.82	286.29	321.58	383.43	451.24	475.45	670.22
Laundry and cleaning supplies	106.44	80.46	104.37	109.27	131.66	129.47	162.63
*Soaps and detergents	62.10	47.30	60.50	63.11	78.35	77.19	89.28
*Other laundry cleaning products	44.33	33.16	43.87	46.16	53.30	52.28	73.35
*Other household products	157.48	125.55	115.86	149.94	183.61	201.65	316.09
*Cleansing and toilet tissue, paper towels and napkins	52.12	42.88	45.37	51.88	64.86	67.41	80.71
*Miscellaneous household products	67.89	47.17	44.38	58.26	85.63	108.96	139.90
*Lawn and garden supplies	37.47	35.50	26.12	39.79	33.12	25.27	95.48
*Postage and stationery	118.89	80.28	101.35	124.23	135.97	144.33	191.50
*Stationery, stationery supplies, giftwrap	54.40	30.49	36.05	45.35	55.09	74.49	105.20
*Postage	64.49	49.79	65.30	78.88	80.87	69.84	86.30
Housefurnishings and equipment	1102.32	552.14	720.38	982.28	1385.76	1612.00	2590.97
Household textiles	97.11	50.30	81.09	96.28	104.56	122.28	220.32
*Bathroom linens	13.69	5.45	19.92	9.71	18.83	13.05	30.80
*Bedroom linens	38.11	28.28	35.77	36.81	33.56	50.47	77.56
*Kitchen and dining room linens	5.74	4.52	2.63	4.03	6.56	7.12	15.73
*Curtains and draperies	26.56	5.34	12.12	28.90	26.44	39.44	71.25
*Slipcovers, decorative pillows	1.64	0.68	2.26	1.33	2.64	1.28	3.18
*Sewing materials for slipcovers, curtains other sewing materials for home use	10.32	4.80	7.95	14.65	15.39	9.43	19.15
Other linens	1.05	1.25	0.43	0.84	1.13	1.50	2.65
Furniture	319.44	139.36	204.72	261.90	378.37	433.38	861.57
Mattress and springs	41.86	18.62	32.81	39.28	57.01	62.91	93.05
Other bedroom furniture	39.75	13.71	29.56	22.88	52.21	62.05	107.77
Sofas	65.44	37.30	40.98	58.54	83.34	108.08	144.37
Living room chairs	35.91	24.89	27.22	40.43	31.79	44.77	80.20
Living room tables	20.16	6.73	15.46	15.21	26.54	27.03	50.94
Kitchen/dining room furniture	58.64	14.86	34.82	22.79	61.09	56.39	226.46
Infants' furniture	7.01	2.15	5.04	4.57	8.94	14.79	16.63
Outdoor furniture	12.57	1.62	3.51	12.51	10.65	19.59	41.43
Occasional furniture	38.12	19.48	15.32	45.67	46.80	37.77	100.73

APPENDIX 1.—CONSUMER EXPENDITURE SURVEY (CES)—Continued

[By Income Before Taxes: Average annual expenditures and characteristics of all consumer units, Consumer Expenditure Survey 1988, Feb. 13, 1990]

Item	June 7, 1990						
	Total complete reporting	$10,000 to $14,999	$15,000 to $19,999	$20,000 to $29,999	$30,000 to $39,999	$40,000 to $49,999	$50,000 and over
Floor coverings	70.23	18.41	29.79	74.77	110.80	113.46	164.89
Wall-to-wall carpet (renter)	2.41	5.97	2.25	2.15	3.86	2.30	0.40
Wall-to-wall carpet, installed. (renter)	1.73	5.73	1.18	0.70	3.14	1.74	0.11
Wall-to-wall carpet, not installed carpet squares (renter)	0.68	0.24	1.07	1.45	0.72	0.56	0.28
Wall-to-wall carpet (replacement) (own home)	42.57	7.88	22.82	47.02	42.12	67.79	119.96
Wall-to-wall carpet, not installed (replacement), carpet squares (own home)	3.04	0.00	1.67	2.54	5.12	1.77	10.38
Wall-to-wall carpet, installed (replacement) (own home)	39.53	7.88	21.16	44.48	37.00	66.02	109.58
*Room size rugs and other floor covering, non-permanent	25.25	4.56	4.71	25.60	64.82	43.36	44.54
Major appliances	172.90	107.05	138.91	169.54	213.08	240.59	328.70
Dishwashers (built-in) garbage disposals, range hoods, (renter)	0.24	0.14	0.00	0.13	0.00	1.78	0.28
Diswashers (built-in), garbage disposals range hoods, (own home)	10.05	2.93	8.48	9.60	10.34	17.42	24.58
Refrigerators/freezers (renter)	11.18	9.98	16.09	15.96	17.11	7.86	6.21
Refrigerators/freezers (own home)	39.29	12.75	24.85	37.05	50.93	48.84	96.50
Washing machines (renter)	6.56	8.33	5.97	6.26	7.85	5.99	7.42
Washing machines (own home)	17.96	8.84	12.50	16.47	23.46	26.73	32.83
Clothes dryers (renter)	4.18	5.20	4.27	2.33	5.33	9.24	4.43
Clothes dryers (own home)	10.35	3.96	8.24	9.93	13.04	22.44	17.97
Cooking stoves/ovens (renter)	2.87	3.80	0.69	4.28	8.30	2.05	0.50
Cooking stoves/ovens (own home)	19.55	8.87	11.48	14.47	26.94	30.02	47.04
Microwave ovens (renter)	4.47	6.49	6.79	5.39	5.42	6.13	1.75
Microwave ovens (own home)	9.81	3.73	7.84	9.58	13.37	11.76	23.72
Portable dishwasher (renter)	0.31	0.00	2.28	0.26	0.23	0.00	0.00
Portable dishwasher (own home)	1.33	1.60	0.00	0.96	0.00	3.87	4.10
Window air conditioners (renter)	2.43	2.03	1.99	4.99	0.60	0.52	0.54
Window air conditioners (own home)	8.23	8.15	6.37	5.72	8.06	3.73	17.42
Electric floor cleaning equipment	14.62	9.85	9.39	19.58	17.20	17.77	25.74
Sewing machines	6.08	4.29	9.26	6.21	2.84	8.29	13.83
*Miscellaneous household appliances	3.39	*6.12	2.43	0.39	2.08	16.15	3.82
Small appliances, misc. housewares	60.51	39.82	37.60	46.50	71.00	77.96	148.46
Housewares	39.14	25.14	21.57	26.52	45.46	47.51	105.70
Plastic dinnerware	1.83	1.88	0.75	1.96	1.66	3.77	3.11
China and other dinnerware	10.31	5.50	4.06	7.51	16.10	15.23	23.76
Flatware	3.44	1.31	1.62	3.30	2.32	3.40	11.15
*Glassware	9.79	2.40	3.19	4.54	11.70	9.13	36.70
*Silver serving pieces	0.27	1.17	0.01	0.03	0.05	1.04	0.11
Other serving pieces	1.36	0.72	1.22	1.19	1.11	1.49	3.23
*Nonelectric cookware	12.14	12.16	10.73	7.98	12.53	13.45	27.64
Small appliances	21.37	14.69	16.03	19.98	25.54	30.44	42.76
Small electric kitchen appliances	14.17	9.18	8.45	13.81	17.74	21.71	29.49
Portable heating/cooling equipment	7.20	5.50	7.58	6.17	7.80	8.73	13.26
Miscellaneous household equipment	382.11	197.19	228.27	333.29	507.95	624.34	867.02
Window coverings	13.72	6.79	5.05	11.17	14.42	17.90	42.34
*Infants' equipment	3.77	2.50	0.85	4.72	3.47	2.88	11.27
*Laundry and cleaning equip	8.52	3.29	10.67	6.53	12.57	7.17	20.96
Outdoor equipment	4.73	0.95	2.82	5.19	5.02	9.89	10.42
Clocks	5.46	1.68	10.69	4.27	3.57	7.24	10.26

APPENDIX 1.—CONSUMER EXPENDITURE SURVEY (CES)—Continued

[By Income Before Taxes: Average annual expenditures and characteristics of all consumer units, Consumer Expenditure Survey 1988, Feb. 13, 1990]

Item	June 7, 1990						
	Total complete reporting	$10,000 to $14,999	$15,000 to $19,999	$20,000 to $29,999	$30,000 to $39,999	$40,000 to $49,999	$50,000 and over
*Lamps and lighting fixtures	28.40	48.71	9.81	21.24	50.72	42.07	46.18
*Other household decorative items	80.30	34.55	27.19	64.72	147.93	129.25	186.25
*Telephones and accessories	7.25	2.85	1.81	8.51	6.18	4.09	23.72
Lawn and garden equipment	49.12	12.59	51.04	40.12	60.08	100.17	92.96
Power tools	14.39	4.43	4.76	19.44	15.74	26.15	31.17
*Small misc. furnishings	3.39	0.04	0.00	1.23	19.77	2.50	3.08
*Hand tools	13.67	3.23	6.51	12.61	23.57	42.42	18.17
*Indoor plants, fresh flowers	41.42	25.97	31.91	24.78	34.12	74.01	110.87
*Closet and storage items	4.62	0.89	0.73	1.25	4.26	4.50	18.01
Furniture rental	3.02	2.83	3.13	2.49	1.75	2.14	3.24
Luggage	8.72	1.79	6.85	6.02	9.30	14.24	23.99
Computers for home use	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Telephone answering devices	4.23	1.77	3.22	3.95	3.81	8.37	8.57
Calculators	1.99	1.30	1.24	1.72	2.23	3.74	3.12
Business equipment for home use	6.20	1.88	3.84	5.13	9.35	7.42	15.40
*Other hardware	6.95	3.22	6.91	8.51	5.72	7.15	18.71
Smoke alarms (own home)	0.54	0.04	1.50	0.53	0.90	0.64	0.55
Smoke alarms (renter)	0.15	0.00	0.05	0.23	0.06	0.02	0.61
Smoke alarms (own vac.)	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Other household appliances (own home)	4.25	3.99	1.52	4.45	2.27	7.43	9.60
Other household appliances (renter)	1.35	2.61	4.35	2.07	0.54	0.68	0.12
*Miscellaneous hsehold equipment and part	18.73	14.19	7.56	20.24	27.91	25.99	37.99
Apparel and services	1537.27	886.12	1085.66	1406.15	1847.24	2396.00	3154.03
Men and boys	400.67	196.95	260.75	349.53	429.04	666.47	943.93
Men, 16 and over	318.80	142.16	202.12	271.44	340.48	533.15	772.68
Men's suits	41.20	15.86	13.23	30.69	36.93	63.99	133.12
Men's sportcoats	15.57	3.80	5.33	7.90	17.97	25.65	53.04
*Men's coats and jackets	29.30	8.90	10.79	22.27	26.54	54.07	86.61
*Men's underwear	9.72	9.49	9.05	7.71	13.05	10.40	17.16
*Men's hosiery	10.34	8.58	9.08	9.30	11.24	20.53	17.50
*Men's nightwear	2.89	1.31	0.88	4.49	4.01	1.80	6.37
*Men's accessories	22.88	10.30	14.64	15.23	20.45	47.19	56.32
Men's sweaters and vests	17.65	7.09	7.08	13.16	18.88	25.26	50.07
Men's active sportswear	12.10	4.80	5.65	11.75	13.46	18.24	29.17
*Men's shirts	74.17	45.37	55.60	68.02	88.29	133.41	139.09
*Men's pants	70.76	22.61	60.87	65.68	75.41	105.22	163.08
*Men's shorts/short sets	8.29	2.05	6.73	12.56	9.31	20.61	12.89
Men's uniforms	3.16	4.22	2.88	2.05	4.00	6.58	6.18
Men's other clothing	0.77	0.80	0.31	0.62	0.95	0.18	2.09
Boys', 2 to 15	81.86	54.79	58.63	78.09	88.56	133.33	171.25
*Boys' coats and jackets	9.48	1.51	13.68	10.54	5.87	10.64	23.83
Boys' sweaters	3.73	2.44	2.14	2.37	5.37	3.86	8.97
*Boys' shirts	20.55	11.99	14.46	15.76	26.30	45.42	39.42
*Boys' underwear	1.55	0.53	0.89	1.61	4.81	1.15	2.25
*Boys' nightwear	2.79	2.28	1.04	4.28	3.30	6.20	2.71
*Boys' hosiery	3.99	4.43	3.84	4.63	3.97	2.81	7.29
*Boys' accessories	2.77	0.27	1.74	1.61	1.39	6.89	7.66
*Boys' suits, sportcoats, vests	3.00	1.85	0.38	2.93	1.45	11.49	6.29
*Boys' pants	24.70	25.03	16.95	26.51	23.64	25.99	53.32
*Boys' shorts, short sets	3.91	1.70	0.58	3.69	5.66	8.08	6.96
Boys' uniforms/active sportwear	5.10	2.59	2.69	3.84	6.38	10.48	11.92
Boys' other clothing	0.29	0.17	0.22	0.31	0.43	0.32	0.63
Women and girls	608.90	353.66	425.05	550.45	771.19	950.02	1,190.33
Women, 16 and over	509.83	281.24	376.82	458.04	648.56	773.35	992.62
*Women's coats and jackets	33.49	9.89	12.77	21.91	41.71	80.18	66.72
*Women's dresses	83.27	47.32	56.32	65.67	81.62	111.38	185.83
*Women's sportcoats, tail. jkts	0.84	0.19	0.68	0.04	0.11	2.69	1.44

APPENDIX 1.—CONSUMER EXPENDITURE SURVEY (CES)—Continued

[By Income Before Taxes: Average annual expenditures and characteristics of all consumer units, Consumer Expenditure Survey 1988, Feb. 13, 1990]

Item	June 7, 1990						
	Total complete reporting	$10,000 to $14,999	$15,000 to $19,999	$20,000 to $29,999	$30,000 to $39,999	$40,000 to $49,999	$50,000 and over
*Women's vests and sweaters	36.74	23.54	35.67	42.26	35.17	62.71	63.75
*Women's shirts, tops, blouses	85.55	43.28	80.86	72.57	113.40	126.51	156.36
*Women's skirts	29.28	17.84	18.33	25.37	22.72	59.17	65.45
*Women's pants	66.85	33.21	51.28	64.99	108.85	94.87	107.29
*Women's shorts, shorts sets	14.23	10.23	11.73	11.30	21.45	27.91	22.87
*Women's active sportswear	23.13	13.05	13.34	24.37	46.07	37.59	33.33
*Women's sleepwear	22.57	14.68	22.62	23.09	28.70	16.87	49.94
*Women's undergarments	24.38	16.17	21.05	21.01	35.71	28.83	45.68
Women's hosiery	25.85	17.40	22.30	25.51	32.18	34.56	46.47
Women's suits	28.04	14.06	9.24	24.03	36.52	32.30	75.08
*Women's accessories	34.46	20.38	20.56	32.04	43.27	54.45	72.36
*Women's uniforms	1.15	0.01	0.06	3.88	1.06	3.32	0.05
*Women's other clothing	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Girls, 2 to 15	99.08	72.42	48.23	92.41	122.63	176.67	197.71
Girls' coats and jackets	7.95	4.80	3.68	10.81	8.51	12.90	13.03
Girls' dresses, suits	12.02	7.84	8.53	10.60	14.15	20.78	24.03
*Girls' shirts/blouses/sweater	30.19	20.94	4.47	28.93	36.40	55.73	67.22
Girls' skirts, pants	16.37	11.46	12.37	15.81	23.92	24.70	27.91
Girls' shorts, shorts sets	6.41	4.52	5.81	7.25	7.10	12.03	9.62
*Girls' active sportswear	9.32	9.69	3.04	6.23	9.77	22.73	19.94
Girls' underwear and sleepwear	5.92	4.52	4.77	5.32	8.10	8.51	11.05
*Girls' hosiery	4.88	3.68	3.11	3.94	7.41	11.90	6.67
*Girls' accessories	4.08	4.34	2.19	2.18	3.59	5.04	12.81
Girls' uniforms	1.46	0.39	0.23	0.81	2.79	1.17	4.59
Girls' other clothing	0.48	0.25	0.05	0.53	0.87	1.19	0.84
Children under 2	63.60	41.35	40.49	68.75	96.77	104.17	95.15
Infant coat/jacket/snowsuit 9b	3.02	1.59	2.64	2.53	5.41	3.43	4.94
Infant coat/jacket/snowsuit 9a	0.15	0.00	0.04	0.17	0.25	0.35	0.24
Infant dresses/outerwear 9b	14.57	9.48	10.69	16.01	19.55	21.14	25.84
Infant dresses/outerwear 9a	0.41	0.43	0.21	0.34	0.66	0.50	0.79
*Infants' underwear	36.68	25.00	21.97	40.50	58.19	65.47	47.23
Infant nightwear/loungewear 9b	3.13	2.02	1.45	3.83	4.73	4.36	5.20
Infant nightwear/loungewear 9a	0.06	0.01	0.00	0.10	0.07	0.12	0.12
Infant other clothing	2.10	1.42	1.31	1.57	2.80	3.21	4.66
Infant accessories 9b	3.06	1.25	1.81	3.48	4.31	4.82	5.33
Infant accessories 9a	0.00	0.00	0.00	0.01	0.02	0.01	0.00
Infant hosiery	0.41	0.17	0.37	0.22	0.76	0.76	0.80
*Footwear	204.13	141.42	205.46	203.00	253.61	332.12	299.98
*Men's, footwear	62.95	41.07	76.93	78.61	78.10	109.06	72.77
*Boys', footwear	18.19	16.18	9.58	16.18	30.82	14.64	32.55
*Women's footwear	104.54	64.84	110.99	97.66	124.35	156.11	162.71
*Girls' footwear	18.46	19.33	7.97	10.56	20.33	52.31	31.94
Other apparel products and services	259.97	152.73	153.92	234.41	296.64	343.22	624.63
Material for making clothes	8.12	6.03	5.93	9.10	8.26	10.87	15.93
Sewing patterns and notions	2.15	1.44	1.04	2.22	2.75	2.87	3.65
Watches	21.65	13.67	15.33	17.82	29.45	32.67	45.59
Jewelry	110.35	54.93	47.33	94.40	127.09	153.93	318.74
Shoe repair, other shoe service	3.46	1.31	2.01	3.19	4.34	4.75	8.11
Coin-operated apparel laundry/dry clean	34.25	43.52	46.88	41.09	28.11	27.33	12.67
Apparel alteration and repair	6.05	3.29	2.54	4.69	6.48	6.95	16.68
Clothing rental	4.77	2.56	2.20	7.80	5.77	4.83	8.96
Watch and jewelry repair	5.72	2.66	3.10	5.51	8.94	10.91	10.88
Apparel laundry/dry clean not coin oper	62.72	23.14	27.47	47.83	74.68	86.84	181.00
Clothing storage	0.75	0.19	0.10	0.77	0.78	1.26	2.42
Transportation	5,140.21	3,127.01	3,840.91	5,302.92	6,704.50	7,779.21	9,714.71
Vehicle purchases (net outlay)	2,388.19	1,413.38	1,745.63	2,485.58	3,248.39	3,839.91	4,573.46

APPENDIX 1.—CONSUMER EXPENDITURE SURVEY (CES)—Continued

[By Income Before Taxes: Average annual expenditures and characteristics of all consumer units, Consumer Expenditure Survey 1988, Feb. 13, 1990]

Item	June 7, 1990						
	Total complete reporting	$10,000 to $14,999	$15,000 to $19,999	$20,000 to $29,999	$30,000 to $39,999	$40,000 to $49,999	$50,000 and over
Cars and trucks, new	1,391.73	565.06	984.79	1,223.08	1,894.51	2,685.18	3,007.38
New cars	991.60	472.12	675.40	782.66	1,565.37	1,777.93	2,163.34
New trucks	400.13	92.94	309.39	440.42	329.13	907.25	844.04
Cars and trucks, used	971.12	831.68	750.44	1,221.87	1,330.29	1,132.30	1,504.86
Used cars	754.27	641.07	616.47	863.43	974.26	926.36	1,287.37
Used trucks	216.85	190.61	133.97	358.44	356.03	205.94	217.49
Other vehicles	25.34	16.65	10.40	40.63	23.59	22.43	61.22
New motorcycles	5.21	0.00	0.00	15.11	0.00	0.55	15.23
New aircraft	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Used motorcycles	15.86	16.65	10.40	25.53	23.59	21.88	17.57
Used aircraft	4.27	0.00	0.00	0.00	0.00	0.00	28.42
Gasoline and motor oil	933.90	639.11	801.58	974.84	1,189.53	1,328.42	1,459.88
Gasoline	812.03	563.62	700.74	860.76	1,037.67	1,152.21	1,237.62
Diesel fuel	12.01	5.55	5.31	7.50	16.98	13.33	35.10
Gasoline on out of town trips	96.47	58.26	82.01	92.50	118.25	145.52	171.41
*Gasahol	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Motor oil	12.55	10.76	12.86	13.24	15.80	16.23	14.25
Motol oil on out of town trips	0.85	0.91	0.66	0.83	0.82	1.13	1.49
Other vehicle expenses	1,552.56	922.69	1,137.30	1,603.36	1,972.84	2,290.12	3,046.42
Vehicle finance charges	284.70	107.09	172.61	293.49	397.69	485.81	611.95
Automobile finance charges	196.25	83.07	140.63	200.40	275.36	306.48	412.11
Truck finance charges	71.94	21.29	29.70	77.35	107.00	155.35	144.14
Motorcycle and plane finance charges	1.67	0.12	0.39	1.51	3.20	4.92	2.34
Other vehicle finance charges	14.85	2.61	1.89	14.24	12.13	19.06	53.37
Maintenance and repairs	568.66	405.19	449.94	610.06	656.51	783.55	1,055.81
Coolant/additives/brakes, trans fluids	7.15	5.91	7.62	7.65	8.94	9.47	8.01
Tires	86.22	55.96	70.42	84.47	115.02	134.28	144.92
*Parts/equip/accessories	86.80	99.08	46.21	92.07	110.88	99.54	169.51
*Vehicle products	3.92	2.28	2.52	4.57	6.07	5.55	7.35
*Misc. auto repair/servicing	17.18	9.56	10.82	27.74	18.43	28.65	24.87
Body work	34.71	22.67	29.98	38.37	32.79	33.62	84.44
Clutch, transmission repair	34.54	16.04	32.54	41.79	43.59	42.05	61.22
Drive train repair	7.58	1.64	4.70	12.07	6.41	10.31	16.45
Brake work	33.05	19.72	23.74	32.66	38.01	48.21	61.30
Steering repair	11.64	7.18	10.27	12.11	10.17	23.19	18.63
Cooling system repair	22.87	17.79	23.71	21.85	24.60	31.59	42.28
Motor tune-up	40.07	26.28	29.50	35.55	42.71	54.54	91.82
Lubrication, oil change	24.67	17.90	21.17	24.21	30.88	32.99	45.55
Front end alignment, wheel balance	9.30	4.12	8.02	9.91	12.59	11.68	18.51
Shock absorber replacement	6.01	2.55	3.04	7.11	5.80	7.10	15.43
Brake adjustment	4.75	1.22	3.57	4.86	5.29	6.43	11.02
*Gas tank repair, replacement	0.09	0.00	0.01	0.01	0.01	0.02	0.52
Minor repair/serve out-of-town trip	1.92	0.42	0.77	2.78	1.01	5.41	2.84
Repair tires and other repair work	29.23	18.16	24.27	31.48	33.68	43.76	48.81
Exhaust system repair	14.55	6.71	18.06	16.15	16.86	22.09	19.92
Electrical system repair	20.35	12.22	15.61	22.14	19.66	34.50	34.88
Motor repair/replacement	63.53	51.77	55.00	71.06	62.61	82.11	112.89
Auto repair service policy	8.54	6.01	8.38	9.44	10.51	16.46	14.61
Vehicle insurance	515.06	314.32	409.50	544.70	665.71	728.25	958.57
Vehicle rental licenses and other charges	184.14	96.11	105.26	155.11	252.94	292.51	420.08
Leased and rented vehicles	68.54	25.20	27.47	42.79	96.33	124.51	195.33
Auto rental	44.36	19.82	22.04	28.67	65.00	90.57	110.70
Auto rental, out-of-town trips	6.78	4.07	3.64	4.97	5.28	15.25	18.62
Truck rental	12.51	0.54	1.21	6.70	22.25	13.41	45.18
Truck rental, out-of-town trip	3.99	0.77	0.23	1.77	2.33	4.78	17.45
Motorcycle rental	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Aircraft rental	0.47	0.00	0.00	0.09	1.45	0.26	1.54
Motorcycle rental out-of-town	0.04	0.00	0.00	0.00	0.00	0.00	0.26

APPENDIX 1.—CONSUMER EXPENDITURE SURVEY (CES)—Continued

[By Income Before Taxes: Average annual expenditures and characteristics of all consumer units, Consumer Expenditure Survey 1988, Feb. 13, 1990]

Item	June 7, 1990						
	Total complete reporting	$10,000 to $14,999	$15,000 to $19,999	$20,000 to $29,999	$30,000 to $39,999	$40,000 to $49,999	$50,000 and over
Aircraft rental/out-of-town trips	0.40	0.00	0.35	0.59	0.01	0.22	1.58
State/local registration	67.04	45.21	49.91	70.39	96.23	99.31	112.03
Drivers license	6.59	5.47	6.43	6.62	9.23	7.71	9.58
Vehicle inspection	6.33	5.13	4.52	6.17	8.61	9.70	9.56
Parking fees	20.50	8.41	7.38	14.30	23.35	30.90	59.74
*Tolls	5.96	0.92	2.04	6.67	6.82	7.92	18.48
Tolls on out-of-town trips	4.12	1.80	2.31	3.79	5.39	6.29	9.05
Towing charges	5.05	3.97	5.21	4.38	6.97	6.18	6.32
Public transportation	265.56	151.82	156.40	239.14	293.73	320.76	634.96
Airline fares	176.01	79.22	89.55	158.79	193.56	232.90	471.55
Intercity bus fares	14.30	11.67	7.13	12.41	27.86	10.82	14.74
Intracity mass transit fares	41.07	44.70	42.94	38.53	32.98	34.12	64.33
Local trans. out of town trips	0.54	0.20	0.15	0.50	0.65	1.04	1.21
Taxi fares on trips	4.86	1.76	1.32	4.47	5.86	9.39	10.88
Taxi fares	5.89	5.76	5.59	6.42	8.41	3.74	7.36
Intercity train fares	9.04	3.31	6.07	8.18	4.87	14.49	22.78
Ship fares	13.00	4.30	3.37	9.46	19.05	12.55	39.62
School bus	0.86	0.91	0.29	0.38	0.49	1.70	2.48
Health care	1282.43	1385.50	1299.71	1328.49	1367.25	1531.77	1568.44
Health insurance	473.36	480.42	474.00	537.14	475.48	543.90	518.80
Commercial health insurance	165.28	118.03	170.96	208.24	195.72	255.42	207.76
Blue Cross/Blue Shield	116.52	120.47	102.86	127.18	114.09	111.37	146.61
Health maintenance plans (HMO's)	48.48	27.40	44.11	57.95	67.51	84.53	66.81
Medicare payments	78.60	130.87	101.55	71.71	41.13	31.51	32.52
Commercial medicare supplements and other health insurance	64.48	83.66	54.53	72.07	57.02	61.07	65.10
Medical services	512.73	587.65	540.82	487.31	551.59	676.69	701.33
Physician's services	149.19	147.96	158.15	160.54	202.90	205.76	154.17
Dental services	150.89	111.17	96.11	150.62	192.81	211.77	291.66
Eye care services	22.70	25.67	11.56	24.89	24.45	24.55	37.32
Service by other than physicians	22.62	11.11	10.65	32.64	33.87	28.23	37.72
Lab test, xrays	26.78	23.57	29.34	26.95	25.75	28.61	43.93
Nurse, therapy/misc medical service	4.21	1.24	−3.70	1.59	1.80	1.01	20.02
Hospital room	54.96	72.02	71.99	50.56	28.43	95.50	82.57
Hospital services other than room	26.61	57.38	52.02	28.85	22.89	39.94	−0.69
Care in convalescent or nursing home	40.86	129.58	105.34	4.48	2.60	18.57	14.65
*Repair of medical equipment	0.05	0.00	0.00	0.00	0.00	0.00	0.00
Other medical care services	13.86	7.94	9.35	6.19	16.09	22.77	20.00
Drugs	225.28	255.13	228.07	243.50	250.24	216.93	231.03
*Non-prescription drugs	65.79	71.19	57.80	74.26	86.34	75.99	72.99
Prescription drugs	159.49	183.94	170.27	169.24	163.91	140.94	158.04
Medical supplies	71.06	62.30	56.83	60.54	89.93	94.24	117.28
Eyeglasses	45.18	38.08	36.80	44.92	56.67	64.90	76.60
*Topicals and dressing	14.40	11.82	10.29	11.38	19.22	24.24	25.72
Medical equipment for general use	5.29	4.78	4.32	1.83	4.67	4.14	5.12
Supportive/conval med. equip	5.70	7.46	4.81	2.02	8.91	0.65	9.30
Rental of medical equipment	0.50	0.16	0.61	0.38	0.47	0.31	0.55
*Hearing aids	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Entertainment	1348.90	802.34	856.00	1191.35	1510.43	1994.64	3148.34
Fees and admissions	351.99	139.16	185.75	309.51	419.64	525.52	879.59
Recreation expenses, out of town trips	17.85	6.68	9.72	19.86	20.46	28.40	38.78
Club membership dues and fees	76.68	31.73	44.57	57.91	79.31	90.82	230.17
Fees for participation sports	46.90	22.19	29.18	46.82	63.52	68.77	102.29
Participant sports out-of-town trips	18.96	5.94	9.50	15.44	23.16	34.10	44.73
Movie, theater, opera, ballet	61.08	29.29	33.53	50.31	70.94	82.33	149.40

APPENDIX 1.—CONSUMER EXPENDITURE SURVEY (CES)—Continued

[By Income Before Taxes: Average annual expenditures and characteristics of all consumer units, Consumer Expenditure Survey 1988, Feb. 13, 1990]

Item	June 7, 1990						
	Total complete reporting	$10,000 to $14,999	$15,000 to $19,999	$20,000 to $29,999	$30,000 to $39,999	$40,000 to $49,999	$50,000 and over
Movie, oth admissions out of town	25.91	9.78	14.04	28.74	35.89	37.17	52.04
Admission to sporting events	19.63	7.38	9.75	17.81	18.39	41.10	46.63
Admission to sports events out-of-town	25.91	9.78	14.04	28.74	35.89	37.17	52.04
Fees for recreational lessions	41.23	9.71	11.70	24.00	51.63	77.27	124.72
Oth ent serv, out-of-town trip	17.85	6.68	9.72	19.86	20.46	28.40	38.78
Television, radios and sound equipment	422.50	296.54	322.08	416.12	493.78	576.29	788.05
Televisions	295.95	228.52	244.28	299.91	344.82	398.08	509.85
Community antenna or cable tv	137.94	110.11	118.89	142.38	161.32	184.08	218.51
*Black and white tv	2.84	0.65	0.00	1.95	0.00	0.00	16.41
Color tv—console	23.60	16.77	20.77	28.58	27.00	24.27	31.30
Color tv—portable/table model	43.50	36.42	37.50	48.29	39.51	54.93	71.38
Vcr's/video disc players	47.70	38.08	36.49	41.57	69.42	66.10	95.51
Video cassettes/tapes/discs	13.44	8.31	8.72	11.97	18.39	21.56	28.99
Video games hardware/software	14.88	5.40	7.91	16.27	17.25	31.40	29.94
Repair of tv/radio/sound equipment	10.43	8.54	11.52	8.32	10.43	15.74	17.75
Rental of televisions	1.61	4.24	2.48	0.57	1.49	0.00	0.04
Radios, sound equipment	126.55	68.03	77.80	116.21	148.96	178.21	278.21
*Radios	4.84	1.81	1.57	3.99	7.25	8.26	11.80
*Phonographs	0.53	0.00	0.00	0.00	0.00	0.40	3.36
*Tape recorders and players	10.50	7.02	7.43	0.51	0.96	9.12	27.49
Sound components/component systems	28.64	22.73	17.34	35.08	23.87	45.24	62.93
*Misc sound equipment	0.16	0.55	0.09	0.00	0.24	0.00	0.35
*Sound equip accessories	4.29	1.46	1.12	12.72	4.33	1.68	6.77
Record/tape club	4.17	2.18	4.62	3.63	7.45	6.14	5.91
Records, tapes, needles, styli	25.86	14.32	15.10	20.10	29.81	39.90	57.19
Rental of vcr/radio/sound equip	1.59	0.70	1.56	1.98	1.54	0.39	1.40
Musical instruments/accessories	20.58	3.32	12.63	13.86	37.81	24.77	53.28
Rent/repair music instruments	2.12	0.30	1.16	1.62	1.95	4.09	5.25
Rental of video cass./tapes/disc/films	23.27	13.65	15.18	22.74	33.76	38.22	42.49
Pets, toys and playground equip	242.26	134.73	182.82	234.32	336.90	354.45	457.26
Pets	136.31	77.25	119.89	125.55	183.79	180.89	259.08
*Pet food	66.61	53.55	46.56	63.13	93.51	83.41	108.50
*Pet-purch/supplies/medicine	25.23	5.71	43.99	24.37	29.83	28.53	49.96
Pet services	10.64	4.26	4.40	9.06	14.74	19.11	26.24
Vet services	33.84	13.73	24.94	28.99	45.71	49.75	74.38
Toys, games, hobbies, and tricycles	102.96	57.26	62.55	107.09	149.80	167.96	187.24
Playground equipment	2.98	0.22	0.38	1.69	3.31	5.69	10.94
Other entertainment supplies, equip., serv.	332.16	231.90	165.36	231.39	260.12	538.39	1023.44
Unmotor boats and trailers	24.02	2.29	0.00	22.31	7.09	46.24	96.99
Boats w/o motor/boat trailers	18.32	1.83	0.00	18.35	4.76	33.83	73.57
Trailer/other attachable campers	5.70	0.46	0.00	3.96	2.34	12.41	23.42
Powered sports vehicles	137.44	168.02	56.37	51.83	40.89	217.35	510.44
Motorized camper coach/other vehicles	38.79	83.50	11.55	1.65	28.53	22.53	134.38
Purchase of boat with motor	98.65	84.52	44.82	50.19	12.36	194.81	376.06
Rental of sports vehicles	2.33	0.00	1.06	1.43	1.14	3.90	8.13
Rental non-camper trailer	0.06	0.00	0.00	0.23	0.02	0.00	0.09
Boat/trailer rent out of town	0.94	0.00	0.50	0.02	0.69	3.17	1.94

APPENDIX 1.—CONSUMER EXPENDITURE SURVEY (CES)—Continued

[By Income Before Taxes: Average annual expenditures and characteristics of all consumer units, Consumer Expenditure Survey 1988, Feb. 13, 1990]

Item	June 7, 1990						
	Total complete reporting	$10,000 to $14,999	$15,000 to $19,999	$20,000 to $29,999	$30,000 to $39,999	$40,000 to $49,999	$50,000 and over
Rental camper/oth vehicles on trips	0.58	0.00	0.52	0.30	0.24	0.57	2.51
Rental of boat	0.23	0.00	0.04	0.00	0.00	0.16	1.42
Rental of campers oth r.v	0.52	0.00	0.00	0.87	0.19	0.00	2.17
Outboard motors	1.28	1.43	1.35	0.11	0.51	0.22	5.79
Docking/landing fees	5.33	0.17	2.51	3.30	3.12	5.73	20.20
Sports equipment	86.67	27.99	52.35	82.59	113.75	136.51	211.99
Athletic gear/game tables/ex. equip	34.85	9.06	26.36	33.84	38.39	61.59	85.92
Bicycles	12.28	5.80	6.60	12.50	17.62	20.21	23.55
Camping equipment	3.26	1.35	1.33	1.45	4.94	4.43	9.21
Hunting and fishing equipment	15.91	5.09	11.57	15.40	22.84	24.90	36.25
Winter sport equipment	4.86	0.94	2.24	3.99	5.69	3.92	16.95
Water sport and misc. sport equipment	13.20	3.66	4.03	12.31	22.46	17.71	34.87
Rental/repair of misc sports equipment	2.31	2.09	0.22	3.09	1.80	3.76	5.25
Photographic equipment and supplies	69.61	28.16	48.35	67.06	83.07	119.31	157.10
Film	19.96	9.29	13.73	20.05	22.90	32.28	43.61
*Other photographic supplies	0.64	2.38	1.01	0.26	0.15	0.24	1.17
Film processing	25.21	10.72	15.21	23.97	28.28	41.48	59.82
Rent/repair photo equipment	0.24	0.05	0.42	0.30	0.27	0.34	0.47
Photographic equipment	15.43	5.16	7.28	13.04	20.47	25.46	40.91
*Photographer fees	8.12	0.56	10.71	9.45	11.00	19.51	11.12
*Fireworks	0.51	0.99	0.26	0.00	0.00	0.00	2.37
*Souvenirs	0.44	0.00	0.00	0.00	0.49	0.38	2.15
*Visual goods	0.76	0.00	0.00	0.42	0.67	0.00	3.83
*Pinball, electronic video games	3.78	2.87	3.11	2.34	9.38	8.74	4.45
Personal care products and services	345.68	249.04	282.21	324.70	420.30	478.79	651.43
Personal care products	179.05	136.69	166.87	169.79	198.77	245.49	335.33
*Hair care products	40.57	34.79	36.67	37.36	41.43	56.30	77.75
*Non-elec articles for the hair	4.26	3.55	2.64	5.57	4.31	6.79	8.37
Wigs and hairpieces	1.07	0.47	0.91	0.59	1.50	0.34	2.71
*Oral hygiene products, articles	18.16	13.60	18.18	16.89	22.18	22.44	29.63
*Shaving needs	8.49	8.31	12.14	8.22	9.09	11.31	13.16
*Comestic, perfume, bath prep	77.63	55.67	73.62	72.41	90.11	102.03	148.23
*Deodorant, feminie hygiene, misc. pers car	23.52	17.79	19.75	23.84	22.08	38.47	43.65
Electric personal care appliances	5.35	2.51	2.95	4.92	8.07	7.80	11.83
Personal care services	166.63	112.35	115.34	154.91	221.54	233.30	316.10
*Personal care services/females	89.35	61.33	58.80	83.46	127.40	112.04	174.08
Personal care services/males	77.12	50.83	56.42	71.27	93.93	120.95	141.78
Repair of personal care applicances	0.16	0.19	0.11	0.18	0.21	0.31	0.24
Reading	152.49	93.38	113.87	142.11	185.46	229.92	287.41
Newspapers	63.99	47.96	53.05	63.85	72.82	84.18	105.97
Magazines	38.92	21.42	31.03	38.54	45.36	65.91	71.63
*Newsletters	0.04	0.00	0.00	0.00	0.00	0.42	0.00
Book thru book clubs	10.63	6.87	8.72	8.86	15.44	16.33	21.60
Books not thru book clubs	35.24	16.73	20.13	28.28	48.03	54.12	79.39
Encyclopedia and oth sets of refer books	3.67	0.40	0.95	2.57	3.81	8.97	8.81
Education	324.43	187.02	118.84	190.35	322.81	349.24	835.73
Sch books, supp for day care, nursery, oth	2.52	1.44	1.58	1.30	6.04	2.25	4.76
College tuition	176.75	91.59	47.50	99.69	186.76	125.89	458.90
Elementary/high school tuition	53.20	6.10	10.62	25.10	34.39	97.91	204.78
Other school tuition	15.29	8.32	17.55	9.00	13.94	21.58	31.48
Oth school expenses incl rentals	15.78	14.42	10.07	10.77	13.45	22.64	33.02
Sch bks/supplies for college	26.56	25.25	17.75	16.63	24.53	16.65	41.08
Sch bks/supp for elem/high sch	6.23	5.70	3.25	5.64	7.82	9.59	11.28
*School supplies, etc.—unspecified	28.10	34.20	10.53	22.22	35.87	52.73	50.44
Tobacco products and smoking supplies	242.33	221.48	250.05	262.82	292.87	249.43	270.28

APPENDIX 1.—CONSUMER EXPENDITURE SURVEY (CES)—Continued

[By Income Before Taxes: Average annual expenditures and characteristics of all consumer units, Consumer Expenditure Survey 1988, Feb. 13, 1990]

Item	June 7, 1990						
	Total complete reporting	$10,000 to $14,999	$15,000 to $19,999	$20,000 to $29,999	$30,000 to $39,999	$40,000 to $49,999	$50,000 and over
Cigarettes	224.61	197.67	235.29	244.22	273.20	230.82	251.80
Other tobacco products	15.28	15.85	13.94	16.00	17.99	17.73	17.12
*Smoking accessories	2.44	7.96	0.82	2.60	1.69	0.88	1.37
*Marijuana	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Miscellaneous	597.58	345.77	474.63	553.17	769.62	811.02	1182.12
*Miscellaneous fees, parimutuel losses	38.61	20.23	56.87	26.40	62.29	47.69	76.50
Legal fees	104.50	81.84	49.27	109.06	133.34	62.67	255.98
Funeral expenses	49.32	44.70	82.98	57.05	13.57	49.05	18.62
Safety deposit box rental	5.69	4.05	3.61	5.05	5.86	6.20	12.59
Checking accounts, oth bank services	25.19	16.23	26.64	28.95	33.62	38.14	31.99
Cemetery lots or vaults	17.66	14.30	25.91	12.86	13.74	12.52	18.29
Accounting fees	39.87	18.96	20.72	33.62	52.32	47.89	93.19
*Miscellaneous personal services	23.02	14.53	16.61	12.43	39.32	40.69	47.86
Finance chgs. excl. mortgage veh	203.45	89.63	149.53	217.35	284.11	321.25	408.61
Occupational expenses	90.26	41.30	42.48	50.40	131.46	184.94	218.49
Cash contributions	730.19	352.83	486.72	529.28	781.16	956.30	2102.92
Cash contri non-CU memb, inclu alimony and students at college (Sec 22)	179.06	64.23	108.84	127.13	209.98	235.99	549.04
Gifts non-CU members	149.99	70.48	52.77	109.45	161.57	162.57	485.66
Contributions to charities	69.16	13.23	38.96	32.84	65.78	99.80	244.53
Contributions to church	295.54	197.57	276.14	242.30	322.49	423.81	661.17
Contributions to educa. organizations	17.97	1.07	2.76	2.95	12.56	12.48	89.44
Political contributions	7.29	0.89	1.75	2.38	6.73	10.74	30.82
Other contributions	11.18	5.37	5.50	12.23	2.05	10.90	42.27
Personal insurance and pensions	2532.36	682.85	1373.19	2097.59	3266.30	4542.32	6883.06
Life and other personal insurance	324.17	137.92	280.62	301.69	354.87	494.30	729.64
Life/endow/annuit/oth pers ins	312.04	132.62	275.54	290.33	342.68	468.16	704.02
Other non-health insurance	12.13	5.30	5.08	11.36	12.19	26.13	25.62
Retirement, pensions, social security	2208.19	544.93	1092.57	1795.89	2911.44	4048.02	6153.42
Deduction for government retirement	65.36	4.38	25.17	48.33	82.39	119.99	211.42
Deductions for railroad retirement	6.23	0.00	1.33	0.24	19.12	16.29	13.24
Deductions for private pensions	156.10	11.73	39.55	84.28	160.98	328.55	564.77
Deductions for self-employment IRA's and Keogh plans	297.28	36.24	78.45	181.88	333.32	494.25	1049.52
Deductions for social security	1683.21	492.58	948.07	1481.16	2315.63	3088.94	4314.48

[1] Components of income and taxes are derived from "Complete income reporters" only; see glossary.

APPENDIX 2.—MARKET BASKET DESCRIPTIONS

Food at Home:	
Ground Beef	Price per Lb of regular ground beef. Average size package. Loose, pre-packaged. Do not price lean.
Round Steak, boneless	Price per Lb. Average size package. 1st choice: Boneless top round steak. 2nd choice: Boneless bottom round steak.
Round Roast, boneless	Price per Lb. Average size package. 1st choice: Top round roast. 2nd choice: Rolled rump roast.
Pork Chops, bone in	Price per Lb. Average size package. 1st choice: Center cut, rib chops. 2nd choice: Loin chops.
Bacon, sliced	Price for 16 Oz (1 Lb) package *Oscar Mayer* regular sliced bacon.
Chicken, whole	Price per Lb of 1 whole fryer chicken. If whole fryer not available, price a whole fryer chicken, cut-up.

APPENDIX 2.—MARKET BASKET DESCRIPTIONS—Continued

Fish filet, frozen	Price per Lb of frozen ocean whitefish filet. 1st choice: Cod or haddock. 2nd choice: Regional fish. Please record fish type in comment section.
Tuna, canned	Price for 6.13 Oz can chunk light, packed in water (Not fancy style.) 1st choice: *Star Kist.* 2nd choice: *Chicken of the Sea.*
Lunch meat	Price for 8 Oz pkg., *Oscar Mayer.* 1st choice: bologna. 2nd choice: cotto salami or all-beef bologna.
Ham, canned	Price for 3 Lb tin of canned ham. 1st choice: *Hormel.* 2nd choice: *Dubuque.* Do not price *Hormel's* supreme cut ham.
Frankfurters	Price for 16 Oz (1 Lb) package, *Oscar Mayer* all beef frankfurters.
Eggs, large	Price for one dozen.
Fish, fresh	Price per Lb of a salmon steak.
Milk, 2%	Price for one gallon (128 fl. Oz), 2%. Lowest priced store brand.
Cheddar Cheese	Price per Lb. 1st choice: *Kraft Cracker Barrel,* mild cheddar cheese. 2nd choice: *Kraft Cracker Barrel,* sharp yellow cheddar cheese.
Ice Cream	Price for ½ gallon of *Sealtest* vanilla ice cream. Do not price ice milk.
Bread, white	Price for 16 Oz loaf of a regional brand of sliced white bread. Do not price store brand. Please record brand in comment section.
Spaghetti, dry	Price for 16 Oz box or bag of spaghetti. 1st choice: *Creamettes.* 2nd choice: *Muehler's.* 3rd choice: *Golden Grain.* 4th choice: *American Beauty.*
Cereal	Price for box of *Kellogg's Corn Flakes.* 1st choice: 18 Oz box. 2nd choice: Different size box of *Kellogg's Corn Flakes.*
Cookies	Price for 16 Oz package of *Nabisco Oreo Cookies.*
Frozen Waffles	Price *Kellogg's Eggo Waffles,* price 12 waffle package.
Hamburger Buns	Price for 12 OZ (340 G) package of 8 sliced regional brand enriched white hamburger buns. Do Not Price Store Brand. Please record brand in comment section.
Donuts	Price for box of 12 *Hostess* glazed donuts.
Apples, fresh	Price per LB of Red Delicious apples. If apples are priced by the bag, report the price and weight of the bag—use the store's scale if necessary. Price medium-size apples if possible.
Bananas, fresh	Price per LB. If bananas are priced by the bunch, report the price and weight of the bunch-use the store's scale if necessary.
Tomatoes, fresh	Price per LB. Price medium-size tomatoes if possible. Do Not Price Organic or 'Hydro' Fresh Tomatoes.
Potatoes	Price for 10 LB bag of lowest priced white potatoes. If 10 LB bag is not available, substitute nearest size sack. Please price potatoes by the bag since potatoes priced by the pound are not comparable to bagged potatoes.
Frozen Orange Juice	Price for 12 FL OZ (makes 48 FL OZ) can of *Minute Maid* frozen orange juice concentrate.
Tomato Juice	Price for 16 FL OZ can of tomato juice. 1st choice: *Campbell's.* 2nd choice: *Libby's.*
Peaches, canned	Price for 16 OZ can of sliced yellow cling peaches. 1st choice: *Del Monte.* 2nd choice: *Libby's.*
Peas, frozen	Price for 16 OZ pkg. of *Green Giant* frozen peas. Do Not Price Peas With Sauce.
Green Beans, canned	Price for 16 OZ can of cut *Del Monte* green beans.
Oranges, fresh	Price per LB of Florida oranges. If oranges are priced by the bag or by the orange, report the price and *weigh a bag*—using the store's scale if possible. Price naval medium-size oranges if possible.
Lettuce, fresh	Price for 1 head of iceberg lettuce. If lettuce is priced by weight, report the *price* and also report the *weight* of an average head.
Celery, fresh	Price for 1 bunch of celery. Do Not Price Celery Hearts.
Fruit Drink	Price for 46 FL OZ can. 1st choice: *Hawaiian Punch.* 2nd choice: *HI-C,* regular.
Soft Drink	Price of 2 L (liter) plastic bottle. 1st choice: *Coca-Cola.* 2nd choice: *Pepsi.*
Coffee, ground	Price for 13 OZ can of ground coffee. 1st choice: *Folger's Drip Grind.* 2nd choice: *Maxwell House.*
Canned Soup	Price for one can *Campbell's* soup. 1st choice: Vegetable 10½ OZ. 2nd choice: Chicken Noodle 10¾ OZ.
Snack Food	Price for 6 OZ bag or box of potato chips. 1st choice: *Ruffles.* 2nd choice: *Lays Dip Chips.*

APPENDIX 2.—MARKET BASKET DESCRIPTIONS—Continued

Salt	Price for 26 OZ box of iodized salt. 1st choice: *Morton.* 2nd choice: *Ivory* 3rd choice: Private Label.
Ketchup	Price for 28 OZ plastic squeeze bottle of ketchup. 1st choice: *Heinz.* 2nd choice: *Del Monte.*
Cooking Oil	Price for 48 FL OZ bottle. 1st choice: *Crisco.* 2nd choice: *Wesson.*
Margarine	Price for 1 LB, four sticks. 1st choice: *Blue Bonnet.* 2nd choice: *Parkay.*
Frozen Dinner	Price for 11.5 OZ (326 G) *Swanson*-Turkey, whipped potatoes, peas, and fruit compote, frozen dinner.
Jello Gelatin	Price for 3 OZ box of *Jello Gelatin* dessert.
Baby Food	Price for one 4.0 OZ jar of *Gerber Second Foods* strained vegetable or fruit.
Candy Bar	Price for one 2.07 OZ *Snickers* candy bar. If not available, price most popular brand of same size.
Sugar, granulated	Price for 5 LB bag of granulated cane or beet sugar, lowest price available. Do Not Price Generic Sugar.
Bottled Water	Price for one gallon (store brand) (128 FL OZ) bottled spring water. Do Not Price Sparkling or Distilled Water.
Food Away From Home:	
Breakfast	Price for typical breakfast, such as, bacon and 2 eggs or waffles, coffee and juice. Report percentages added for tax, tip and service charge.
Lunch	Price for typical lunch, such as, chef's salad or cheeseburger platter and small soft drink. Report percentages added for tax, tip and service charge.
Dinner	Price for typical dinner, such as, New York strip or seafood platter and coffee. Report percentages added for tax, tip and service charge.
Fast Food Lunch/Dinner	Average price of a meal at a fast food establishment. Price for typical meal, such as, Big Mac or Whopper, medium french fries and medium coke.
Ice Cream Cone	Price for regular (one scoop) vanilla ice cream cone.
Tobacco:	
Cigarettes, king size	Price for 1 carton (200 cigarettes) of *Winston* filter-kings soft pack. Do Not Include Sales Tax.
Alcohol:	
Beer at Home	Price for a six-pack of 12 OZ cans of *Budweiser* (Puerto Rico—10 OZ). Do Not Price Refrigerated Beer.
Wine at Home	Price for 750 ML of *Gallo* white chablis blanc.
Beer Away	Price for glass of *Budweiser/Miller Lite* beer. List percent for tax.
Wine Away	Price of house white wine. List percent for tax.
Furnishings, Household operations:	
Appliance repair	Price to replace oven thermostat control for *Maytag* Model #CRE9400. Include hourly rate, trip charge and parts cost. Part Number #7430P010–60.
Housekeeping Services	Price per hour for bi-weekly cleaning. House approximately 2,000 sq. ft. Family size four. Please complete items in the Comment Section. Services include the following: Bathroom(s)—Sanitize walls, floor, counter tops, bathtub, stool Kitchen—Sanitize walls, floor, counter tops, cabinets, appliances Living Room & Dining Room—Dust, polish furniture and vacuum Bedrooms—Dust, polish furniture and vacuum. If other services are included, please note.
Moving	Price per hour for a within-city move, two men with enclosed van. Include any van rental fees.
Toilet Tissue	Price for a 4 roll pack 1st choice: *Cottonelle.* 2nd choice: *Northern.*
Pen	Price for 10 pack *Bic* round stic medium pen.
Postage	Price for First Class postage for a letter.
Laundry Soap	Price for 100 FL OZ of liquid household laundry detergent. 1st choice: *Tide.* 2nd choice: *Cheer.*
Plant Food	Price for 8 OZ container of indoor plant food. 1st choice: *Miracle Grow.* 2nd choice: *Peters.*
Bed Sheet Set	Price for one set queen-size no-iron cotton & polyester percale sheets (180 thread count). One set consists of one fitted sheet, one flat sheet and two pillowcases. Do not price designer sheet sets. Price sheet sets with minimum design.
Bath Towell	Price for a 27x50 inch *Cannon* Portofino bath towel made of 100% cotton.
Living Room Chair	Price for a recliner chair, that is button backed with base construction of 15 zigzag springs. 1st choice: *Lane.* 2nd choice: *Lazy Boy.* Do Not Price Special Order Fabric.
Bedroom Group	Price for nightstand, headboard, 5-drawer chest, triple dresser with mirror. Solid wood top, front mirror frame and headboard. Veneer sides. Drawer construction should have French dovetail joints and dust plate.
Dining Room Table	Price for table with center pedestal and four standard double rung chairs. Table should have veneer top and double runners for leaves with both portions of the table moveable.

APPENDIX 2.—MARKET BASKET DESCRIPTIONS—Continued

Washing Machine	Price for large capacity washing machine with 4 water temperatures, 3 wash cycles (regular, permanent press & knits/delicate), white porcelain tub, self-clean lint filter, fabric softener dispenser and 2 speed combinations. 1st choice: *Maytag* Model #LAT7793. 2nd choice: *General Electric* Model #WWA7600R. 3rd choice: *Whirlpool* Model #LLR6233A.
Kitchen Range	Price for 30-inch electric range with upswept cooktop, removable coil elements, electronic clock with timer, oven light, delay-start cook control, storage drawer, selfcleaning oven with two oven racks and a porcelain enamel broiler pan. 1st choice: *Maytag* Model #CRE9400. 2nd choice: *General Electric* Model #JBP5565. 3rd choice: *Whirlpool* Model #RF385PXYW.
Refrigerator	Price for no-frost top-mount 21 cubic ft. refrigerator with reversible doors and energy saver switch, 4 split glass shelves, fixed glass crisper shelf with 2 sealed/moisture controlled crisper drawers, double wall meat drawer. Door contains 2 covered dairy compartments, 1 deep fixed bin, 4 deep adjustable bins. Freezer has 2 adjustable wire shelves, 2 deep fixed door bins and 4 ice trays. 1st choice: *Maytag* Model #RTD2100CAE. 2nd choice: *General Electric* Model #TBX22PAS. 3rd choice: *Whirlpool* Model #ET22RKXZ.
Vacuum	Price for upright vacuum cleaner with 6.5 amps, 120 volts, six above-the-floor attachments, height adjustment, regular bag and 20-foot cord. 1st choice: *Eureka* Model #9334AT. 2nd choice: *Hoover* Model #U4671–910.
Two-slice Toaster	Price for two-slice toaster, chrome body, wide slot with pastry defrost setting. 1st choice: *Proctor-Silex* Model #T620B. 2nd choice: *Black & Decker* Model #T200.
Casserole Dish Set	Price for *Corning-Ware* trio casserole set with 1 QT, 1.5 QT, and 2 QT dishes and 3 covers (two plastic covers and one glass).
China	Price for the *Corelle Impressions* line *Abundance* pattern tableware set. Set consists of 20 pieces: 4 dinner plates, 4 luncheon plates, 4 bowls, 4 cups, and 4 saucers. The pattern is beige with a fruit and flower motif.
Electric Drill	Price for 6.0 volt reversible cordless electric drill with overnight recharge. 1st choice: *Black & Decker* Model #CD2000. 2nd choice: *Skil* Model #2305.
Lawn Trimmer	Price for gas powered 31 CC two-cycle engine single line lawn trimmer with a 17 inch wide cut.
Red Roses, Fresh Cut	Price for one dozen long stemmed, fresh cut red roses.
Hammer	Price for *Stanley* curved claw hammer with a 16 OZ head, wood handle, high carbon steel head, black finish. Overall length 13¼". 1st choice: Model #51616. 2nd choice: Model #51416.
Window Shade	Price 37½ inch wide window shade.
Toilet Lid Cover	Price for *Cannon* Portofino standard toilet lid cover made of 100% nylon.
Clothing:	
Man's Suit	Price for two-piece single-breasted business suit of the type generally worn to the office. Conservatively colored and styled with a fabric blend of 45% wool and 55% polyester.
Man's Jeans	Price of straight leg regular fit jeans. 1st choice: *Levi's* #505. 2nd choice: *Lee* regular fit. Do Not Price Bleached Jeans.
Man's Dress Shirt	Price for white or solid color, long sleeve, button cuff, plain collar dress shirt, approximately 35% cotton, 65% polyester. A dress shirt will have exact collar and sleeve sizes. Example: 15½ collar, 34 sleeve. Possible brands: Arrow, *Van Heusen.*
Man's Jacket	Price for unlined *Levi's* jean jacket. Cotton denim with button front, two chest pockets and two side pockets.
Boy's Jeans	Price of loose fit jeans (size 8–14). 1st choice: *Levi's* #560. 2nd choice: *Lee* loose fit.
Boy's Shirt	Price for screen-printed t-shirt commonly worn by boys ages 8 through 10 years (size 7–14). Pullover with crew neck, short sleeves and polyester/cotton blend. Possible brand: *Ocean Pacific.*
Man's Undershirt	Price for white 100% cotton undershirts with short sleeves, set of three. If not in set of three, report the number of undershirts in package. Possible brands: *Hanes, Fruit of the Loom.*
Woman's Dress	Price of misses mid-sleeve shirt waist dress appropriate for office attire. Exclude any unusual ornamentation. The dress should be unlined and 100% rayon. Possible brands: *Stewart Allen, Lesley Fay.*
Woman's Blouse	Price of 100% polyester, white, long sleeve, button front blouse with minimum trim. Possible brands: *Wrapper, Girls, Girls, Girls.*
Woman's Slacks	Price for misses unlined slacks appropriate for office attire. The slacks should be a blend of cotton and polyester without a belt. Possible brands: *Donnkenny, Alfred Dunner.*
Woman's Sweater	Price for 100% cotton, crew neck sweater with rib knit cuffs and bottom. Exclude any unusual ornamentation or patterns.
Woman's Jacket	Price for unlined windbreaker.
Woman's Accessories	Price for split-grain, cowhide leather, checkbook clutch wallet. Possible brands: *Michael Stevens, Mundi.*

APPENDIX 2.—MARKET BASKET DESCRIPTIONS—Continued

Girl's Dress	Price of cotton blend long-sleeve dress appropriate for school. Exclude extra ornamentation. For girls ages 8 through 10 (size 7–14). Possible brands: *Carter's.*
Girl's Jeans	Price of *Levi's* #902 basic relaxed taper jean, two back pockets and two front pockets. For girls ages 8 through 10 (size 7–14).
Girl's Blouse	Price of cotton blend, white or solid color, long sleeve, button front blouse. For girls ages 8 through 10 (size 7–14). Possible brands: *This Side Up.*
Infant's Sleeper	Price for one-piece sleeping garment with legs, covering the body including the feet. Possible brands: *Gerber, Playskool.*
Disposable Diaper	Price for 44 count package *Pampers,* (child 12–18 LBS). Do Not Price Larger Size Diapers.
Man's Shoes	Price for 100% leather wing tips. Possible brands: *Bostonian, Johnson and Murphy.*
Woman's Shoes	Price for woman's pump style shoes with enclosed heel and toe, leather uppers and the rest of man-made materials. Heel height should be approximately two inches. Possible brands: *9 West, Candies.*
Jewelry	Price for one pair 6mm 14k gold ball earrings for pierced ears.
Coin Laundry	Price for one load of laundry using a regular size, top loading commercial washing machine. DO NOT INCLUDE COST OF DRYING.
Dry Clean Man's Suit	Price to dry clean a man's 2-piece business suit of typical fabric.
Domestic Service:	
Day-Care	Price for one *month* of day-care for a three-year-old child (5 days a week, about 8 hours per day). If monthly rate is not available, price per week.
Babysitter, per hour	Average hourly rate for one child, age four years, evening, before midnight. (Teenager in your home.) Do Not Price Babysitting Service. Special Instructions: If typical for your area, you may wish to obtain quotes from friends/acquaintances in your area who use teenager babysitters.
Professional Services:	
Legal Services	Hourly rate for general counsel.
Accounting Services	Hourly rate for individual tax work (not business).
Personal Care:	
Woman's Cut and Styled Blow Dry.	"Regular service" price for a woman's cut and styled blow dry. Include wash. NO CURLING IRON IF EXTRA CHARGE.
Man's Haircut	Price of a man's typical haircut. Do *not* include wash.
Lipstick	Price for one tube of *Revlon* lipstick. 1st choice: *Moondrops.* 2nd choice: *Super Lustrous.*
Shampoo	Price for 15 Fl Oz bottle of *Revlon Flex* shampoo for normal hair.
Recreation:	
Bowling	Price for 1 game of open (nor non-league) bowling on Saturday night. Exclude cost of shoe rental.
Golf	Price for 18 holes of golf on a weekend. If only 9 hole rate is available, report twice the price. If only daily rate is available (unlimited number of holes), report the Saturday or Sunday rate.
Movie Theater	Typical adult price for regular length evening film. Report weekend evening price if different from weekday.
Health Club	Price for regular individual membership for 1 year for existing member. Do not include any initial fees assessed only to new members. If yearly rate is not available, price per month.
Piano Lessons	Price for private lesson for a beginner one-half hour in length.
Video Rental	Price to rent one video tape of recently released movie, Saturday night (1 day) rate. Non-member fee.
Video Recorder	Price for VCR with 4 video heads, double azimuth, unified TV/VCR remote, one-year eight event timer, auto tracking, LED display, and HI-FI stereo. 1st choice: *Zenith* Model #VRL4110. 2nd choice: *Sony* Model #SLV700HF.
Compact Disk	Regular price for a current best-selling CD. No sale Price. Do not price double CD. Example: *Janet* by Janet Jackson, *Unplugged* by Rod Stewart. Please record title in comment section.
Compact Disk Player	Price 5 disc CD player with rotary changer system, 10 key access, 32 track programming, 8 times oversampling, and a remote. 1st choice: *Sony* Model #CDPC535. 2nd choice: *Panasonic-Technics* Model #SLPD847.
Color Television	Price for 20" table model color TV with a remote, auto channel search, closed captions, sleep timer, on-screen channel/time and menus, channel flashback, and 181 channel tuning. 1st choice: *Zenith* Model #SLS2049. 2nd choice: *Sony* Model #KV20TS29.
Basic Cable Service	Price for one month of basic cable channel TV. Do Not Include Hookup Charges or Premium Chanels
Veterinary Services	Typical fee for general office visit for a heartworm test for a small dog. Include the cost of the office visit.
Pet Food	Price of 5.5 OZ can of cat food. 1st choice: *Purina.* 2nd choice: *9 Lives.*
Film Developing	Price to process and print 35 millimeter, 24 exposure, 100 ASA color. Single Prints Only Please.
Camera Film	Price for 35 millimeter, 24 exposure, 100 ASA *Kodak* camera film.
Tennis Balls	Price for can of three heavy-duty felt, yellow, tennis balls. 1st choice: *Wilson.* 2nd choice: *Penn.*
Board Game	Price for Monopoly board game by *Parker Brothers.* Do Not Price Deluxe Edition.
Book	Price for top ten best selling paperback book.
Magazine	Price for a single copy of *Time* magazine.

APPENDIX 2.—MARKET BASKET DESCRIPTIONS—Continued

Local Newspaper	Price for one year of the most common DAILY paper (including Sunday edition) distributed in the area. Report the name of the newspaper in the comment section.
Miscellaneous expense component:	
Pain Reliever	Price for 60 tablets of extra-strength *Tylenol*. Do Not Price Caplets or Gelcaps.
Tetracycline, prescription.	Price of 40 capsules of tetracycline, 250 milligram strength. Report price for most common national brand sold.
Optometrist, office visit	Typical fee for visual analysis including tonometry, refraction and glaucoma screening.
Dentist, clean and check teeth.	Charge for x-rays, exam and prophylaxis (light scaling and polishing) or "cleaning of teeth" without special treatment of gums or teeth. Do Not Price Initial Visit.
Doctor, office visit	Typical fee, after the initial visit, for an office visit when medical advice or simple treatment is needed. Do *not* include the charge for a regular physical examination, injections, medication or lab tests (routine brief visit). Price General Practitioner. Do Not Price Specialist.
Hospital Room	Daily charge for a private room. Include food and routine care. *Exclude* cost of operating room, surgery, medicine and lab fees.
Housing-related component:	
Bathroom Caulking	Please price an 8-ounce tube of white bathroom caulking, most popular brand.
Computation of Electric Bill.	Average monthly consumption: Customer service charge (single phase service): Cost for first KWH: Cost for over first KWH: Other items included on bill: Comments:
Computation of Gas Bill	Average monthly consumption: Customer service charge: Cost for first Cu. Ft.: Cost for over first Cu. Ft.: Other items included on bill: Comments:
Computation of Water Bill:	Average monthly consumption: Customer service charge: Cost for first _____ Gallons: Cost for over _____ Gallons: Other items included on bill: Comments:
Electrical Outlet	Please price a 2-plug grounded electrical outlet. Medium priced. Price blister pack or cardboard mounted (individually packaged). Do Not Price Loose Electric Outlet. Possible brands: *GE, Levitron.*
Electrical Work	Price to add circuit breaker for dishwasher. Cut ¾ inch hole in wooden floor for cable. Connect dishwasher directly to power box (power box is easy to reach). Exclude Cost of Materials.
Fire Extinguisher	Please price a fire extinguisher with a UL rating of 10BC, 2.5 pound size. Suggested brand: *Kidde.*
Interior Painting	Price to paint 12' 14' living room with 8' ceilings. Walls are plaster or drywall in good repair. Two standard sized sash windows, one picture window, one standard wood door. Rooms have simple wood baseboards and trim. Existing paint is latex, flat white, smooth finish, about three years old. Trim paint is latex, white, gloss enamel, about three years old. Walls and trim require no surface preparation. Obtain labor rate per hour, flat charge if any, and estimated time to complete job.
Latex Interior Paint	Please price one gallon white, interior flat latex paint. Price a national brand with one coat coverage. Possible brands: *Dutch Boy, Glidden.*
Pest Control	Price for basic pest control maintenance (one visit). Price follow-up maintenance only, *not* the initial application.
Unclog Drain	Price to unclog kitchen sink drain by mechanical means (snake, auger, etc.). Only include pipe removal to access trap if necessary.
Kitchen Faucet	Price a *Peerless* single control chrome-plated faucet *with* spray. Faucet is solid brass and stainless steel quality construction with copper waterways, washerless design and triple chrome plating. Warrantied for as long as the home is owned.
Real Estate Taxes	Call the local tax assessor office and/or local tax collector/treasurer for each living community in the report. Request the current real property tax rate, any special charges that are added to the tax bill and any homestead credits that might be deducted from the bill. Ask when properties were last assessed and what base year tax rate should be applied to. Request information as to what month rates are certified and when bills are mailed. Verify any significant increases or decreases from previous records.
Long Distance Telephone.	Price the cost of a 10 minute call received on a weekday, at each location at 8:00 p.m. (local time); direct dial from the location being surveyed to each of the following cities; New York, Chicago and Los Angeles. Include any federal, state, local or excise tax that is applicable.
Telephone Service	Obtain monthly cost for unmeasured service, for touchtone service, and for tax.
Homeowner Insurance	For each living community surveyed based on income level, secure the annual premium for HO–2 type coverage. If the company does not refer to the coverage as HO–2, obtain the cost for a mid-level coverage (i.e., in-between a comprehensive coverage and a basic coverage), contents *not* at replacement cost, that covers "named perils on building and contents." Some companies refer to this as their "standard homeowner's coverage."
Renter Insurance	For each living community surveyed based on income level, provide renter housing profile and insurance cost (semiannual or other). Assume HO–4-type coverage.

APPENDIX 2.—MARKET BASKET DESCRIPTIONS—Continued

Homeowners	
The profiles for each of the home sizes costed are as follows:	
Low	900 (Sq. Ft.)
Mid	1,300 (Sq. Ft.)
High	1,700 (Sq. Ft.)
The worksheet components for data collection are as follows:	
(1) Address	
(2) Selling Price	
(3) Sale Date	
(4) Age	
(5) Room Count (broken down into bedrooms and baths)	
(6) Square Footage	
(7) Price Per Square Foot	
Information was collected through various sources—Real Estate Professionals, Appraisers, MLS data, assessors' offices and private sources.	
Data Collection for Aged Mortgages	
The worksheet components for data collection for aged mortgages are as follows:	
(1) Address	
(2) Selling Price	
(3) Sale Date	
(4) Age	
(5) Room Count (broken down into bedrooms and baths)	
(6) Square Footage	
(7) Price Per Square Foot	
Transportation Component	
Vehicles	1993 Honda Civic DX four door sedan, 1.5 liter 4 Cylinder. 1993 Ford Taurus GL four door sedan, 3.0 Liter 6 Cylinder. 1993 Chevrolet S10 Blazer Two Door, four wheel drive, 4.3 Liter 6 Cylinder.
Base Price	Obtain the base price (Manufacturer's Suggested Retail Price) for each vehicle.
Options	For each vehicle, price the following options: air conditioning, AM/FM stereo radio, power steering, tinted glass, power disc brakes, rustproofing and other options.
Fees	For each vehicle, price the following options: destination charge, shipping charge, dealer markup, documentation fees and other one-time fees.
Taxes	For each vehicle, price the following taxes: excise tax, import/customs tax, use tax, sales tax and other one-time taxes.
Specifications	For each vehicle, obtain the following information: length, wheelbase, tires, curb weight, horsepower, fuel type and fuel performance (mpg).
Depreciation	For each vehicle, compute the residual value after 12, 24, 36 and 48 months respectively.
Gasoline	For each station name/brand, price regular unleaded self-service.
Tune-up	For each vehicle, price a basic tune-up. Include parts and labor for the following: replace spark plugs, PCV value, fuel filter, air filter, and breather filter. Check distributor cap, rotor, timing, and idle.
Oil Change	For each vehicle, price an oil change. Include parts and labor for the following: drain old oil, replace oil filter and refill with five quarts of 10W30 SG grade oil. If SG grade is unavailable, price SF grade oil.
Change Automatic Transmission Fluid.	For each vehicle, price to change automatic transmission fluid. Include parts and labor for the following: remove transmission pan, drain transmission fluid, replace transmission filter, replace transmission pan gasket, replace transmission fluid, and test vehicle.
Coolant Flush and Fill	For each vehicle, price to flush and fill engine coolant. Include parts and labor for the following: remove old coolant, flush contaminants, and replace with new coolant.
Muffler System	For each vehicle, price a complete muffler system. Include parts and labor for the following: install all parts after the catalytic converter. These parts include midpipes, clamps, muffler, and tailpipes. In Hawaii and the Virgin Islands, obtain parts costs from a NAPA dealer in the appropriate area. Obtain installation/labor costs from service stations or vehicle dealerships.
C.V. Joint Boots	For each vehicle, price C.V. (Constant Velocity) Joint Boot replacement. Price should include parts and labor for the following: replace two front rubber boots. Cost does not include joint replacement.
Miscellaneous Tax	For each vehicle, price miscellaneous tax. Tell how rate is determined, give formula for new vehicle purchase, give formula for subsequent year (2 to 5) and explain billing.

APPENDIX 2.—MARKET BASKET DESCRIPTIONS—Continued

Tires	Price a P175/70R13 for the Honda Civic. Price a P205/70R14 for the Ford Tauraus L. Price a P235/R15 for the Chevrolet S10 Blazer in DC area. In Guam, Goodyear tires were unavailable, used the average of two comparable brands.
License and Registration.	For each vehicle, price title fee, passenger vehicle registration fees, plate fees, inspection fees, administration/clerical/other fees and local added fees. Specify if one-time or annual. List any exceptions if the Blazer is not registered as a passenger vehicle.
Automobile Finance	Obtain the rate for a four-year loan based on a downpayment of 20 percent. Assume the loan applicant is a current bank customer who will make payments by cash/check and not by automatic deduction from the account.
Automobile Insurance	For each vehicle, price insurance coverage identified below. Assume that vehicles are used in commuting 15 miles/day, 12,000 miles/year and that the driver is a 35-year-old married male with no accidents or violations in the last five years. When there is a geographic difference, obtain rates for two different living communities. Include related expense fees and taxes. Bodily Injury $100,000/$300,000. Property Damage $25,000. Medical $15,000 or Personal Injury Protection $50,000. Uninsured Motorist $100/$300,000 (unavailable in Virgin Islands and Puerto Rico). Comprehensive $100 Deductible. $Collision $250 deductible.
Round-Trip Airfare	Price for lowest cost round-trip ticket to Los Angeles, CA. Disregard restrictions.

APPENDIX 3.—PRICING CHANGES, GOODS AND SERVICES/MISCELLANEOUS EXPENSES/HOUSING RELATED

Previous	Current	Reason
1. Color Television:		
Zenith SJ2063	Zenith SLS2049	New Model Number.
	Sony KV20TS29	Additional item.
2. Video Recorder:		
Zenith VRJ415	Zenith VRL4110	New Model Number.
	Sony SLV700HF	Additional item.
3. CD Player:		
Sony CDP297	Sony CDPC535	New Model Number.
Kenwood DP2030	Technics SLPD847	Technics available in all areas. Kenwood hard to find.
4. Washing Machine:		
Maytag A7500	Maytag LAT7793	New Model Number.
GE WWA7678M	GE WWA7600R	New Model Number.
Whirlpool LA5300XT	Whirlpool LLR6233A	New Model Number.
5. Kitchen Range:		
Maytag CRE305	Maytag CRE9400	New Model Number.
GE JBS26P	GE JBP5565	New Model Number.
Whirlpool RF3105XX	Whirlpool RF385PXYW	New Model Number.
Kenmore 91721		Eliminated.
6. Refrigerator:		
Maytag RTD19A	Maytag RTD2100CAE	New Model Number.
GE TBX19ZP	GE TBX22PAS	New Model Number.
Whirlpool ET18DKXXN	Whirlpool ET22RKXZ	New Model Number.
Amana TX20QB		Eliminated.
7. Vacuum:		
Eureka 2034	Eureka 9334AT	New Model Number.
	Hoover U4671–910	Additional item.
8. Two-Slice Toaster:		
Proctor–Silex T2042	Black & Decker T200	More comparable level.
9. Casserole Dish Set (Corning-Ware):		
2 QT. Casserole Dish	Trio Casserole Set	More popular.
10. China (Corelle):		
Design Images (16 pc.)	Impressions-Abundance	Discontinued.
Natural Design (16 pc.)	(20 pc. set)	Discontinued.
11. Electric Drill:		
Black & Decker #7144	Black & Decker CD 2000	New model-cordless more popular.
Black & Decker #7190	Skil #2305	More comparable 2nd choice.
Black & Decker #7193		Eliminated.
12. Hammer:		
	Stanley 51416	Additional item.
13. Lawn and Garden:		
Hyponex Potting Soil	Miracle Grow Plant Food (8 oz container)	Hard to fine correct size of Hyponex and price range too wide.
	Peters Plant Food (8 oz container)	Additional item.
14. Compact Disc (from Audio Cassette-CD more popular):		
"Ropin' the Wind" by Garth Brooks	"Janet" by Janet Jackson	Current bestselling titles.
"Adrenalize" by Def Leppard	"Unplugged" by Rod Stewart.	
15. Tennis Balls:		

APPENDIX 3.—PRICING CHANGES, GOODS AND SERVICES/MISCELLANEOUS EXPENSES/HOUSING RELATED—Continued

Previous	Current	Reason
	Penn (3 pk.)	Additional item.
16. Bath Towel:		
27x50 inch Fieldcrest	27x50 inch Cannon	Less plush.
Royal Crest bath towel	Portofino bath towel.	
17. Bath Rug:		
24x36 inch oblong bathmat	Cannon Portofino standard, toilet lid cover made of 100% nylon.	Easier to find with less variation than a bathmat.
18. Man's Jeans:		
Levi's 501	Lee Regular Fit	More comparable items (no buttonfly).
19. Man's Undershirt:		
Jockey (3 pk.)	Hanes (3 pk.)	More popular.
	Fruit of the Loom (3 pk.)	Additional item.
20. Boy's Jeans:		
Levi's 501	Levi's 560 loose fit	More comparable items (no buttonfly).
Levi's 506	Lee Loose Fit	Loose fit more popular.
21. Woman's Dress:		
Price for long sleeve shirtwaist dress appropriate for office attire. Exclude any unusual ornamentation. The dress should be a blend of cotton and polyester.	Price for Misses mid-sleeve shirtwaist dress appropriate for office attire. Exclude any unusual ornamentation. The dress should be unlined and 100% Rayon. Possible Brands: Stewart Allen. Lesley Fay.	More available and is a more specific description.
22. Woman's Slacks:		
Price for the type (materials and styles) most commonly used for office wear.	Price for Misses unlined slacks appropriate for office attire. The slacks should be blend of cotton and polyester without a belt. Possible Brands: Donnkenny. Alfred Dunner.	More available and is a more specific description.
23. Woman's Sweater:		
	Price in catalog	Per request of OPM.
24. Woman's Accessories:		
Price for split grain, cowhide leather, Amity checkbook clutch wallet.	Price for split-grain, cowhide leather, checkbook clutch wallet. Possible Brands: Michael Stevens. Mundi.	Amity wallet difficult to find.
25. Potatoes:		
Lowest price 10 lb. bag	Lowest price 10 lb. bag of white potatoes	More specific item.
26. Lettuce, fresh:		
1 head	1 head of Iceberg lettuce	More specific description.
27. Oranges, fresh:		
Navel medium size oranges	Florida navel medium-size oranges	More specific description and are available in all areas.
28. Peaches, canned:		
29 oz can of Del Monte peaches	16 oz can of Del Monte sliced peaches	More popular than peach halves.
	16 oz can of Libby sliced peaches.	Most common size.
29. Tomato Juice:		
Libby's 46 fl oz can	Campbell's 46 fl oz can	Switch Campbell's to first choice; it is more common in Washington, DC.
Campbell's 46 fl oz can	Libby's 46 fl oz can	
30. Fruit Drink:		
46 fl oz can of Hi-C	46 fl oz of Hawaiian Punch	Switch Hawaiian Punch to first choice; it is more common in Washington, DC.
46 fl oz can of Hawaiian Punch	46 fl oz can of Hi-C	
31. Coffee, ground:		
	13 oz can of Maxwell House	Additional item.
32. Ketchup:		
14 oz bottle of Heinz	28 oz plastic squeeze bottle of Heinz	Most common and popular size.
	28 oz plastic squeeze bottle of Del Monte	Additional item.
33. Cake:		
Price one frosted undecorated 9-inch chocolate two layer cake.	Price Hostess Glazed Donuts (box of 12)	Available in all the areas. Comparable cake too hard to find.
34. Bread:		
Price for a 16 oz loaf of store brand sliced white bread.	Price for a 16 oz loaf of a regional brand of sliced white bread.	Per request of OPM.
35. Cereal:		
	Box of Kellogg's Corn Flakes other than the 18 oz box.	Additional item.
36. Pain Reliever:		

APPENDIX 3.—PRICING CHANGES, GOODS AND SERVICES/MISCELLANEOUS EXPENSES/HOUSING RELATED—Continued

Previous	Current	Reason
Bottle of 100 Tylenol tablets	Bottle of 60 Tylenol tablets	100 tablet bottles hard to find in Washington, DC.
37. Laundry Soap:		
64 fl oz of Tide liquid	100 fl oz of Tide liquid	No common size in powdered detergent.
64 fl oz of Wisk liquid	100 fl oz of Cheer liquid	Change in size.
38. Pet Food:		
	Purina 5.5 oz can of cat food	Additional item—available in all areas.
Nine Lives 6 oz can of cat food	Nine Lives 5.5 oz can of cat food	Most common size.
39. Bottled Water:		
One gallon of bottled store brand drinking water.	One gallon of bottled store brand spring water	More specific description—available in all areas.
40. Snack Food:		
16 oz bag of potato chips	6 oz bag of Ruffles	Most common size and brand is available in all areas.
	6 oz bag of Lays Dip Chips	Additional item.
41. Sirloin Steak:		
Pound of flat bone steak		Dropped—too much red meat.
Pound of round bone streak		Dropped—too much red meat.
42. Round Steak, boneless:		
Pound of eye round steak	Pound of boneless bottom round steak	More comparable cut.
43. Chuck Roast, boneless:		
Pound of arm pot roast		Dropped—too much red meat.
44. Round Roast, boneless:		
Pound of tip roast	Pound of rolled rump roast	Comparable second choice.
45. Fish, fresh:		
Pound of a commonly purchased fresh fish	Pound of salmon steak	More specific—available in all areas.
46. Cheddar Cheese:		
Pound of store brand mild cheddar cheese	Pound of Kraft Cracker Barrel mild cheddar cheese. Pound of Kraft Cracker Barrel sharp yellow cheddar cheese.	Specific brand available in all areas. Addition
47. Refrigerated Biscuits:		
Price for 10 oz tube of Pillsbury Hungry Jack biscuits.	12 pack of Kellogg's Eggo waffles	Available in all areas. Refrigerated biscuits hard to find.
48. Fish Filet, frozen:		
Price per pound of frozen Cod fillet	Price per lb of frozen ocean whitefish filet	Additional choice of white fish.
Price per pound of frozen Pollack filet	1st choice: Cod or Haddock 2nd choice: Regional Fish Please record fish type in Comment Section.	Better substititue description for some of the areas.
49. Frozen Orange Juice:		
12 oz can of frozen concentrate—store brand.	12 oz can of frozen Minute Maid concentrate	Specific brand available in all areas.
50. Ice Cream:		
Half gallon of store brand vanilla ice cream	Half gallon of Sealtest vanilla ice cream	Specific brand available in all areas.
51. Disposable Diapers:		
Pampers 54 count package (child 8–14 lbs.).	Pampers 44 count package (child 12–18 lbs.)	More commonly found.
52. Newspaper:		
Single copy of the most common daily paper.	Home delivery of most common daily paper for one year.	Home delivery more common.
53. Electrical Outlet:		
Price a 2-plug grounded electrical outlet. Medium price.	Price a 2-plug grounded electrical outlet. Medium price. Price blister pack or card board mounted (individually packaged). DO NOT PRICE LOOSE ELECTRICAL OUTLET. Possible Brands: GE. Levitron.	More specific description.
54. Accounting:		
Average rate to complete tax form 1040 and schedule A (include state).	Hourly rate for individual tax work (NOT BUSINESS).	OPM request.
55. Homeowner insurance:		
HO—5 type coverage	HO—2 type coverage, or equivalent mid-level coverage (i.e. in between a comprehensive coverage and a basic coverage).	HO—5 not always available in allowance areas.

CONSUMPTION GOODS AND SERVICES ANALYSIS

[Location: Honolulu, HI; Date Prepared: 10-Jan-94; Summer 1993 Survey]

Categories	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
1. Food At Home	142.18	25.52	36.28	22.38	31.82	19.35	27.51
2. Food Away From Home	112.82	15.95	17.99	16.09	18.15	16.23	18.31
3. Tobacco	111.82	3.13	3.50	2.54	2.84	1.96	2.19
4. Alcohol	118.65	2.92	3.46	2.79	3.31	2.67	3.17
5. Furnishings & Hsld Op	112.68	14.35	16.17	15.95	17.97	17.49	19.71
6. Clothing	103.58	14.24	14.75	14.93	15.46	15.59	16.15
7. Domestic Services	77.82	1.78	1.39	1.79	1.39	1.81	1.41
8. Professional Services	109.94	5.77	6.34	5.84	6.42	5.91	6.50
9. Personal Care	108.99	3.57	3.89	3.47	3.78	3.38	3.68
10. Recreation	105.69	12.77	13.50	14.22	15.03	15.61	16.50
Total weights		100.00		100.00		100.00	
Total indexes:							
Lower			117.27				
Middle					116.7		
Upper							115.3

CONSUMPTION GOODS AND SERVICES ANALYSIS

[Location: Hilo, HI; Date Prepared: 17-Dec-93; Summer 1993 Survey]

Categories	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
1. Food At Home	133.21	25.52	34.00	22.38	29.81	19.35	25.78
2. Food Away From Home	101.92	15.95	16.26	16.09	16.40	16.23	16.54
3. Tobacco	98.58	3.13	3.09	2.54	2.50	1.96	1.93
4. Alcohol	107.59	2.92	3.14	2.79	3.00	2.67	2.87
5. Furnishings & Hsld Op	104.13	14.35	14.94	15.95	16.61	17.49	18.21
6. Clothing	100.35	14.24	14.29	14.93	14.98	15.59	15.64
7. Domestic Services	74.55	1.78	1.33	1.79	1.33	1.81	1.35
8. Professional Services	87.79	5.77	5.07	5.84	5.13	5.91	5.19
9. Personal Care	103.11	3.57	3.68	3.47	3.58	3.38	3.49
10. Recreation	91.85	12.77	11.73	14.22	13.06	15.61	14.34
Total weights		100.00		100.00		100.00	
Total indexes:							
Lower					106.40		
Middle			107.53				
Upper					106.40		
							105.34

CONSUMPTION GOODS AND SERVICES ANALYSIS

[Location: Kailua Kona, HI; Date Prepared: 08-Nov-93; Summer 1993 Survey]

Categories	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
1. Food At Home	134.79	25.52	34.40	22.38	30.17	19.35	26.08
2. Food Away From Home	117.05	15.95	18.67	16.09	18.83	16.23	19.00
3. Tobacco	110.28	3.13	3.45	2.54	2.80	1.96	2.16
4. Alcohol	109.75	2.92	3.20	2.79	3.06	2.67	2.93
5. Furnishings & Hsld Op	115.63	14.35	16.59	15.95	18.44	17.49	20.22
6. Clothing	97.33	14.24	13.86	14.93	14.53	15.59	15.17
7. Domestic Services	92.98	1.78	1.66	1.79	1.66	1.81	1.68
8. Professional Services	90.01	5.77	5.19	5.84	5.26	5.91	5.32
9. Personal Care	100.30	3.57	3.58	3.47	3.48	3.38	3.39
10. Recreation	104.09	12.77	13.29	14.22	14.80	15.61	16.25
Total weights		100.00		100.00		100.00	
Total indexes:							
Lower			113.89				
Middle					113.03		
Upper							112.20

CONSUMPTION GOODS AND SERVICES COST ANALYSIS

[Hawaii County Composite; Date Prepared: 21–Feb–94; Summer 1993 Survey]

Location	Weights	Total indexes		
		Lower income	Middle income	Upper income
Hilo, HI	82.25	107.53	106.40	105.34
Kailua Kona, HI	17.75	113.89	113.03	112.20
Total Weight	100.00			
Composite Indexes		108.66	107.58	106.56

CONSUMPTION GOODS & SERVICES ANALYSIS

[Location: Kauai County, HI; Date Prepared: 08–Nov–93; Summer 1993 Survey]

Categories	Category indexes	Lower Income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
1. Food At Home	148.26	25.52	37.84	22.38	33.18	19.35	28.69
2. Food Away From Home	120.29	15.95	19.19	16.09	19.35	16.23	19.52
3. Tobacco	116.59	3.13	3.65	2.54	2.96	1.96	2.29
4. Alcohol	122.31	2.92	3.57	2.79	3.41	2.67	3.27
5. Furnishings & Hsld Op	110.93	14.35	15.92	15.95	17.69	17.49	19.40
6. Clothing	93.80	14.24	13.36	14.93	14.00	15.59	14.62
7. Domestic Services	101.15	1.78	1.80	1.79	1.81	1.81	1.83
8. Professional Services	90.04	5.77	5.20	5.84	5.26	5.91	5.32
9. Personal Care	109.16	3.57	3.90	3.47	3.79	3.38	3.69
10. Recreation	104.82	12.77	13.39	14.22	14.91	15.61	16.36
Total Weights		100.00		100.00		100.00	
Total Indexes:							
Lower			117.82				
Middle					116.36		
Upper							114.99

CONSUMPTION GOODS AND SERVICES ANALYSIS

[Location: Maui County, HI; Date Prepared: 08–Nov–93; Summer 1993 Survey]

Categories	Category indexes	Lower Income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
1. Food At Home	149.16	25.52	38.07	22.38	33.38	19.35	28.86
2. Food Away From Home	117.00	15.95	18.66	16.09	18.83	16.23	18.99
3. Tobacco	118.28	3.13	3.70	2.54	3.00	1.96	2.32
4. Alcohol	116.59	2.92	3.40	2.79	3.25	2.67	3.11
5. Furnishings & Hsld Op	111.62	14.35	16.02	15.95	17.80	17.49	19.52
6. Clothing	108.19	14.24	15.41	14.93	16.15	15.59	16.87
7. Domestic Services	105.45	1.78	1.88	1.79	1.89	1.81	1.91
8. Professional Services	97.49	5.77	5.63	5.84	5.69	5.91	5.76
9. Personal Care	120.44	3.57	4.30	3.47	4.18	3.38	4.07
10. Recreation	109.21	12.77	13.95	14.22	15.53	15.61	17.05
Total Weights		100.00		100.00		100.00	
Total Indexes:							
Lower			121.02				
Middle					119.70		
Upper							118.46

CONSUMPTION GOODS AND SERVICES ANALYSIS

[Location: Guam; Date Prepared: 08–Nov–93; Summer 1993 Survey]

Categories	Category indexes	Lower Income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
1. Food At Home	133.43	25.52	34.05	22.38	29.86	19.35	25.82
2. Food Away From Home	104.02	15.95	16.59	16.09	16.74	16.23	16.88
3. Tobacco	72.45	3.13	2.27	2.54	1.84	1.96	1.42
4. Alcohol	103.05	2.92	3.01	2.79	2.88	2.67	2.75
5. Furnishings & Hsld Op	132.32	14.35	18.99	15.95	21.11	17.49	23.14

CONSUMPTION GOODS AND SERVICES ANALYSIS—Continued

[Location: Guam; Date Prepared: 08–Nov–93; Summer 1993 Survey]

Categories	Category indexes	Lower Income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
6. Clothing	96.05	14.24	13.68	14.93	14.34	15.59	14.97
7. Domestic Services	116.23	1.78	2.07	1.79	2.08	1.81	2.10
8. Professional Services	114.31	5.77	6.60	5.84	6.68	5.91	6.76
9. Personal Care	115.55	3.57	4.13	3.47	4.01	3.38	3.91
10. Recreation	119.19	12.77	15.22	14.22	16.95	15.61	18.61
Total Weights		100.00		100.00		100.00	
Total Indexes:							
Lower			116.61				
Middle					116.49		
Upper							116.36

CONSUMPTION GOODS AND SERVICES ANALYSIS

[Location: Mayaguez, PR; Date Prepared: 17–Dec–93; Summer 1993 Survey]

Categories	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
1. Food at Home	99.03	25.52	25.27	22.38	22.16	19.35	19.16
2. Food Away From Home	94.02	15.95	15.00	16.09	15.13	16.23	15.26
3. Tobacco	100.03	3.13	3.13	2.54	2.54	1.96	1.96
4. Alcohol	116.05	2.92	3.39	2.79	3.24	2.67	3.10
5. Furnishings & Hsld Op	96.46	14.35	13.84	15.95	15.39	17.49	16.87
6. Clothing	89.55	14.24	12.75	14.93	13.37	15.59	13.96
7. Domestic Services	46.82	1.78	0.83	1.79	0.84	1.81	0.85
8. Professional Services	46.95	5.77	2.71	5.84	2.74	5.91	2.77
9. Personal Care	73.19	3.57	2.61	3.47	2.54	3.38	2.47
10. Recreation	92.62	12.77	11.83	14.22	13.17	15.61	14.46
Total Weights		100.00		100.00		100.00	
Total Indexes:							
Lower			91.36				
Middle					91.12		
Upper							90.86

CONSUMPTION GOODS AND SERVICES ANALYSIS

[Location: San Juan, PR; Date Prepared: 08–Nov–93; Summer 1993 Survey]

Categories	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
1. Food at Home	105.28	25.52	26.87	22.38	23.56	19.35	20.37
2. Food Away From Home	105.61	15.95	16.84	16.09	16.99	16.23	17.14
3. Tobacco	93.37	3.13	2.92	2.54	2.37	1.96	1.83
4. Alcohol	120.98	2.92	3.53	2.79	3.38	2.67	3.23
5. Furnishings & Hsld Op	105.19	14.35	15.09	15.95	16.78	17.49	18.40
6. Clothing	97.50	14.24	13.88	14.93	14.56	15.59	15.20
7. Domestic Services	64.69	1.78	1.15	1.79	1.16	1.81	1.17
8. Professional Services	62.05	5.77	3.58	5.84	3.62	5.91	3.67
9. Personal Care	86.61	3.57	3.09	3.47	3.01	3.38	2.93
10. Recreation	102.84	12.77	13.13	14.22	14.62	15.61	16.05
Total Weights		100.00		100.00		100.00	
Total Indexes:							
Lower			100.08				
Middle					100.05		
Upper							99.99

CONSUMPTION GOODS AND SERVICES COST ANALYSIS

[Puerto Rico Composite; Date Prepared: 21–Feb–94; Summer 1993 Survey]

Location	Weights	Total indexes		
		Lower income	Middle income	Upper income
San Juan, PR	84.09	100.08	100.05	99.99
Mayaguez, PR	15.91	91.36	91.12	90.86
Total Weight	100.00			
Composite Indexes		98.69	98.63	98.54

CONSUMPTION GOODS AND SERVICES ANALYSIS

[Location: St. Croix, VI; Date Prepared: 08–Nov–93; Summer 1993 Survey]

Categories	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
1. Food At Home	120.21	25.52	30.68	22.38	26.90	19.35	23.26
2. Food Away From Home	106.36	15.95	16.96	16.09	17.11	16.23	17.26
3. Tobacco	64.42	3.13	2.02	2.54	1.64	1.96	1.26
4. Alcohol	90.30	2.92	2.64	2.79	2.52	2.67	2.41
5. Furnishings & Hsld Op	116.60	14.35	16.73	15.95	18.60	17.49	20.39
6. Clothing	92.08	14.24	13.11	14.93	13.75	15.59	14.36
7. Domestic Services	65.58	1.78	1.17	1.79	1.17	1.81	1.19
8. Professional Services	96.71	5.77	5.58	5.84	5.65	5.91	5.72
9. Personal Care	104.26	3.57	3.72	3.47	3.62	3.38	3.52
10. Recreation	96.60	12.77	12.34	14.22	13.74	15.61	15.08
Total Weights		100.00		100.00		100.00	
Total Indexes:							
Lower			104.95				
Middle					104.70		
Upper							104.45

CONSUMPTION GOODS AND SERVICES ANALYSIS

[Location: St. Thomas, VI; Date Prepared: 08–Nov–93; Summer 1993 Survey]

Categories	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
1. Food At Home	128.89	25.52	32.89	22.38	28.85	19.35	24.94
2. Food Away From Home	108.81	15.95	17.36	16.09	17.51	16.23	17.66
3. Tobacco	62.88	3.13	1.97	2.54	1.60	1.96	1.23
4. Alcohol	114.84	2.92	3.35	2.79	3.20	2.67	3.07
5. Furnishings & Hsld Op	119.06	14.35	17.09	15.95	18.99	17.49	20.82
6. Clothing	85.22	14.24	12.14	14.93	12.72	15.59	13.29
7. Domestic Services	94.75	1.78	1.69	1.79	1.70	1.81	1.71
8. Professional Services	99.21	5.77	5.72	5.84	5.79	5.91	5.86
9. Personal Care	110.82	3.57	3.96	3.47	3.85	3.38	3.75
10. Recreation	112.57	12.77	14.38	14.22	16.01	15.61	17.57
Total Weights		100.00		100.00		100.00	
Total Indexes:							
Lower			110.55				
Middle					110.27		
Upper							109.90

CONSUMPTION GOODS AND SERVICES COST ANALYSIS

[Virgin Islands Composite; Date Prepared: 21–Feb–94; Summer 1993 Survey]

Location	Weights	Lower income	Middle income	Upper income
St. Croix, VI	45.73	104.95	104.70	104.45
St. Thomas, VI	54.27	110.55	110.22	109.90
Total Weight	100.00			
Composite Indexes		107.99	107.70	107.41

CONSUMPTION GOODS AND SERVICES ANALYSIS

[Location: Honolulu Blend,* HI; Date Prepared: 08–Nov–93; Summer 1993 Survey]

Categories	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
1. Food At Home	136.48	25.52	34.83	22.38	30.54	19.35	26.41
2. Food Away From Home	112.82	15.95	17.99	16.09	18.15	16.23	18.31
3. Tobacco	63.08	3.13	1.97	2.54	1.60	1.96	1.24
4. Alcohol	113.01	2.92	3.30	2.79	3.15	2.67	3.02
5. Furnishings & Hsld Op	103.59	14.35	14.87	15.95	16.52	17.49	18.12
6. Clothing	93.65	14.24	13.34	14.93	13.98	15.59	14.60
7. Domestic Services	77.83	1.78	1.39	1.79	1.39	1.81	1.41
8. Professional Services	109.95	5.77	6.34	5.84	6.42	5.91	6.50
9. Personal Care	93.52	3.57	3.34	3.47	3.25	3.38	3.16
10. Recreation	101.05	12.77	12.90	14.22	14.37	15.61	15.77
Total Weights		100.00		100.00		100.00	
Total Indexes:							
Lower			110.27				
Middle					109.37		
Upper							108.54

*Local Retail and Commissary/Exchange.

CONSUMPTION GOODS AND SERVICES ANALYSIS

[Location: San Juan Blend,* PR; Date Prepared: 08–Nov–93; Summer 1993 Survey]

Categories	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
1. Food At Home	96.39	25.52	24.60	22.38	21.57	19.35	18.65
2. Food Away From Home	105.61	15.95	16.84	16.09	16.99	16.23	17.14
3. Tobacco	67.36	3.13	2.11	2.54	1.71	1.96	1.32
4. Alcohol	120.98	2.92	3.53	2.79	3.38	2.67	3.23
5. Furnishings & Hsld Op	101.31	14.35	14.54	15.95	16.16	17.49	17.72
6. Clothing	97.49	14.24	13.88	14.93	14.56	15.59	15.20
7. Domestic Services	64.69	1.78	1.15	1.79	1.16	1.81	1.17
8. Professional Services	62.05	5.77	3.58	5.84	3.62	5.91	3.67
9. Personal Care	86.13	3.57	3.07	3.47	2.99	3.38	2.91
10. Recreation	100.88	12.77	12.88	14.22	14.35	15.61	15.75
Total Weights		100.00		100.00		100.00	
Total Indexes:							
Lower			96.18				
Middle					96.49		
Upper							96.76

*Local Retail and Commissary/Exchange.

CONSUMPTION GOODS AND SERVICES ANALYSIS

[Location: Guam Blend,* Date Prepared: 11–Jan–94; Summer 1993 Survey]

Categories	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
1. Food At Home	93.31	25.52	23.81	22.38	20.88	19.35	18.06
2. Food Away From Home	104.82	15.95	16.59	16.09	16.74	16.23	16.88
3. Tobacco	48.76	3.13	1.53	2.54	1.24	1.96	0.96
4. Alcohol	103.05	2.92	3.01	2.79	2.88	2.67	2.75
5. Furnishings & Hsld Op	179.05	14.35	25.69	15.95	28.56	17.49	31.32
6. Clothing	88.79	14.24	12.64	14.93	13.26	15.59	13.84
7. Domestic Services	116.23	1.78	2.07	1.79	2.08	1.81	2.10
8. Professional Services	114.31	5.77	6.60	5.84	6.68	5.91	6.76
9. Personal Care	105.12	3.57	3.75	3.47	3.65	3.38	3.55
10. Recreation	118.87	12.77	15.18	14.22	16.90	15.61	18.56
Total Weights		100.00		100.00		100.00	
Total Indexes:							
Lower			110.87				
Middle					112.87		
Upper							114.78

*Local Retail and Commissary/Exchange.

Nonforeign Area Cost-of-Living Allowances Price Survey Data Collection Procedures

Survey Description

The following information will be provided to the participants verbally or in writing. Participants who are familiar with the program and the survey may be provided with less information as appropriate.

Purpose

The Federal Government pays Cost-Of-Living-Allowances (COLA) in Alaska, Hawaii, and certain U.S. territories and possessions. Living cost differences are determined by comparing costs of goods, services, housing, transportation, and other items in the allowance area with the cost of the same or similar items and services in the Washington DC area. The U.S. Office of Personnel Management (OPM) is responsible for the operation of the COLA program.

Data Collection

OPM, or its representatives, conducts annual Price Surveys to determine living cost differences. Local governments, retail outlets, realty firms, and businesses providing professional and other services to be surveyed are identified through the use of full-scale Background Surveys, conducted approximately once every five years. Participation in the Price Surveys is voluntary. Data are collected by telephone and/or personal interview

Wherever practical and appropriate, the price of each good or service is obtained from at least three outlets in each allowance area and at least six outlets in the reference area (i.e., the Washington, DC, area). Realty data may be obtained from one or multiple sources, as appropriate.

Release of Information

The price data collected from participating firms may be made available to Congress or to the general public upon request. This includes the name of the company and prices of items or services surveyed. The names of proprietors, managers, or other individuals who provide price information generally will not be made public. However, the Government may release the names of individuals who, on the basis of their expertise, provide opinions or estimates.

Public Burden Information

Public burden reporting for this collection of information is estimated to vary from 1 to 20 minutes per response. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestion for reducing this burden to Reports and Forms Management Officer, U.S. Office of Personnel Management, 1900 E Street, N.W., Room 6410, Washington, DC, 20415; and to the Office of Management and Budget, Paperwork Reduction Project (3206–0199), Washington, DC, 20503.

Interview Guidelines

Three types of information are collected in price surveys: price of goods and services, rental prices and related information, and home owner prices and related information. The following are the typical interview questions used to collect these data.

Price Information Collection

1. What is the regular (non-sale) price of _____ (a specific item or service)?

Examples of items include, but are not limited to:

Chuck Roast, Bone In.
Price per pound. Average size package (e.g., not a 'family' or 'bonus' pack).
1st choice: Arm pot roast.
2nd Choice: Eye roast.

Peas, Frozen.
Price for 10 ounce package.
1st choice: Bird's Eye.
2nd Choice: Major brand of equivalent quality.

Men's Jeans.
Price for one pair of blue jeans.
1st choice: Levi's #501 jeans.
2nd Choice: Equivalent quality jeans.

Automobile, New.
'Sticker' price of current year model Honda Civic DX, four door sedan, 1.5 liter, four cylinder engine. (Price options, fees, financing, and taxes separately.)

Example of services include, but are not limited to:

Restaurant Service.
Price of seafood platter—mixed seafood (e.g., not 'steak and lobster' or 'crab leg' platter). If salad and side dish not included with entree, price house salad and baked potato or order of french fries. Include price of coffee, tax, and 15 percent tip.

Film Developing.
Price to process and print 35 millimeter, 24 exposure, 100 ASA color roll film. Single prints only, standard size and finish.

Doctor, Office Visit.
Typical fee, after the initial visit, for an office visit when medical advice or simple treatment is all that is needed. Do not include the charge for a complete physical examination, injections, medication, laboratory tests, or similar services.

Oil Change.
Price of a regular oil change including oil and filter for a current year model Honda Civic DX sedan, 1.5 liter, 4 cylinder engine.

2. Prices of many of the items can be obtained "off-the-shelf" without assistance. Occasionally, when a specific item is not available, assistance from sales or other personnel may be required to identify and price substitution items of comparable quality and quantity.

3. Prices of most services are obtained by telephone or personal interview. A few services are priced with little or no assistance. For example, prices may be obtainable from a displayed price schedule, list, or menu.

Housing Component—Rental Information Collection

1. Describe the location, size, layout, number and types of rooms, and square footage of your rental units.

2. Are they apartments, duplexes, town houses, detached houses, or other types of units? Describe.

3. Are there additional amenities (e.g., pool, sauna, tennis courts, gym)? If so, describe.

4. What is the monthly rent? What is the amount of the security deposit (if any)? What other kinds of fees or assessments are there?

5. Are utilities included? Which ones? If you can, please provide information on average monthly or annual costs of utilities paid by tenants.

6. Are term leases usually required? What are the conditions and penalties associated with the lease?

7. Are there any special restrictions or other factors we should know about (e.g., seasonal tourist trade)?

Housing Component—Information Collection for Comparable Sales

1. Describe the location, size, layout, number and types of rooms, and square footage of some of your recent home sales.

2. Were they condominiums, duplexes, town houses, detached houses, or other types of dwellings? Describe.

3. Were there any atypical characteristics (e.g., extra large lot sizes, beach front, desirable/undesirable locations)?

4. Are there additional amenities provided by the developer, homeowners association, or similar community group (e.g., pool, sauna, tennis courts, gym)? If so, describe facilities and charges.

5. What was the selling price and date of sale?

6. What are the real estate taxes?

7. Do you have any data on utilities relating to these homes?

8. In the past year or so, what has been the average appreciation rate of property in this community? Looking back over the past six years, has this rate changed? How?

9. Describe current market conditions (e.g., soft, booming, so-so). How has this affected housing prices? Describe the housing market over the past six years.

10. Are there any special considerations or other factors we should know about (e.g., retirement/tourist trade) that might affect the housing market in this community?

BILLING CODE 6325-01-M

Nonforeign Area Cost-of Living
Price Information Collection

Survey Date: _____ Allowance Area: _____

Survey Item: _____

Description:

Outlet	Price	Quantity	Comments

Remarks:

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OMB Approved
OMB No 3206-0199
Expires June 30, 1994

Nonforeign Area Cost-of-Living
Housing Component - Information Collection for Comparable Sales

Location: _____ Community: _____ Collection Date: _____

Address	Selling Price	Sale Date	Room Count			Square Feet	Price/ Sq Foot	Taxes	Other
			Total	Bed	Bath				

Appreciation Rate:

Current Market Conditions:

Remarks:

OMB Approved
OMB No. 3206-0199
Expires June 30, 1994

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BILLING CODE 6325-01-C

Nonforeign Area Cost-of-Living
Housing Component - Rental Information Collection

Location _____ Community: _____ Date: _____

Complex Address Phone #	Rental Type	Bedroom Count	Monthly Rent	Total Room Count	Square Feet	Security Deposit	Utilities	Monthly Heating Cost	Amenities	Restrictions	Total Units	Other

Remarks:

OMB Approved
OMB No. 3206-0199
Expires June 30, 1994

Nonforeign Area Cost-of-Living Allowances Background Survey Data Collection Procedures

Survey Description

The following information will be provided to the participants verbally or in writing. Participants who are familiar with the program and the survey may be provided with less information as appropriate.

Purpose

The Federal Government pays Cost-Of-Living-Allowances (COLA) in Alaska, Hawaii, and certain U.S. territories and possessions. Living cost differences are determined by comparing costs of goods, services, housing, transportation, and other items in the allowance area with the cost of the same or similar items and services in the Washington, DC, area. The U.S. Office of Personnel Management (OPM) is responsible for the operation of the COLA program. OPM, or its representative, conducts annual surveys to determine living cost differences. OPM conducts full-scale Background Surveys approximately once every five years to review the appropriateness of items, services, and businesses covered in the annual Price surveys. Elements of the Background Survey may be repeated annually on a limited basis as part of the maintenance of and preparation for the annual Price Surveys.

OPM uses the Background Survey to identify the services, items, quantities, outlets, and locations that will be surveyed to collect living cost data within the allowance areas and the Washington, DC, area. The Background Survey also is used to collect information on local trade practices, consumer buying patterns, taxes and fees, and other economic characteristics related to living costs.

Data Collection

Full-scale Background Surveys are conducted approximately once every five years. OPM identifies major manufacturers, local governments, retail outlets, realty firms, and businesses providing professional services to be surveyed on the basis of business volume and local prominence. Participation is voluntary. Data are collected by telephone and/or personal interview.

Confidentiality

All data collected are used only for the purposes described above. The Government pledges to hold all micro or "raw" data collected in confidence. Names of participating businesses and institutions may be released. Names of individuals are not released. Summary data will be made available to the public only to the extent that micro data cannot be associated with data sources.

Public Burden Information

Public burden reporting for this collection of information is estimated to vary from 5 minutes to 30 minutes per response. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestion for reducing this burden to Reports and Forms Management Officer, U.S. Office of Personnel Management, 1900 E Street, N.W., Room CHP 500, Washington, DC, 20415; and to the Office of Management and Budget, Paperwork Reduction Project (3206–0199), Washington, DC, 20503.

Interview Guidelines

Seven types of information are collected in background surveys. Information is collected on products and services, outlet availability and usage, transportation, local taxes and fees, mortgage, real estate, and other topics related to the measurement of living costs (e.g., specialized information from local chambers of commerce, colleges, and universities). The following are the typical interview questions used to collect these data.

Product or Service Information

1. As a major manufacturer/supplier of _____ (a specific product or service, e.g., women's apparel), please identify your items/services that are most popular (e.g., your 'volume sellers').
2. Which of these items are apt to be readily available in the following geographic locations: Alaska (i.e., Anchorage, Fairbanks, and Juneau); Hawaii; Guam; Puerto Rico; the Virgin Islands; and Washington, DC, and suburbs?
3. If the items or services are not universally available, are there other items or services that are of similar function, quality, quantity, size, and type that can be substituted?
4. Is there anything else we should know about your product or service? Are there recommendations you wish to make that would help us in our data collection?

Outlet Availability and Usage (Retail)

1. What is your product or service? What is the address(es) of your establishment(s)? If you have multiple locations, which locations have the greatest sales volumes (i.e., are most utilized by consumers)?
2. What are your store/office hours? Do these vary by locations?
3. Is your full line of products or services available at all locations?
4. Is there anything else we should know about your outlet(s) or recommendations you wish to make?

Transportation Information—Private and Public Services

1. What type of transportation services do you provide (e.g., taxi, bus, subway)?
2. What geographic areas do you service? Which routes are 'typical' or most heavily utilized?
3. What is your rate structure? Does it vary by time of day or season?
4. Is there anything else we should know about transportation usage and services in your area? Are there recommendations you wish to make about our data collection?

Transportation Information—Private Use and Maintenance

1. What types of driving are most common in your area? What is the annual distance driven?
2. What types roads and highways are common in your area? What are the road surfaces and conditions?
3. Are there unusual climatic or other factors that affect the fuel economy, maintenance, and depreciation of vehicles?
4. Is there anything else we should know about private transportation usage and maintenance in your area? Are there suggestions or recommendations you wish to make?

Local Taxes and Fees

1. What types of taxes, licenses, or fees does your State, territory, or local jurisdiction levy on real estate; personal property; sales (including sales of property); automobiles; utilities; or other goods, services, or transactions?
2. Who levies these taxes, licenses or fees (i.e., State, territory, county, city, other jurisdiction)?
3. What are the rates or schedules for these? How often and when are they levied? Do the rates/schedules vary by location, season, or other factors?
4. Is there anything else we should know about taxes and fees in your area? Are there suggestions or recommendations you wish to make?

Mortgage Information

1. What forms of home financing are most common in _____ (the allowance area or Washington, DC metropolitan area)? (Do not include second mortgages.)
2. What are the typical conditions and limitations on loans?
3. What is the typical amount(s) of down payment required? What are the terms and rates?

4. Are there special subsidies or other practices that influence home financing in your area?

5. Looking back 6 years, what types of changes have occurred that affect home financing?

6. Is there anything else we should know about home financing in your area? Are there suggestions or recommendations you wish to make that would help us in our data collection?

Real Estate Information

1. What is the availability of housing in _____ (the allowance area or Washington, DC metropolitan area)? Of principal interest is housing for typical salary and wage earners (as distinguished from retirees, tourists, or other special groups) for persons with low, moderate, and high incomes.

2. Describe the communities within your area in which persons _____ (specify occupation/income characteristics) typically live. If appropriate, identify separate communities for renters and home owners. Where are these communities located relative to the major Federal activities in the area?

3. Describe the type of housing (e.g., apartment, condominium, town house, detached house).

4. For each type of housing, what are the usual number of rooms, bedrooms, baths, total square footage, lot size, type of construction, and similar characteristics?

5. What types of utilities are available and typically used in these communities: sewer, water, natural gas, electricity, others?

6. Are there any unusual factors that might affect maintenance requirements in your area?

7. Looking back six years, describe the changes that significantly affected the housing market (both rental and owner markets).

8. Is there anything else we should know about the housing market in your area? Are there suggestions or recommendations you wish to make concerning our data collection?

Other Types of Information

Occasionally, it is necessary to collect information from colleges, universities, chambers of commerce, trade associations, and other groups on specific subjects relating to the analysis of living costs. For example, a university known to be involved in home energy research may be contacted to determine whether there are consumption data by region or allowance area that could have application in the COLA program.

When such data are collected, the purpose and basic structure of the interview will follow the patterns shown above. The substance, however, will vary with the subject matter.

BILLING CODE 6325-01-M

Nonforeign Area Cost-of-Living
Background Survey Information Collection

Contact Date: _____ Allowance Area: _____

Contact
Name:
Address:
Phone #:

Purpose of Contact	
Product/Service Info	
Outlet Availability/Usage	
Transportation Info.	
Local Taxes and Fees	
Mortgage Information	
Real Estate Information	
Other: (specify)	

Findings:

Remarks:

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OMB Approved
OMB No 3206-0199
Expires June 30, 1994

BILLING CODE 6325-01-C

APPENDIX 6.—1993/1994 OPM LIVING COMMUNITY SELECTION

	Low	Middle	High
City and County of Honolulu, Hawaii:			
Homeowner	Waianae	Kaneohe	Mililani Town.
	Wahiawa	Pearl City	Kailua.
Renter	Waianae	Wahiawa	Mililani Town.
	Makiki	Kaneohe	Aiea.
Hawaii County, Hawaii:			
Hilo, Hawaii:			
Homeowner	Hilo	Hilo	Hilo.
Renter	Hilo	Hilo	Hilo.
Kailua Kona, Hawaii:			
Homeowner	Kailua Kona	Kailua Kona	Kailua Kona.
Renter	Kailua Kona	Kailua Kona	Kailua Kona.
Kauai, Hawaii:			
Homeowner	Lihue	Lihue	Princeville.
	Kapaa	Kappa	Kalaheo.
Renter	Lihue	Lihue	Princeville.
	Hanamaulu	Kapaa	Poipu.
	Hanapepe	Wailua	
Maui, Hawaii:			
Homeowner	Wailuku	Lahaina	Lahaina.
	Kahului	Kihei	
Renter	Kahului	Kahului	Lahaina.
	Wailuku	Wailuku	Kihei.
		Lahaina	
Guam:			
Homeowner	Dededo	Dededo	Dededo.
		Yigo	Barrigada Heights.
Renter	Agana	Agana	Jonestown.
	Agat/Santa Rita	Yigo	Pago Bay.
Puerto Rico:			
Homeowner	Alturas	Alturas	Miradero.
		Sultana	Sultana.
Renter	Mayaguez	Alturas	Miradero.
	Terrace	Sultana	
San Juan, Puerto Rico:			
Homeowner	Carolina	Carolina	Guaynabo.
	Bayamon	VA Hospital Area	Hato Rey.
Renter	Carolina	Old San Juan	Old San Juan.
	Isla Verde	Isla Verde	Condado.
St. Croix, Virgin Islands:			
Homeowner	Christiansted	Christiansted	Christiansted.
	Frederiksted Area	Frederiksted Area	Frederiksted Area.
Renter	Christiansted	Christiansted	Christiansted.
	Frederiksted Area	Frederiksted Area	
St. Thomas, Virgin Islands:			
Homeowner	Charlotte Amalie	Charlotte Amalie	Charlotte Amalie.
Renter	Charlotte Amalie	Charlotte Amalie	Charlotte Amalie.
Washington DC, District of Columbia:			
Homeowner	Northeast DC	Northeast DC	Northwest DC.**
Renter	Northeast DC	Northeast DC	Northwest DC.**
Washington DC, Maryland:			
Homeowner	Suitland	Gaithersburg	Rockville.
Renter	Capitol Heights	Germantown	Rockville.
Washington DC, Virginia:			
Homeowner	Woodbridge	Dale City	Springfield.
Renter	Woodbridge	Fairfax/Falls Church	Alexandria.

** Northwest DC excludes Georgetown, but includes Dupont Circle, Cleveland Park and Adams Morgan.

HOUSING COST ANALYSIS

[Location: Honolulu, HI, Date Prepared: 03-Nov-93; Summer 1993 Survey]

Annual costs	Category					
	Lower income		Middle income		Upper income	Renter
	Owner	Renter	Owner	Renter	Owner	
Maintenance	390		459		528	

HOUSING COST ANALYSIS—Continued

[Location: Honolulu, HI, Date Prepared: 03-Nov-93; Summer 1993 Survey]

Annual costs	Category					
	Lower income		Middle income		Upper income	Renter
	Owner	Renter	Owner	Renter	Owner	
Insurance	807	444	1347	444	1749	444
Utilities	1117	1012	1250	1117	1382	1179
Real Estate Taxes	587	.....	1004	.....	1123	.....
Housing	13067	9792	21196	11664	24249	15288
Total Annual Cost	15968	11248	25283	13225	29031	16911

HOUSING COST ANALYSIS

[Location: Hilo HI, Date Prepared: 16-Dec-93; Summer 1993 Survey]

Annual costs	Category					
	Lower income		Middle income		Upper income	Renter
	Owner	Renter	Owner	Renter	Owner	
Maintenance	354	.....	417	.....	480	.....
Insurance	675	371	717	371	783	440
Utilities	1313	1177	1482	1313	1652	1392
Real Estate Taxes	404	.....	547	.....	703	.....
Housing	8269	6204	11195	8376	13066	10416
Total Annual Cost	11015	7752	14358	10060	16684	12248

HOUSING COST ANALYSIS

[Location: Kailua Kona, HI, Date Prepared: 03-Nov-93; Summer 1993 Survey]

Annual costs	Category					
	Lower income		Middle income		Upper income	Renter
	Owner	Renter	Owner	Renter	Owner	
Maintenance	349	.....	411	.....	473	.....
Insurance	694	444	834	444	1023	444
Utilities	1313	1177	1482	1313	1652	1392
Real Estate Taxes	533	.....	814	.....	984	.....
Housing	9939	8136	14180	9612	16939	12600
Total Annual Cost	12828	9757	17721	11369	21071	14436

HOUSING COST ANALYSIS HAWAII COUNTY COMPOSITE

[Summer 1993 Survey, Date Prepared: 24–Feb–94]

Location	Weights	Annual costs					
		Lower income		Middle income		Upper income	
		Owner	Renter	Owner	Renter	Owner	Renter
Hilo, HI	82.25	11,015	7,752	14,358	10,060	16,684	12,248
Kailua Kona, HI	17.75	12,828	9,757	17,721	11,369	21,071	14,436
Total Weight	100.00						
Hawaii County, HI Cost	.....	11,337	8,108	14,955	10,292	17,463	12,636

HOUSING COST ANALYSIS

[Location: Kauai County, HI, Date Prepared: 24–Feb–94; Summer 1993 Survey]

Category	Annual costs					
	Lower income		Middle income		Upper income	
	Owner	Renter	Owner	Renter	Owner	Renter
Maintenance	323	.....	380	.....	437	.....
Insurance	720	444	835	444	1025	444
Utilities	1324	1186	1496	1324	1669	1404
Real Estate Taxes	493	.....	673	.....	862	.....
Housing	11122	11052	14349	12600	17734	18132
Total Annual Cost	13982	12682	17733	14368	21727	19980

HOUSING COST ANALYSIS

[Location: Maui County, HI, Date Prepared: 03–Nov–93; Summer 1993 Survey]

Category	Annual costs					
	Lower income		Middle income		Upper income	
	Owner	Renter	Owner	Renter	Owner	Renter
Maintenance	354	.....	416	.....	478	.....
Insurance	215	168	382	173	373	190
Utilities	1565	1393	1781	1565	1996	1666
Real Estate Taxes	588	.....	826	.....	1074	.....
Housing	11648	7620	16523	9564	20105	13200
Total Annual Cost	14370	9181	19928	11302	24026	15056

HOUSING COST ANALYSIS

[Location: Guam, Date Prepared: 03–Nov–93; Summer 1993 Survey]

Category	Annual costs					
	Lower income		Middle income		Upper income	
	Owner	Renter	Owner	Renter	Owner	Renter
Maintenance	464	.....	546	.....	628	.....
Insurance	2266	81	2738	163	3474	325
Utilities	1778	1630	1963	1778	2148	1864
Real Estate Taxes	229	.....	281	.....	578	.....
Housing	9954	9636	13018	12600	17811	21000
Total Annual Cost	14691	11347	18546	14541	24639	23189

HOUSING COST ANALYSIS

[Location: Mayaguez, PR, Date Prepared: 03–Nov–03; Summer 1993 Survey]

Category	Annual costs					
	Lower income		Middle income		Upper income	
	Owner	Renter	Owner	Renter	Owner	Renter
Maintenance	201	.....	236	.....	271	.....
Insurance	324	136	538	221	804	298
Utilities	1000	906	1117	1000	1235	1055
Real Estate Taxes	0	.....	304	.....	329	.....
Housing	3939	4980	6312	7272	9185	11784
Total Annual Cost	5464	6022	8507	8493	11824	13137

HOUSING COST ANALYSIS

[Location: San Juan, PR, Date Prepared: 03–Nov–93; Summer 1993 Survey]

Category	Annual costs					
	Lower income		Middle income		Upper income	
	Owner	Renter	Owner	Renter	Owner	Renter
Maintenance	275	.....	324	.....	373	.....
Insurance	324	136	494	221	883	298
Utilities	1020	926	1137	1020	1255	1075
Real Estate Taxes	382	.....	524	.....	946	.....
Housing	3970	8736	5438	12816	9823	22716
Total Annual Cost	5971	9798	7917	14057	13280	24089

HOUSING COST ANALYSIS—PUERTO RICO COMPOSITE

[Date Prepared: 24–Feb–94; Summer 1993 Survey]

Location	Weights	Annual costs					
		Lower income		Middle income		Upper income	
		Owner	Renter	Owner	Renter	Owner	Renter
San Juan, PR	84.09	5,971	9,798	7,917	14,057	13,280	24,089
Mayaguez, PR	15.91	5,464	6,022	8,507	8,493	11,824	13,137
Total Weight	100.00						
Puerto Rico Cost		5,890	9,197	8,011	13,172	13,048	22,347

HOUSING COST ANALYSIS

[Location: St Croix, VI; Date Prepared: 24–Feb–94; Summer 1993 Survey]

Category	Annual costs					
	Lower income		Middle income		Upper income	
	Owner	Renter	Owner	Renter	Owner	Renter
Maintenance	329	.....	387	.....	445	.....
Insurance	1762	390	2717	390	3647	705
Utilities	1755	1557	2002	1755	2249	1870
Real Estate Taxes	590	.....	952	.....	1223	.....
Housing	8242	8148	12708	12924	14156	16332
Total Annual Cost	12678	10095	18766	15069	21720	18907

HOUSING COST ANALYSIS

[Location: St Thomas, VI; Date Prepared: 03–Nov–93; Summer 1993 Survey]

Category	Annual costs					
	Lower income		Middle income		Upper income	
	Owner	Renter	Owner	Renter	Owner	Renter
Maintenance	337	.....	397	.....	457	.....
Insurance	2179	390	3102	390	4361	705
Utilities	1755	1557	2002	1755	2249	1870
Real Estate Taxes	780	.....	1189	.....	1419	.....
Housing	10074	9408	14340	11736	16729	16572
Total Annual Cost	15125	11355	21030	13881	25215	19147

HOUSING COST ANALYSIS—VIRGIN ISLANDS COMPOSITE

[Summer 1993 Survey; Date Prepared: 24–Feb–94]

Location	Weights	Annual costs					
		Lower income		Middle income		Upper income	
		Owner	Renter	Owner	Renter	Owner	Renter
St. Croix, VI	45.73	12,678	10,095	18,766	15,069	21,720	18,907
St. Thomas, VI	54.27	15,125	11,355	21,030	13,881	25,215	19,147
Total Weight	100.00						
Puerto Rico Cost	.....	14,006	10,779	19,995	14,424	23,617	19,037

HOUSING COST ANALYSIS

[Location: Washington, DC, MD; Date Prepared: 04–Nov–93; Summer 1993 Survey]

Category	Annual costs					
	Lower income		Middle income		Upper income	
	Owner	Renter	Owner	Renter	Owner	Renter
Maintenance	308	.....	362	.....	416	.....
Insurance	317	131	383	131	817	171
Utilities	2226	1954	2567	2226	2907	2385
Real Estate Taxes	627	.....	917	.....	2314	.....
Housing	6164	5484	8115	7152	17531	18528
Total annual cost	9642	7569	12344	9509	23985	21084

HOUSING COST ANALYSIS

[Location: Washington, DC, MD; Date Prepared: 04–Nov–93; Summer 1993 Survey]

Category	Annual costs					
	Lower income		Middle income		Upper income	
	Owner	Renter	Owner	Renter	Owner	Renter
Maintenance	316	.....	372	.....	428	.....
Insurance	185	101	207	120	348	145
Utilities	2394	2103	2757	2394	3121	2563
Real Estate Taxes	1320	.....	1274	.....	2620	.....
Housing	6223	6312	7616	9168	13081	12948
Total annual cost	10438	8516	12226	11682	19598	15656

HOUSING COST ANALYSIS

[Location: Washington, DC, VA; Date Prepared: 04–Nov–93; Summer 1993 Survey]

Category	Annual costs					
	Lower income		Middle income		Upper income	
	Owner	Renter	Owner	Renter	Owner	Renter
Maintenance	250	.....	294	.....	338	.....
Insurance	154	95	188	95	229	115
Utilities	2216	1946	2553	2216	2890	2373
Real Estate Taxes	1479	.....	1892	.....	2545	.....
Housing	6193	7044	8316	9156	11914	11844
Total annual cost	10292	9085	13243	11467	17916	14332

HOUSING COST ANALYSIS—WASHINGTON DC COMPOSITE

[Summer 1993 Pricing: Date Prepared: 04–Nov–93; 02:16 PM]

Location	Weights	Annual costs					
		Lower income		Middle income		Upper income	
		Owner	Renter	Owner	Renter	Owner	Renter
Washington, DC, DC	33.34	9,642	7,569	12,344	9,509	23,985	21,084
Washington, DC, MD	33.33	10,438	8,516	12,226	11,682	19,598	15,656
Washington, DC, VA	33.33	10,292	9,085	13,243	11,467	17,916	14,332
Total Weight	100.00						
Composite Cost		10,124	8,390	12,604	10,886	20,500	17,024

HOUSING ANALYSIS

[Location: Honolulu, HI, Summer 1993 Survey: Date Prepared: 04–Nov–93; 02:55 PM]

	Owners			Renters		
	Total Annual Cost	Total Cost DC Area	Index	Total Annual Cost	Total Cost DC Area	Index
Lower Income	15,968	10,124	157.72	11,248	8,390	134.06
Middle Income	25,283	12,604	200.60	13,225	10,886	121.49
Upper Income	29,031	20,500	141.61	16,911	17,024	99.34

HOUSING ANALYSIS

[Location: Hawaii County, HI, Summer 1993 Survey: Date Prepared: 24–Feb–94; 12:25 PM]

	Owners			Renters		
	Total Annual Cost	Total Cost DC Area	Index	Total Annual Cost	Total Cost DC Area	Index
Lower Income	11,337	10,124	111.98	8,108	8,390	96.64
Middle Income	14,955	12,604	118.65	10,292	10,886	94.54
Upper Income	17,463	20,500	85.19	12,636	17,024	74.22

HOUSING ANALYSIS

[Location: Kauai County, HI, Summer 1993 Survey: Date Prepared: 24–Feb–94; 01:25 PM]

	Owners			Renters		
	Total Annual Cost	Total Cost DC Area	Index	Total Annual Cost	Total Cost DC Area	Index
Lower Income	13,982	10,124	138.11	12,682	8,390	151.16
Middle Income	17,733	12,604	140.69	14,368	10,886	131.99
Upper Income	21,727	20,500	105.99	19,980	17,024	117.36

HOUSING ANALYSIS

[Location: Maui County, HI, Summer 1993 Survey: Date Prepared: 04–Nov–93; 02:56 PM]

	Owners			Renters		
	Total Annual Cost	Total Cost DC Area	Index	Total Annual Cost	Total Cost DC Area	Index
Lower Income	14,370	10,124	141.94	9,181	8,390	109.43
Middle Income	19,928	12,604	158.11	11,302	10,886	103.82
Upper Income	24,026	20,500	117.20	15,056	17,024	88.44

HOUSING ANALYSIS

[Location: Guam, Summer 1993 Survey: Date Prepared: 04–Nov–93; 02:53 PM]

	Owners			Renters		
	Total Annual Cost	Total Cost DC Area	Index	Total Annual Cost	Total Cost DC Area	Index
Lower Income	14,691	10,124	145.11	11,347	8,390	135.24
Middle Income	18,546	12,604	147.14	14,541	10,886	133.58
Upper Income	24,639	20,500	120.19	23,189	17,024	136.21

HOUSING ANALYSIS

[Location: Puerto Rico, Summer 1993 Survey: Date Prepared: 24–Feb–94; 03:12 PM]

	Owners			Renters		
	Total Annual Cost	Total Cost DC Area	Index	Total Annual Cost	Total Cost DC Area	Index
Lower Income	5,890	10,124	58.18	9,197	8,390	109.62
Middle Income	8,011	12,604	63.56	13,172	10,886	121.00
Upper Income	13,048	20,500	63.65	22,347	17,024	131.27

HOUSING ANALYSIS

[Location: Virgin Islands, Summer 1993 Survey: Date Prepared: 24–Feb–94; 02:44 PM]

	Owners			Renters		
	Total Annual Cost	Total Cost DC Area	Index	Total Annual Cost	Total Cost DC Area	Index
Lower Income	14,006	10,124	138.34	10,779	8,390	128.47
Middle Income	19,995	12,604	158.64	14,424	10,886	132.50
Upper Income	23,617	20,500	115.20	19,037	17,024	111.82

APPENDIX 9A.—ANALYSIS OF HOME SALES DATA

Location	Previous		Current		Change (percent)	Percent adj.	Final value
	OBS	Average	OBS	Average			
City and County of Honolulu, Hawaii:							
Lower	25	$211,347	46	$202,041	−4.4	NA	$202,041
Middle	48	329,693	41	245,973	−25.4	−0.6	[1]327,715
Upper	78	363,460	96	374,918	3.2	NA	374,918
Notes: Real estate professionals state that market is stable. Change at middle level is not consistent with change at lower and upper levels nor with professionals' opinions. Data are stronger at lower and upper levels. Therefore, last year's middle value is adjusted by average rate of change at lower and upper levels.							
Hilo, Hawaii:							
Lower	15	$130,743	23	$127,854	−2.2	NA	$127,854
Middle	16	162,903	36	172,185	5.7	NA	172,185
Upper	21	197,863	18	225,335	13.9	1.7	[1]201,227
Notes: Real estate professionals state that housing market is soft. Trends vary greatly among income levels. Trends at upper level are incongruous with trends at other two levels and with opinions of real estate professionals. Therefore, last year's upper value is adjusted by the average rate of change at lower and middle levels.							
Kailua Kona, Hawaii:							
Lower	13	$159,867	24	$153,666	−3.9	NA	$153,666
Middle	22	222,950	26	219,245	−1.7	NA	219,245
Upper	26	261,018	36	261,902	0.3	NA	261,902
Notes: Real Estate professionals believe market is stable. Data are more numerous this year and are good. Changes nearly uniform among levels. Therefore, no adjustments made.							
Kauai, Hawaii:							
Lower	9	$171,792	13	$144,810	−15.7	0.1	[1]$171,964
Middle	3	221,624	10	221,858	0.1	NA	221,858
Upper	10	273,921	21	221,986	−19.0	0.1	[1]274,195

APPENDIX 9A.—ANALYSIS OF HOME SALES DATA—Continued

Location	Previous		Current		Change (percent)	Percent adj.	Final value
	OBS	Average	OBS	Average			
Notes: Real estate professionals believe prices are generally stable except at upper level, where prices declined. Professionals say market not affected by Hurricane Iniki, but condition of properties at sale is not known. Decreases could reflect short-term fluctuations due to storm damage. Therefore, change at middle level used to adjust last year's values at lower and upper levels because change is more consistent with professionals' opinions.							
Maui, Hawaii:							
Lower	7	$207,913	18	$180,099	−13.4	NA	$180,099
Middle	19	275,925	34	255,476	−7.4	NA	255,476
Upper	8	346,925	6	369,274	6.4	−10.4	[1] 310,845
Notes: Real estate professionals state housing prices are declining because of the slower U.S. economy, lack of tourism, and decrease in foreign investments. Therefore, the average change at the lower and middle levels is used to adjust the previous year's value at the upper level.							
Guam:							
Lower	3	$130,855	26	$144,738	10.6	NA	$144,738
Middle	6	162,534	15	189,280	16.5	NA	189,280
Upper	3	309,777	13	258,978	−16.4	NA	258,978
Notes: Real estate professionals believe that market is soft and that prices have declined in the past year. Typhoon Omar does not appear to have adversely affected market. Quantity of data is significantly greater this year at all income levels. Data are good. Therefore, no adjustments made.							
Mayaguez, Puerto Rico:							
Lower	2	$61,459	1	$65,106	5.9	−0.9	[1] $60,906
Middle	5	98,484	5	100,737	2.3	−0.9	[1] 97,598
Upper	4	143,298	4	130,169	−9.2	−0.9	[1] 142,008
			(2)	(2)	(2)		
			(3)	(3)	(3)		
Notes: Real estate professionals indicate that market has been very slow and prices have been flat. Data are sparse at all levels. Therefore, previous and current year's data are merged separately and the overall change for the two sets of merged data is used to adjust the previous year's values at each level.							
San Juan, Puerto Rico:							
Lower	79	$62,271	147	$61,389	−1.4	NA	$61,389
Middle	23	84,721	48	84,084	−0.8	NA	84,084
Upper	31	151,946	31	151,878	0.0	NA	151,878
Notes: Real estate professionals believe that prices are stable. Change is fairly uniform among income levels. Number of observations in current survey exceed previous survey at the lower and middle levels. Since this year's data are more numerous and change is consistent with professional opinions, no adjustments are made.							
St Croix, Virgin Islands:							
Lower	10	$103,635	6	$78,705	−24.1	9.0	$112,962
Middle	5	151,866	8	174,161	14.7	NA	174,161
Upper	3	188,037	5	194,004	3.2	NA	194,004
Notes: Real estate professionals believe market is very slow. Data are sparse at all income levels, and trends vary widely among levels and differ from real estate professionals opinions. Trend at lower income level incongruous with trends at other two levels and also with professional's opinions. Therefore, the previous year's value at the lower income is adjusted by the average rate of change at middle and upper income level.							
St Thomas, Virgin Islands:							
Lower	9	$128,930	11	$139,680	8.3	NA	$139,680
Middle	6	183,591	2	217,997	18.7	8.3	[1] 198,829
Upper	3	214,173	5	241,196	12.6	8.3	[1] 231,949
Notes: Real estate professionals believe market is declining. Data are sparse at middle and upper levels. Therefore, the rate of change at lower level is used to adjust previous values at middle and upper levels.							
Washington DC, District of Columbia Summer 1993 Survey:							
Lower	46	$88,083	38	$97,218	10.4	8.2	[1] $95,306
Middle	40	115,960	34	108,433	−6.5	8.2	[1] 125,469
Upper	30	250,512	56	302,515	20.8	8.2	[1] 271,054
Notes: Real estate professionals state that prices have remained stable. Data are generally less numerous than previous data. Trends vary significantly among levels and are not consistent with professionals' opinions. Therefore, average rate of the change at all three income levels is used to adjust last year's data.							
Washington DC, Maryland Summer 1993 Survey:							
Lower	9	$104,832	14	$95,031	−9.3	NA	$95,031
Middle	8	125,723	12	174,538	38.8	−7.5	[1] 116,294
Upper	13	211,667	19	199,750	−5.6	NA	199,750

APPENDIX 9A.—ANALYSIS OF HOME SALES DATA—Continued

Location	Previous		Current		Change (percent)	Percent adj.	Final value
	OBS	Average	OBS	Average			
Notes: Real estate professionals indicate that market has been slow and prices stable. Change at middle level is greater than what professionals believe is likely. Therefore, change at lower and upper income levels are averaged and used to adjust last year's middle value.							
Washington DC, Virginia Summer 1993 Survey:							
Lower	45	$95,184	40	$94,563	−0.7	NA	$94,563
Middle	81	125,047	66	126,984	1.5	NA	126,984
Upper	114	182,325	139	181,917	−0.2	NA	181,917
Notes: Real estate professionals say that the market is slow. Data are numerous at all income levels. Data are good, and rates of change appear consistent with professionals' opinions. Therefore, no adjustments are made.							

[1] Adjusted.
[2] Overall average = −0.3 percent.
[3] Merged average = −0.9 percent.

APPENDIX 9B.—ANALYSIS OF RENTAL DATA

Location	Previous		Current				Percent change	Percent adjustment	Final value
	OBS	Average	OBS	Nonbroker	Broker	Average			
City and county of Honolulu, Hawaii:									
Lower	68	$750	218	$795	$836	$816	8.8	NA	$816
Middle	42	960	140	993	950	972	1.3	NA	972
Upper	69	1,384	479	1,266	1,281	1,274	−7.9	NA	1,274
Notes: Realty professionals indicate market is soft, especially for house rentals. Observed trends support this. Number of observations significantly greater this year. Current data are good. Therefore, no adjustments made.									
Hilo, Hawaii:									
Lower	16	$584	21	$414	$619	$517	−11.5	NA	$517
Middle	19	716	39	552	844	698	−2.5	NA	698
Upper	37	878	143	685	1,050	868	−1.1	NA	868
Notes: Realty professionals indicate market is soft and that prices are stable or declining. Number of observations greater this year, particularly at upper level. Current data are good. Therefore, no adjustments made.									
Kailua Kona, Hawaii:									
Lower	17	$734	76	$617	$738	$678	−7.6	NA	$678
Middle	22	883	58	727	875	801	−9.3	NA	801
Upper	27	1,111	97	925	1,175	1,050	−5.5	NA	1,050
Notes: Realty professionals indicate market is soft and that prices are stable or declining. Number of observations significantly greater this year at all levels. Current data are good. Therefore, no adjustments are made.									
Kauai, Hawaii:									
Lower	15	$811	19	$600	$800	$800B	−1.4	13.6	$921*
Middle	20	906	25	1,000	1,100	1,050	15.9	NA	1,050
Upper	22	1,358	56	1,643	1,379	1,511	11.3	NA	1,511
*Adjusted by average at middle and upper levels B=Broker only because less than 3 non-broker samples. Notes: Realty professionals indicate greater demand for rentals as a result of Iniki but believe prices are stable. (This agrees with broker data trends.) Current data are good at middle and upper income levels but are weaker at lower income levels. Therefore, previous year's rate at lower level is adjusted by the average of the rates of change at the middle and upper income levels.									
Maui, Hawaii:									
Lower	33	$650	52	$601	$669	$635	−2.3	NA	$635
Middle	51	847	60	708	885	797	−5.9	NA	797
Upper	71	1,085	84	1,020	1,179	1,100	1.4	NA	1,100
Notes: Realty professionals indicate that prices are stable or declining. Tourism is low, and this is depressing the rental market. Number of observations are greater this year than last year. Current data are good. Therefore, no adjustments made.									
Guam:									
Lower	16	$749	24	$749	$856	$803	7.2	NA	$803
Middle	20	1,061	35	980	1,119	1,050	−1.0	NA	1,050

APPENDIX 9B.—ANALYSIS OF RENTAL DATA—Continued

Location	Previous		Current				Percent change	Percent adjustment	Final value
	OBS	Average	OBS	Nonbroker	Broker	Average			
Upper	39	1,559	63	1,421	2,079	1,750	12.3	NA	1,750

Notes: Realty professionals indicated that rental prices were declining earlier in the year but now are increasing perhaps because of increased homeowner insurance costs as a result of typhoon Omar. Professionals believe tourism is down, that this reduces demand and partially offsets rent increases that might otherwise occur. Number of observations greater this year. Current data are good. Therefore, no adjustments made.

Mayaguez, Puerto Rico:									
Lower	10	$408	8	$600	$490	490B	20.1	1.6	$415*
Middle	22	596	10	588	638	613	2.9	1.6	606*
Upper	10	967	25	760	820	790	−18.3	1.6	982*

B=Broker only because less than 3 non-broker samples.
Overall average: 1.6%.
*Adjusted by overall average.
Notes: Realty professionals indicate that market is stable but tight because of college student population and demand for units. Data trends are divergent, even among broker data. Therefore, rates of change at all three levels are averaged and result (1.6%) used to adjust last year's results by income level.

San Juan, Puerto Rico:									
Lower	29	$684	36	$708	$747	$728	6.4	NA	$728
Middle	34	1,079	50	1,185	950	1,068	−1.0	NA	1,068
Upper	50	1,996	98	1,831	1,955	1,893	−5.2	NA	1,893

Notes: Realty professionals indicate rental market is stable or decreasing. Number of observations greater this year, particularly at upper level. Current data are good. Therefore, no adjustments made.

St Croix, Virgin Islands:									
Lower	4	$697	80	$714	$644	$679	−2.6	NA	$679
Middle	4	1,129	49	840	754	797	−29.4	−4.6	1,077
Upper	19	1,457	39	1,427	1,295	1,361	−6.6	NA	1,361

Notes: Realty professionals say that rental rates are declining. However, change at middle income level is incongruous with change at other two levels and beyond what realty professionals would expect. Therefore, rates of change at lower and upper income levels are averaged and used to adjust previous year's rate at middle income level.

St. Thomas, Virgin Islands:									
Lower	32	$735	62	$643	$925	$784	6.7	NA	$784
Middle	25	1,069	60	930	1,025	978	−8.5	NA	978
Upper	22	1,530	44	1,273	1,488	1,381	−9.7	NA	1,381

Notes: Realty professionals believe prices are declining because rental availability is at peak since hurricane Hugo. Number of observations greater this year at all levels. Current data are good. Therefore, no adjustments made.

Washington DC, District of Columbia Summer 1993 Survey:									
Lower	99	$485	160	$451	$463	$457	−5.8	NA	$457
Middle	54	643	69	592	600	596	−7.3	NA	596
Upper	34	1,594	55	1,450	1,638	1,544	−3.1	NA	1,544

Notes: Realty professionals indicate that market is stable and that rental availability is good. However, trends indicate market is declining. Number of observations greater this year. Current data are good. Therefore, no adjustments are made.

Washington DC, Maryland, Summer 1993 Survey:									
Lower	54	$535	63	$514	$538	$526	−1.7	NA	$526
Middle	33	763	41	783	744	764	−0.1	NA	764
Upper	62	961	105	980	1,777	1,079	−12.3	NA	1,079

Notes: Realty professionals indicate that market is stable, that turnover is high, but that townhouses and houses for rent are scarce (mainly affects upper level). Number of observations is greater this year. Current data are good. Therefore, no adjustments made.

Washington, DC, Virginia Summer 1993 Survey:									
Lower	37	$571	36	$573	$600	$587	2.8	NA	$587
Middle	105	752	138	781	744	763	1.5	NA	763

APPENDIX 9B.—ANALYSIS OF RENTAL DATA—Continued

Location	Previous		Current				Percent change	Percent adjustment	Final value
	OBS	Average	OBS	Nonbroker	Broker	Average			
Upper	115	1,033	238	979	994	987	−4.5	NA	987

Notes: Realty professionals indicate that market is stable and that availability is good. Number of observations is greater this year, particularly at upper level. Current data are good. Therefore, no adjustments made.

PRIVATE TRANSPORTATION COST ANALYSIS

[Location: Honolulu, HI; Date Prepared: 05–Nov–93; Summer 1993 Survey]

Category	Annual costs		
	Honda Civic 1.5L 4 cyl DX 4 dr sedan	Ford Taurus 3.0L 6 cyl GL 4 dr sedan	Chevrolet S10 Blazer 4.3L 6 cyl 4WD 2dr
Fuel	804	1148	1507
Maintenance/oil	399	413	458
Tires	112	144	161
License and registration	80	94	103
Miscellaneous tax	0	0	0
Depreciation	3176	3596	4353
Finance expense	792	870	1076
Insurance	1716	1629	1936
Total annual cost	7079	7894	9594

PRIVATE TRANSPORTATION COST ANALYSIS

[Location: Hilo, HI; Date Prepared: 21–Oct–93; Summer 1993 Survey]

Category	Annual costs		
	Honda Civic 1.5L 4 cyl DX 4 dr sedan	Ford Taurus 3.0L 6 cyl GL 4 dr sedan	Chevrolet S10 Blazer 4.3L 6 cyl 4WD 2dr
Fuel	861	1229	1613
Maintenance/oil	413	446	433
Tires	112	144	162
License and registration	62	71	77
Miscellaneous tax	0	0	0
Depreciation	3176	3596	4353
Finance expense	730	802	992
Insurance	1624	1547	1808
Total annual cost	6978	7835	9438

PRIVATE TRANSPORTATION COST ANALYSIS

[Location: Kailua Kona, HI; Date Prepared: 21–Oct–93; Summer 1993 Survey]

Category	Annual costs		
	Honda Civic 1.5L 4 cyl DX 4 dr sedan	Ford Taurus 3.0L 6 cyl GL 4 dr sedan	Chevrolet S10 Blazer 4.3L 6 cyl 4WD 2dr
Fuel	942	1345	1765
Maintenance/oil	367	413	432
Tires	112	144	162
License and registration	62	71	77
Miscellaneous tax	0	0	0
Depreciation	3176	3596	4353
Finance expense	751	825	1020
Insurance	1597	1539	1816
Total annual cost	7007	7933	9625

PRIVATE TRANSPORTATION COST ANALYSIS

[Hawaii Composite; Summer 1993 Survey; Date Prepared: 17–Feb–94]

Location	Weights	Annual costs		
		Honda Civic 1.5L 4 cyl DX 4 dr sedan	Ford Taurus 3.0L 6 cyl GL 4 dr sedan	Chevrolet S10 Blazer 4.3L 6 cyl 4 WD 2 dr
Hilo, HI	82.25	6978	7835	9438
Kailua Kona, HI	17.75	7007	7933	9625
Total Weight	100.000	.....	.....	.....
Composite cost	.....	6983	7852	9471

PRIVATE TRANSPORTATION COST ANALYSIS

[Location: Kauai, HI; Date Prepared: 21-Oct-93; Summer 1993 Survey]

Category	Annual costs		
	Honda Civic 1.5L 4 cyl DX 4 dr sedan	Ford Taurus 3.0L 6 cyl GL 4 dr sedan	Chevrolet S10 Blazer 4.3L 6 cyl 4WD 2dr
Fuel	862	1232	1616
Maintenance/oil	341	363	404
Tires	112	144	162
License and registration	68	79	86
Miscellaneous tax	0	0	0
Depreciation	3176	3596	4353
Finance expense	847	931	1151
Insurance	1424	1367	1642
Total annual cost	6830	7712	9414

PRIVATE TRANSPORTATION COST ANALYSIS

[Location: Maui, HI; Date Prepared: 21-Oct-93; Summer 1993 Survey]

Category	Annual costs		
	Honda Civic 1.5L 4 cyl DX 4 dr sedan	Ford Taurus 3.0L 6 cyl GL 4 dr sedan	Chevrolet S10 Blazer 4.3L 6 cyl 4WD 2dr
Fuel	852	1217	1597
Maintenance/oil	414	424	456
Tires	112	144	162
License and registration	68	79	86
Miscellaneous tax	0	0	0
Depreciation	3176	3596	4353
Finance expense	765	840	1039
Insurance	1577	1503	1760
Total annual cost	6964	7803	9453

PRIVATE TRANSPORTATION COST ANALYSIS

[Location: Guam; Date Prepared: 24-Mar-94; Summer 1993 Survey]

Category	Annual costs		
	Honda Civic 1.5L 4 cyl DX 4 dr sedan	Ford Taurus 3.0L 6 cyl GL 4 dr sedan	Chevrolet S10 Blazer 4.3L 6 cyl 4WD 2dr
Fuel	736	1052	1381
Maintenance/oil	330	352	398
Tires	92	139	136
License and registration	28	31	33
Miscellaneous tax	0	0	0
Depreciation	3093	3752	4075
Finance expense	852	984	1125

PRIVATE TRANSPORTATION COST ANALYSIS—Continued

[Location: Guam; Date Prepared: 24-Mar-94; Summer 1993 Survey]

Category	Annual costs		
	Honda Civic 1.5L 4 cyl DX 4 dr sedan	Ford Taurus 3.0L 6 cyl GL 4 dr sedan	Chevrolet S10 Blazer 4.3L 6 cyl 4WD 2dr
Insurance	1631	1617	2075
Total annual cost	6762	7927	9223

PRIVATE TRANSPORTATION COST ANALYSIS

[Location: Mayaguez, PR; Date Prepared: 24-Mar-94; Summer 1993 Survey]

Category	Annual costs		
	Honda Civic 1.5L 4 cyl DX 4 dr sedan	Ford Taurus 3.0L 6 cyl GL 4 dr sedan	Chevrolet S10 Blazer 4.3L 6 cyl 4WD 2dr
Fuel	564	806	1057
Maintenance/oil	249	255	287
Tires	87	114	120
License and registration	88	88	88
Miscellaneous tax	0	0	0
Depreciation	3451	4523	4987
Finance expense	1060	1304	1498
Insurance	1104	1227	1300
Total annual cost	6603	8317	9337

PRIVATE TRANSPORTATION COST ANALYSIS

[Location: San Juan, PR; Date Prepared: 24-Mar-94; Summer 1993 Survey]

Category	Annual costs		
	Honda Civic 1.5L 4 cyl DX 4 dr sedan	Ford Taurus 3.0L 6 cyl GL 4 dr sedan	Chevrolet S10 Blazer 4.3L 6 cyl 4WD 2dr
Fuel	514	734	964
Maintenance/oil	286	322	341
Tires	87	114	120
License and registration	88	88	88
Miscellaneous tax	0	0	0
Depreciation	3451	4523	4987
Finance expense	972	1195	1373
Insurance	1245	1385	1471
Total annual cost	6643	8361	9344

PRIVATE TRANSPORTATION COST ANALYSIS

[Puerto Rico Composite; Summer 1993 Survey; Date Prepared: 24–Mar–94]

Location	Weights	Annual costs		
		Honda Civic 1.5L 4 cyl DX 4 dr sedan	Ford Taurus 3.0L 6 cyl GL 4 dr sedan	Chevrolet S10 Blazer 4.3L 6 cyl 4WD 2 dr
San Juan, PR	84.09	6643	8361	9344
Mayaguez, PR	15.91	6603	8317	9337
Total weight	100.00	.....	.....	.....
Composite cost	.....	6637	8354	9343

PRIVATE TRANSPORTATION COST ANALYSIS

[Location: St Croix VI, Date Prepared: 24–Mar–94; Summer 1993 Survey]

Category	Annual costs		
	Honda Civic 1.5L 4 cyl DX 4 dr sedan	Ford Taurus 3.0L 6 cyl GL 4 dr sedan	Chevrolet S10 Blazer 4.3L 6 cyl 4WD 2dr
Fuel	584	834	1095
Maintenance/oil	260	285	290
Tires	87	114	120
License and registration	35	44	54
Miscellaneous tax	0	0	0
Depreciation	2997	3749	3934
Finance expense	904	1066	1191
Insurance	2087	2242	3152
Total annual cost	6954	8334	9836

PRIVATE TRANSPORTATION COST ANALYSIS

[Location: St Thomas, VI; Date Prepared: 24–Mar–94; Summer 1993 Survey]

Category	Annual costs		
	Honda Civic 1.5L 4 cyl DX 4 dr sedan	Ford Taurus 3.0L 6 cyl GL 4 dr sedan	Chevrolet S10 Blazer 4.3L 6 cyl 4WD 2dr
Fuel	664	949	1246
Maintenance/oil	329	363	384
Tires	87	114	120
License and registration	35	44	54
Miscellaneous tax	0	0	0
Depreciation	2997	3749	3934
Finance expense	867	1023	1142
Insurance	1571	1427	2834
Total annual cost	6550	7669	9714

PRIVATE TRANSPORTATION COST ANALYSIS, VIRGIN ISLANDS COMPOSITE

[Date Prepared: 24–Mar–94; Summer 1993 Survey]

Location	Weights	Annual costs		
		Honda Civic 1.5L 4 cyl DX 4 dr sedan	Ford Taurus 3.0L 6 cyl GL 4 dr sedan	Chevrolet S10 Blazer 4.3L 6 cyl 4wd 2 dr
St. Croix, VI	45.73	6954	8334	9836
St. Thomas, VI	54.27	6550	7669	9714
Total Weight	100.00	.....	.....	.....
Composite Cost	.....	6735	7973	9770

PRIVATE TRANSPORTATION COST ANALYSIS

[Location: Washington, DC, DC; Date Prepared: 21–Oct–93; Summer 1993 Survey]

Category	Annual costs		
	Honda Civic 1.5L 4 cyl DX 4 dr sedan	Ford Taurus 3.0L 6 cyl GL 4 dr sedan	Chevrolet S10 Blazer 4.3L 6 cyl 4wd 2 dr
Fuel	596	851	1117
Maintenance/Oil	376	402	432
Tires	71	91	102
License & Registration	74	74	74
Miscellaneous Tax	0	0	0
Depreciation	2491	3163	3392
Finance Expense	487	575	657

PRIVATE TRANSPORTATION COST ANALYSIS—Continued

[Location: Washington, DC, DC; Date Prepared: 21–Oct–93; Summer 1993 Survey]

Category	Annual costs		
	Honda Civic 1.5L 4 cyl DX 4 dr sedan	Ford Taurus 3.0L 6 cyl GL 4 dr sedan	Chevrolet S10 Blazer 4.3L 6 cyl 4wd 2 dr
Insurance	1048	995	1263
Total Annual Cost	5143	6151	7037

PRIVATE TRANSPORTATION COST ANALYSIS

[Location: Washington, DC, MD; Date Prepared: 22–Oct–93; Summer 1993 Survey]

Category	Annual costs		
	Honda Civic 1.5L 4 cyl DX 4 dr sedan	Ford Taurus 3.0L 6 cyl GL 4 dr sedan	Chevrolet S10 Blazer 4.3L 6 cyl 4wd 2 dr
Fuel	585	835	1096
Maintenance/Oil	413	434	439
Tires	70	90	101
License & Registration	48	48	48
Miscellaneous Tax	0	0	0
Depreciation	2455	3121	3296
Finance Expense	490	579	655
Insurance	983	976	1146
Total Annual Cost	5044	6083	6781

PRIVATE TRANSPORTATION COST ANALYSIS

[Location: Washington, DC, VA; Date Prepared: 21–Oct–93; Summer 1993 Survey]

Category	Annual costs		
	Honda Civic 1.5L 4 cyl DX 4 dr sedan	Ford Taurus 3.0L 6 cyl GL 4 dr sedan	Chevrolet S10 Blazer 4.3L 6 cyl 4wd 2 dr
Fuel	586	837	1099
Maintenance/Oil	376	382	427
Tires	70	90	101
License & Registration	71	71	71
Miscellaneous Tax	284	312	412
Depreciation	2384	3036	3201
Finance Expense	445	526	596
Insurance	734	710	837
Total Annual Cost	4950	5964	6744

PRIVATE TRANSPORTATION COST ANALYSIS, WASHINGTON, DC COMPOSITE

[Date Prepared: 22–Oct–93; Summer 1993 Survey]

Location	Weights	Annual costs		
		Honda Civic 1.5L 4 cyl DX 4 dr sedan	Ford Taurus 3.0L 6 cyl GL 4 dr sedan	Chevrolet S10 Blazer 4.3L 6 cyl 4wd 2 dr
Washington DC, DC	33.34	5143	6151	7037
Washington DC, MD	33.33	5044	6083	6781
Washington DC, VA	33.33	4950	5964	6744
Total Weight	100.00	.....	.....	.....
Composite Cost	.....	5046	6066	6854

BILLING CODE 6325–01–M

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AUTO INSURANCE CALCULATION WORKSHEET

Guam
(Original Values)

Limits	Honda	Ford	Chev
BI100/300	97	97	97
PD 50	96	96	96
UM 25/50	10	10	10
CM 500	260	296	412
CL 500	712	808	921
MED 5	44	44	44
TOTALS	1219.0	1351.0	1580.0

Guam
(Final Values)

Limits	Honda	Ford	Chev
BI 100/300	97	97	97
PD 50	96	96	96
UM 100/300	14	14	14
CM 100	421	387	607
CL 250	959	979	1217
MED 5	44	44	44
TOTALS	1631.0	1617.0	2075.0

	Washington DC (Special Limits)				Guam (Indexes)				Washington DC (Normal Limits)				Guam (Values)			
	Limits	Honda	Ford	Chev		Honda	Ford	Chev	Limits	Honda	Ford	Chev		Honda	Ford	Chev
DC	BI				BI	--	--	--	BI 100/300	388.11	388.11	388.11	BI	--	--	--
	PD				PD	--	--	--	PD 10	In BI	In BI	In BI	PD	--	--	--
	UM 25/50	49.14	49.14	49.14	UM	0.20	0.20	0.20	UM 100/300	41.58	41.58	41.58	UM	8	8	8
	CM 500	115.79	129.18	186.45	CM	2.25	2.29	2.21	CM 100	163.61	139.69	247.67	CM	368	320	547
	CL 500	296.81	311.78	392.78	CL	2.40	2.59	2.34	CL 250	385.74	356.82	507.42	CL	926	924	1187
	MED				MED	--	--	--	MED 5	N/A	N/A	N/A	MED	--	--	--
MD	BI				BI	--	--	--	BI 100/300	418.22	418.22	418.22	BI	--	--	--
	PD				PD	--	--	--	PD 10	In BI	In BI	In BI	PD	--	--	--
	UM 25/50	30.64	30.64	30.64	UM	0.33	0.33	0.33	UM 100/300	62.83	62.83	62.83	UM	21	21	21
	CM 500	73.49	75.38	115.16	CM	3.54	3.93	3.58	CM 100	128.96	115.71	189.11	CM	457	455	677
	CL 500	213.45	219.53	280.01	CL	3.34	3.68	3.29	CL 250	304.35	291.65	385.78	CL	1017	1073	1269
	MED				MED	--	--	--	MED 5	N/A	N/A	N/A	MED	--	--	--
VA	BI				BI	--	--	--	BI 100/300	341.36	341.36	341.36	BI	--	--	--
	PD				PD	--	--	--	PD 20	In BI	In BI	In BI	PD	--	--	--
	UM 25/50	21	21	21	UM	0.48	0.48	0.48	UM 100/300	26.65	26.65	26.65	UM	13	13	13
	CM 500	46.63	52.72	80.17	CM	5.58	5.61	5.14	CM 100	78.30	68.93	116.25	CM	437	387	598
	CL 500	178.97	188.11	230.65	CL	3.98	4.30	3.99	CL 250	235.05	218.75	299.36	CL	935	941	1194
	MED				MED	--	--	--	MED 5	N/A	N/A	N/A	MED	--	--	--

COMMENTS

BI, PD, and MED are not indexed.

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AUTO INSURANCE CALCULATION WORKSHEET

Mayaguez PR (Original Values)

Limits	Honda	Ford	Chev
BI100/300	120.84	120.84	120.84
PD 50	105.35	105.35	105.35
UM100/300			
CM 100	429.9	505.45	561.65
CL 250	388.15	425.71	451.06
MED 5	5.1	5.1	5.1
TOTALS	1049.3	1162.5	1244.0

Mayaguez PR (Final Values)

Limits	Honda	Ford	Chev
BI 100/300	120.84	120.84	120.84
PD 50	105.35	105.35	105.35
UM 100/300	55	64	56
CM 100	429.9	505.45	561.65
CL 250	388.15	425.71	451.06
MED 5	5.1	5.1	5.1
TOTALS	1104.3	1226.5	1300.0

	Washington DC (Special Limits)				Mayaguez PR (Indexes)				Washington DC (Normal Limits)				Mayaguez PR (Values)			
	Limits	Honda	Ford	Chev		Honda	Ford	Chev	Limits	Honda	Ford	Chev		Honda	Ford	Chev
DC	BI	388.11	388.11	388.11	BI	--	--	--	BI 100/300	388.11	388.11	388.11	BI	--	--	--
	PD	In BI	In BI	In BI	PD	--	--	--	PD 10	In BI	In BI	In BI	PD	--	--	--
	UM				UM	1.11	1.31	1.08	UM 100/300	41.58	41.58	41.58	UM	46	54	45
	CM	163.61	139.69	247.67	CM	--	--	--	CM 100	163.61	139.69	247.67	CM	--	--	--
	CL	385.74	356.82	507.42	CL	--	--	--	CL 250	385.74	356.82	507.42	CL	--	--	--
	MED				MED	--	--	--	MED 5	N/A	N/A	N/A	MED	--	--	--
MD	BI	418.22	418.22	418.22	BI	--	--	--	BI 100/300	418.22	418.22	418.22	BI	--	--	--
	PD	In BI	In BI	In BI	PD	--	--	--	PD 10	In BI	In BI	In BI	PD	--	--	--
	UM				UM	1.23	1.40	1.25	UM 100/300	62.83	62.83	62.83	UM	77	88	79
	CM	128.96	115.71	189.11	CM	--	--	--	CM 100	128.96	115.71	189.11	CM	--	--	--
	CL	304.35	291.65	385.78	CL	--	--	--	CL 250	304.35	291.65	385.78	CL	--	--	--
	MED				MED	--	--	--	MED 5	N/A	N/A	N/A	MED	--	--	--
VA	BI	341.36	341.36	341.36	BI	--	--	--	BI 100/300	341.36	341.36	341.36	BI	--	--	--
	PD	In BI	In BI	In BI	PD	--	--	--	PD 20	In BI	In BI	In BI	PD	--	--	--
	UM				UM	1.59	1.84	1.64	UM 100/300	26.65	26.65	26.65	UM	42	49	44
	CM	78.3	68.93	116.25	CM	--	--	--	CM 100	78.30	68.93	116.25	CM	--	--	--
	CL	235.05	218.75	299.36	CL	--	--	--	CL 250	235.05	218.75	299.36	CL	--	--	--
	MED				MED	--	--	--	MED 5	N/A	N/A	N/A	MED	--	--	--

COMMENTS

UM is developed by indexing the allowance area total premium to each Washington DC area total premium.
MED is not indexed.

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AUTO INSURANCE CALCULATION WORKSHEET

San Juan PR
(Original Values)

Limits	Honda	Ford	Chev
BI100/300	143.15	143.15	143.15
PD 50	120.45	120.45	120.45
UM100/300			
CM 100	534.5	628.05	698.5
CL 250	379.85	416.7	440.9
MED 5	4.9	4.9	4.9
TOTALS	1182.9	1313.3	1407.9

San Juan PR
(Final Values)

Limits	Honda	Ford	Chev
BI 100/300	143.15	143.15	143.15
PD 50	120.45	120.45	120.45
UM 100/300	62	72	63
CM 100	534.5	628.05	698.5
CL 250	379.85	416.7	440.9
MED 5	4.9	4.9	4.9
TOTALS	1244.9	1385.3	1470.9

	Washington DC (Special Limits)				San Juan PR (Indexes)				Washington DC (Normal Limits)				San Juan PR (Values)			
	Limits	Honda	Ford	Chev		Honda	Ford	Chev	Limits	Honda	Ford	Chev		Honda	Ford	Chev
DC	BI	388.11	388.11	388.11	BI	--	--	--	BI 100/300	388.11	388.11	388.11	BI	--	--	--
	PD	In BI	In BI	In BI	PD	--	--	--	PD 10	In BI	In BI	In BI	PD	--	--	--
	UM				UM	1.26	1.48	1.23	UM 100/300	41.58	41.58	41.58	UM	52	62	51
	CM	163.61	139.69	247.67	CM	--	--	--	CM 100	163.61	139.69	247.67	CM	--	--	--
	CL	385.74	356.82	507.42	CL	--	--	--	CL 250	385.74	356.82	507.42	CL	--	--	--
	MED				MED	--	--	--	MED 5	N/A	N/A	N/A	MED	--	--	--
MD	BI	418.22	418.22	418.22	BI	--	--	--	BI 100/300	418.22	418.22	418.22	BI	--	--	--
	PD	In BI	In BI	In BI	PD	--	--	--	PD 10	In BI	In BI	In BI	PD	--	--	--
	UM				UM	1.38	1.58	1.41	UM 100/300	62.83	62.83	62.83	UM	87	99	89
	CM	128.96	115.71	189.11	CM	--	--	--	CM 100	128.96	115.71	189.11	CM	--	--	--
	CL	304.35	291.65	385.78	CL	--	--	--	CL 250	304.35	291.65	385.78	CL	--	--	--
	MED				MED	--	--	--	MED 5	N/A	N/A	N/A	MED	--	--	--
VA	BI	341.36	341.36	341.36	BI	--	--	--	BI 100/300	341.36	341.36	341.36	BI	--	--	--
	PD	In BI	In BI	In BI	PD	--	--	--	PD 20	In BI	In BI	In BI	PD	--	--	--
	UM				UM	1.80	2.08	1.85	UM 100/300	26.65	26.65	26.65	UM	48	55	49
	CM	78.3	68.93	116.25	CM	--	--	--	CM 100	78.30	68.93	116.25	CM	--	--	--
	CL	235.05	218.75	299.36	CL	--	--	--	CL 250	235.05	218.75	299.36	CL	--	--	--
	MED				MED	--	--	--	MED 5	N/A	N/A	N/A	MED	--	--	--

COMMENTS

UM is developed by indexing the allowance area total premium to each Washington DC area total premium.
MED is not indexed.

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AUTO INSURANCE CALCULATION WORKSHEET

St Croix, VI
(Original Values)

Limits	Honda	Ford	Chev
BI 25/25	296	296	296
PD 25	In BI	In BI	In BI
UM			
CM 500	345.17	438.34	571.34
CL 500	740.81	924.76	1321.19
MED 5	40	40	40
TOTAL	1422.0	1699.1	2228.5

St Croix, VI
(Final Values)

Limits	Honda	Ford	Chev
BI 100/300	390	390	390
PD 50	--	--	--
UM 100/300	101	118	133
CM 100	558	573	842
CL 250	998	1121	1747
MED 5	40	40	40
TOTALS	2087.0	2242.0	3152.0

	Washington DC (Special Limits)				St Croix, VI (Indexes)				Washington DC (Normal Limits)				St Croix, VI (Values)			
	Limits	Honda	Ford	Chev		Honda	Ford	Chev	Limits	Honda	Ford	Chev		Honda	Ford	Chev
DC	BI 25/50	306.68	306.68	306.68	BI	0.97	0.97	0.97	BI 100/300	388.11	388.11	388.11	BI	376	376	376
	PD 10	In BI	In BI	In BI	PD	--	--	--	PD 10	In BI	In BI	In BI	PD	--	--	--
	UM				UM	1.92	2.22	2.47	UM 100/300	41.58	41.58	41.58	UM	80	92	103
	CM 500	115.79	129.18	186.45	CM	2.98	3.39	3.06	CM 100	163.61	139.69	247.67	CM	488	474	758
	CL 500	296.81	311.78	392.78	CL	2.50	2.97	3.36	CL 250	385.74	356.82	507.42	CL	964	1060	1705
	MED				MED	--	--	--	MED 5	N/A	N/A	N/A	MED	--	--	--
MD	BI 20/40	312.55	312.55	312.55	BI	0.95	0.95	0.95	BI 100/300	418.22	418.22	418.22	BI	397	397	397
	PD 10	In BI	In BI	In BI	PD	--	--	--	PD 10	In BI	In BI	In BI	PD	--	--	--
	UM				UM	2.31	2.73	3.09	UM 100/300	62.83	62.83	62.83	UM	145	172	194
	CM 500	73.49	75.38	115.16	CM	4.70	5.82	4.96	CM 100	128.96	115.71	189.11	CM	606	673	938
	CL 500	213.45	219.53	280.01	CL	3.47	4.21	4.72	CL 250	304.35	291.65	385.78	CL	1056	1228	1821
	MED				MED	--	--	--	MED 5	N/A	N/A	N/A	MED	--	--	--
VA	BI 25/50	255.05	255.05	255.05	BI	1.16	1.16	1.16	BI 100/300	341.36	341.36	341.36	BI	396	396	396
	PD 20	In BI	In BI	In BI	PD	--	--	--	PD 20	In BI	In BI	In BI	PD	--	--	--
	UM				UM	2.88	3.35	3.87	UM 100/300	26.65	26.65	26.65	UM	77	89	103
	CM 500	46.63	52.72	80.17	CM	7.40	8.31	7.13	CM 100	78.30	68.93	116.25	CM	579	573	829
	CL 500	178.97	188.11	230.65	CL	4.14	4.92	5.73	CL 250	235.05	218.75	299.36	CL	973	1076	1715
	MED				MED	--	--	--	MED 5	N/A	N/A	N/A	MED	--	--	--

COMMENTS

UM is developed by indexing the allowance area total premium to each Washington DC area total premium.
MED is not indexed.

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AUTO INSURANCE CALCULATION WORKSHEET

St Thomas VI
(Original Values)

Limits	Honda	Ford	Chev
BI 25/25	296	296	296
PD 25	In BI	In BI	In BI
UM			
CM 500	246	246	388
CL 500	498	498	1289
MED 5	38	38	48
TOTAL	1078.0	1078.0	2021.0

St Thomas VI
(Final Values)

Limits	Honda	Ford	Chev
BI 100/300	390	390	390
PD 50	--	--	--
UM 100/300	76	74	120
CM 100	397	321	572
CL 250	670	604	1704
MED 5	38	38	48
TOTALS	1571.0	1427.0	2834.0

	Washington DC (Special Limits)				St Thomas VI (Indexes)				Washington DC (Normal Limits)				St Thomas VI (Values)			
	Limits	Honda	Ford	Chev		Honda	Ford	Chev	Limits	Honda	Ford	Chev		Honda	Ford	Chev
DC	BI 25/50	306.68	306.68	306.68	BI	0.97	0.97	0.97	BI 100/300	388.11	388.11	388.11	BI	376	376	376
	PD 10	In BI	In BI	In BI	PD	--	--	--	PD 10	In BI	In BI	In BI	PD	--	--	--
	UM				UM	1.45	1.39	2.23	UM 100/300	41.58	41.58	41.58	UM	60	58	93
	CM 500	115.79	129.18	186.45	CM	2.12	1.90	2.08	CM 100	163.61	139.69	247.67	CM	347	265	515
	CL 500	296.81	311.78	392.78	CL	1.68	1.60	3.28	CL 250	385.74	356.82	507.42	CL	648	571	1664
	MED				MED	--	--	--	MED 5	N/A	N/A	N/A	MED	--	--	--
MD	BI 20/40	312.55	312.55	312.55	BI	0.95	0.95	0.95	BI 100/300	418.22	418.22	418.22	BI	397	397	397
	PD 10	In BI	In BI	In BI	PD	--	--	--	PD 10	In BI	In BI	In BI	PD	--	--	--
	UM				UM	1.73	1.71	2.79	UM 100/300	62.83	62.83	62.83	UM	109	108	175
	CM 500	73.49	75.38	115.16	CM	3.35	3.26	3.37	CM 100	128.96	115.71	189.11	CM	432	377	637
	CL 500	213.45	219.53	280.01	CL	2.33	2.27	4.60	CL 250	304.35	291.65	385.78	CL	709	662	1775
	MED				MED	--	--	--	MED 5	N/A	N/A	N/A	MED	--	--	--
VA	BI 25/50	255.05	255.05	255.05	BI	1.16	1.16	1.16	BI 100/300	341.36	341.36	341.36	BI	396	396	396
	PD 20	In BI	In BI	In BI	PD	--	--	--	PD 20	In BI	In BI	In BI	PD	--	--	--
	UM				UM	2.16	2.10	3.49	UM 100/300	26.65	26.65	26.65	UM	58	56	93
	CM 500	46.63	52.72	80.17	CM	5.28	4.67	4.84	CM 100	78.30	68.93	116.25	CM	413	322	563
	CL 500	178.97	188.11	230.65	CL	2.78	2.65	5.59	CL 250	235.05	218.75	299.36	CL	653	580	1673
	MED				MED	--	--	--	MED 5	N/A	N/A	N/A	MED	--	--	--

COMMENTS

UM is developed by indexing the allowance area total premium to each Washington DC area total premium.
MED is not indexed.

Billing Code 6325-01-C

TRANSPORTATION ANALYSIS

[Location: Honolulu, HI; Date Prepared: 05–Nov–93; Summer 1993 Survey]

Vehicle	Total annual cost	Total cost DC area	Index
1. Honda Civic DX 4 Dr Sdn 1.5L 4 Cyl	7079	5046	140.29
2. Ford Taurus GL 4 Dr Sedan 3.0L 6 Cyl	7894	6066	130.14
3. Chevy S10 Blazer 4WD 2 Dr 4.3L 6 Cyl	9594	6854	139.98
Average Index	.....	.....	136.80

TRANSPORTATION SUMMARY

Category	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
Private Transportation	136.80	94.80	129.69	94.32	129.03	93.55	127.98
Public Transportation	83.02	5.20	4.32	5.68	4.72	6.45	5.35
Total Weights	.....	100.00	.....	100.00	.....	100.00	.....
Total Indexes:							
Lower	.....	.....	134.01	.....	.....	.....	.....
Middle	.....	.....	.....	.....	133.75	.....	.....
Upper	.....	.....	.....	.....	.....	.....	133.33

TRANSPORTATION ANALYSIS

[Location: Hawaii County, HI; Date Prepared: 17–Feb–94; Summer 1993 Survey]

Vehicle	Total annual cost	Total cost DC area	Index
1. Honda Civic DX 4 Dr Sdn 1.5L 4 Cyl	6983	5046	138.39
2. Ford Taurus GL 4 Dr Sedan 3.0L 6 Cyl	7852	6066	129.44
3. Chevy S10 Blazer 4WD 2 Dr 4.3L 6 Cyl	9471	6854	138.18
Average Index	.....	.....	135.34

TRANSPORTATION SUMMARY

Category	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
Private Transportation	135.34	94.80	128.30	94.32	127.65	93.55	126.61
Public Transportation	87.54	5.20	4.55	5.68	4.97	6.45	5.65
Total Weights	.....	100.00	.....	100.00	.....	100.00	.....
Total Indexes:							
Lower	.....	.....	132.85	.....	.....	.....	.....
Middle	.....	.....	.....	.....	132.62	.....	.....
Upper	.....	.....	.....	.....	.....	.....	132.26

TRANSPORTATION ANALYSIS

[Location: Kauai County, HI; Date prepared: 22–Oct–93; Summer 1993 Survey]

Vehicle	Total annual cost	Total cost DC area	Index
1. Honda Civic DX 4 Dr Sdn 1.5L 4 Cyl	6830	5046	135.35
2. Ford Taurus GL 4 Dr Sedan 3.0L 6 Cyl	7712	6066	127.13
3. Chevy S10 Blazer 4WD 2 Dr 4.3L 6 Cyl	9414	6854	137.35
Average Index	.....	.....	133.28

TRANSPORTATION SUMMARY

Category	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
Private Transportation	133.28	94.80	126.35	94.32	125.71	93.55	124.68

TRANSPORTATION SUMMARY—Continued

Category	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
Public Transportation	87.46	5.20	4.55	5.68	4.97	6.45	5.64
Total Weights		100.00		100.00		100.00	
Total Indexes:							
Lower			130.90				
Middle					130.68		
Upper							130.32

TRANSPORTATION ANALYSIS

[Location: Maui County, HI; Date prepared: 22–Oct–93; Summer 1993 Survey]

Vehicle	Total annual cost	Total cost DC area	Index
1. Honda Civic DX 4 Dr Sdn 1.5L 4 Cyl	6964	5046	138.01
2. Ford Taurus GL 4 Dr Sedan 3.0L 6 Cyl	7803	6066	128.64
3. Chevy S10 Blazer 4WD 2 Dr 4.3L 6 Cyl	9453	6854	137.92
Average Index			134.86

TRANSPORTATION SUMMARY

Category	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
Private Transportation	134.86	94.80	127.85	94.32	127.20	93.55	126.16
Public Transportation	88.02	5.20	4.58	5.68	5.00	6.45	5.68
Total Weights		100.00		100.00		100.00	
Total Indexes:							
Lower			132.43				
Middle					132.20		
Upper							131.84

TRANSPORTATION ANALYSIS

[Location: Guam; Date prepared: 24–Mar–94; Summer 1993 Survey]

Vehicle	Total annual cost	Total cost DC area	Index
1. Honda Civic DX 4 Dr Sdn 1.5L 4 Cyl	6762	5046	134.01
2. Ford Taurus GL 4 Dr Sedan 3.0L 6 Cyl	7927	6066	130.68
3. Chevy S10 Blazer 4WD 2 Dr 4.3L 6 Cyl	9223	6854	134.56
Average Index			133.08

TRANSPORTATION SUMMARY

Category	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
Private Transportation	133.08	94.80	126.16	94.32	125.52	93.55	124.50
Public Transportation	184.60	5.20	9.60	5.68	10.49	6.45	11.91
Total Weights		100.00		100.00		100.00	
Total Indexes:							
Lower			135.76				
Middle					136.01		
Upper							136.41

TRANSPORTATION ANALYSIS

[Location: Puerto Rico; Date prepared: 24–Mar–94; Summer 1993 Survey]

Vehicle	Total annual cost	Total cost DC area	Index
1. Honda Civic DX 4 Dr Sdn 1.5L 4 Cyl	6637	5046	131.53
2. Ford Taurus GL 4 Dr Sedan 3.0L 6 Cyl	8354	6066	137.72
3. Chevy S10 Blazer 4WD 2 Dr 4.3L 6 Cyl	9343	6854	136.31
Average Index			135.19

TRANSPORTATION SUMMARY

Category	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
Private Transportation	135.19	94.80	128.16	94.32	127.51	93.55	126.47
Public Transportation	104.84	5.20	5.45	5.68	5.95	6.45	6.76
Total Weights		100.00		100.00		100.00	
Total Indexes:							
Lower			133.61				
Middle					133.46		
Upper							133.23

TRANSPORTATION ANALYSIS

[Location: Virgin Islands; Date prepared: 24–Mar–94; Summer 1993 Survey]

Vehicle	Total annual cost	Total cost DC area	Index
1. Honda Civic DX 4 Dr Sdn 1.5L 4 Cyl	6735	5046	133.47
2. Ford Taurus GL 4 Dr Sedan 3.0L 6 Cyl	7973	6066	131.44
3. Chevy S10 Blazer 4WD 2 Dr 4.3L 6 Cyl	9770	6854	142.54
Average Index			135.82

TRANSPORTATION SUMMARY

Category	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
Private Transportation	135.82	94.80	128.76	94.32	128.11	93.55	127.06
Public Transportation	107.96	5.20	5.61	5.68	6.13	6.45	6.96
Total Weights		100.00		100.00			100.00
Total Indexes:							
Lower			134.37				
Middle					134.24		
Upper							134.02

PUBLIC TRANSPORTATION COST ANALYSIS SUMMARY PROGRAM

[Summer 1993 Survey; Date prepared: 17–Feb–94]

Location	Public transportation cost	Total cost DC area	Index
Honolulu, HI	480	578	83.02
Hawaii County, HI	506	578	87.54
Kauai County, HI	506	578	87.46
Maui County, HI	509	578	88.02
Guam	1067	578	184.60
Puerto Rico	606	578	104.84
Virgin Islands	624	578	107.96

PUBLIC TRANSPORTATION COMPOSITES

[Summer 1993 Survey; Date prepared: 24–Feb–94]

Location	Weights	Cost
San Juan, PR	84.09	599
Mayaguez, PR	15.91	646
Total Weight	100.00	
Puerto Rico Cost		606
Hilo, HI	82.25	506
Kailua Kona, HI	17.75	506
Total Weight	100.00	
Hawaii County, HI Cost		506
St. Croix, VI	45.73	623
St. Thomas, VI	54.27	624
Total Weight	100.00	
Virgin Islands Cost		624

MISCELLANEOUS EXPENSE ANALYSIS

[Location: Honolulu, HI; Date prepared: 05–Nov–93; Summer 1993 Survey]

Category/Item	Category index development					
	Price	Price DC area	Ratio	Weights	Subtot	Index
Medical Care						110.03
Nonprescription pain reliever	8.3467	5.2772	1.5817	5.0	7.91	
Tetracycline	5.9867	5.3406	1.1210	12.0	13.45	
Vision Check	74.8800	48.1667	1.5546	6.0	9.33	
Dental Service	114.2233	95.5333	1.1956	17.0	20.33	
Doctor Visit	41.5900	48.2222	0.8625	17.0	14.66	
Hospital Room	582.4000	475.3125	1.2253	6.0	7.35	
Health Insurance	1.0000	1.0000	1.0000	37.0	37.00	

Categories	Total index development						
	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
1. Medical Care	110.03	43.41	47.76	31.56	34.73	22.40	24.65
2. Cash Contributions	100.00	12.38	12.38	14.90	14.90	16.85	16.85
3. Personal Ins/Pension	100.00	44.21	44.21	53.54	53.54	60.75	60.75
Total Weights		100.00		100.00		100.00	
Total Indexes:							
Lower			104.35				
Middle					103.17		
Upper							102.25

MISCELLANEOUS EXPENSE ANALYSIS

[Location: Hilo, HI; Date prepared: 05–Nov–93; Summer 1993 Survey]

Category/Item	Category index development					
	Price	Price DC area	Ratio	Weights	Subtot	Index
Medical Care						116.92
Nonprescription pain reliever	7.6100	5.2772	1.4421	5.0	7.21	
Tetracycline	7.3633	5.3406	1.3787	12.0	16.54	
Vision Check	61.5667	48.1667	1.2782	6.0	7.67	
Dental Service	116.6533	95.5333	1.2211	17.0	20.76	
Doctor Visit	39.8600	48.2222	0.8266	17.0	14.05	
Hospital Room	1084.7200	475.3125	2.2821	6.0	13.69	
Health Insurance	1.0000	1.0000	1.0000	37.0	37.0	

Categories	Total index development						
	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
1. Medical Care	116.92	43.41	50.75	31.56	36.90	22.40	26.19
2. Cash Contributions	100.00	12.38	12.38	14.90	14.90	16.85	16.85
3. Personal Ins/Pension	100.00	44.21	44.21	53.54	53.54	60.75	60.75
Total Weights		100.00		100.00		100.00	
Total Indexes:							
Lower			107.34				
Middle					105.34		
Upper							103.79

Miscellaneous Expense Analysis

[Location: Kailua Kona, HI; Date prepared: 05–Nov–93; Summer 1993 Survey]

Category/Item	Category index development					
	Price	Price DC area	Ratio	Weights	Subtot	Index
Medical Care						135.28
Nonprescription pain reliever	8.2760	5.2772	1.5683	5.0	7.84	
Tetracycline	7.3367	5.3406	1.3738	12.0	16.49	
Vision Check	68.2000	48.1667	1.4159	6.0	8.50	
Dental Service	160.5067	95.5333	1.6801	17.0	28.56	
Doctor Visit	67.2533	48.2222	1.3947	17.0	23.71	
Hospital Room	1044.1600	475.3125	2.1968	6.0	13.18	
Health Insurance	1.0000	1.0000	1.0000	37.0	37.00	

Categories	Total index development						
	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
1. Medical Care	135.28	43.41	58.73	31.56	42.69	22.40	30.30
2. Cash Contributions	100.00	12.38	12.38	14.90	14.90	16.85	16.85
3. Personal Ins/Pension	100.00	44.21	44.21	53.54	53.54	60.75	60.75
Total Weights		100.00		100.00		100.00	
Total Indexes:							
Lower			115.32				
Middle					111.13		
Upper							107.90

Miscellaneous Expense Analysis—Hawaii County Composite

[Summer 1993 Survey; Date prepared: 24–Feb–94]

Location	Weights	Total indexes		
		Lower income	Middle income	Upper income
Hilo, HI	82.25	107.34	105.34	103.79
Kailua Kona, HI	17.75	115.32	111.13	107.90
Total Weight	100.00			
Composite indexes		108.76	106.37	104.52

Miscellaneous Expense Analysis

[Location: Kauai County, HI; Date prepared: 05–Nov–93; Summer 1993 Survey]

Category/Item	Category index development					
	Price	Price DC area	Ratio	Weights	Subtot	Index
Medical Care						117.27
Nonprescription pain reliever	8.2767	5.2772	1.5684	5.0	7.84	
Tetracycline	7.6500	5.3406	1.4324	12.0	17.19	
Vision Check	63.7867	48.1667	1.3243	6.0	7.95	

MISCELLANEOUS EXPENSE ANALYSIS—Continued

[Location: Kauai County, HI; Date prepared: 05–Nov–93; Summer 1993 Survey]

Category/Item	Category index development					
	Price	Price DC area	Ratio	Weights	Subtot	Index
Dental Service	119.7467	95.5333	1.2535	17.0	21.31	
Doctor Visit	53.3867	48.2222	1.1071	17.0	18.82	
Hospital Room	566.8000	475.3125	1.1925	6.0	7.16	
Health Insurance	1.0000	1.0000	1.0000	37.0	37.00	

Categories	Total index development						
	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
1. Medical Care	117.27	43.41	50.91	31.56	37.01	22.40	26.27
2. Cash Contributions	100.00	12.38	12.38	14.90	14.90	16.85	16.85
3. Personal Ins/Pension	100.00	44.21	44.21	53.54	53.54	60.75	60.75
Total Weights		100.00		100.00		100.00	
Total Indexes:							
Lower			107.50				
Middle					105.45		
Upper							103.87

MISCELLANEOUS EXPENSE ANALYSIS

[Location: Maui County, HI; Date prepared: 05–Nov–93; Summer 1993 Survey]

Category/Item	Category index development					
	Price	Price DC area	Ratio	Weights	Subtotal	Index
Medical Care						127.32
Nonprescription pain reliever	8.4167	5.2772	1.5949	5.0	7.97	
Tetracycline	6.8467	5.3406	1.2820	12.0	15.38	
Vision Check	60.7367	48.1667	1.2610	6.0	7.57	
Dental Service	139.7333	95.5333	1.4627	17.0	24.87	
Doctor Visit	61.2967	48.2222	1.2711	17.0	21.61	
Hospital Room	1023.3600	475.3125	2.1530	6.0	12.92	
Health Insurance	1.0000	1.0000	1.0000	37.0	37.00	

Categories	Total index development						
	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtotal	Weights	Subtotal	Weights	Subtotal
1. Medical Care	127.32	43.41	55.27	31.56	40.18	22.40	28.52
2. Cash Contributions	100.00	12.38	12.38	14.90	14.90	16.85	16.85
3. Personal Ins/Pension	100.00	44.21	44.21	53.54	53.54	60.75	60.75
Total Weights		100.00		100.00		100.00	
Total Indexes:							
Lower			111.86				
Middle					108.62		
Upper							106.12

MISCELLANEOUS EXPENSE ANALYSIS

[Location: Guam; Date prepared: 05–Nov–93; Summer 1993 Survey]

Category/Item	Category Index Development					
	Price	Price DC area	Ratio	Weights	Subtotal	Index
Medical Care						103.18
Nonprescription pain reliever	9.5967	5.2772	1.8185	5.0	9.09	
Tetracycline	4.9333	5.3406	0.9237	12.0	11.08	
Vision Check	20.0000	48.1667	0.4152	6.0	2.49	

MISCELLANEOUS EXPENSE ANALYSIS—Continued

[Location: Guam; Date prepared: 05–Nov–93; Summer 1993 Survey]

Category/Item	Category Index Development					
	Price	Price DC area	Ratio	Weights	Subtotal	Index
Dental Service	157.6667	95.5333	1.6504	17.0	28.06	
Doctor Visit	35.6667	48.2222	0.7396	17.0	12.57	
Hospital Room	229.1000	475.3125	0.4820	6.0	2.89	
Health Insurance	1.0000	1.0000	1.0000	37.00	37.00	

Categories	Total Index Development						
	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtotal	Weights	Subtotal	Weights	Subtotal
1. Medical Care	103.18	43.41	44.79	31.56	32.56	22.40	23.11
2. Cash Contributions	100.00	12.38	12.38	14.90	14.90	16.85	16.85
3. Personal Ins/Pension	100.00	44.21	44.21	53.54	53.54	60.75	60.75
Total Weights		100.00		100.00		100.00	
Total Indexes:							
Lower			101.38				
Middle					101.00		
Upper							

MISCELLANEOUS EXPENSE ANALYSIS

[Location: Mayaguez, PR; Date prepared: 05-Nov-93; Summer 1993 Survey]

Category/Item	Category index development					
	Price	Price DC area	Ratio	Weights	Subtot	Index
Medical care						70.41
Nonprescription pain reliever	4.7233	5.2772	0.8950	5.0	4.48	
Tetracycline	3.6000	5.3406	0.6741	12.0	8.09	
Vision check	26.6667	48.1667	0.5536	6.0	3.32	
Dental service	45.0000	95.5333	0.4710	17.0	8.01	
Doctor visit	20.0000	48.2222	0.4147	17.0	7.05	
Hospital room	194.5000	475.3125	0.4092	6.0	2.46	
Health insurance	1.0000	1.0000	1.0000	37.0	37.00	

Categories	Total index development						
	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
1. Medical Care	70.41	43.41	30.56	31.56	22.22	22.40	15.77
2. Cash Contributions	100.00	12.38	12.38	14.90	14.90	16.85	16.85
3. Personal Ins./Pension	100.00	44.21	44.21	53.54	53.54	60.75	60.75
Total Weights		100.00		100.00		100.00	
Total Indexes:							
Lower			87.15				
Middle					90.66		
Upper							93.37

MISCELLANEOUS EXPENSE ANALYSIS

[Location: San Juan, PR; Date prepared: 05–Nov–93; Summer 1993 Survey]

Category/Item	Category index development					
	Price	Price DC area	Ratio	Weights	Subtot	Index
Medical Care						78.09
Nonprescription pain reliever	5.7017	5.2772	1.0804	5.0	5.40	
Tetracycline	3.2633	5.3406	0.6110	12.0	7.33	
Vision Check	31.6667	48.1667	0.6574	6.0	3.94	
Dental Service	62.3333	95.5333	0.6525	17.0	11.09	

MISCELLANEOUS EXPENSE ANALYSIS—Continued

[Location: San Juan, PR; Date prepared: 05–Nov–93; Summer 1993 Survey]

Category/Item	Category index development					
	Price	Price DC area	Ratio	Weights	Subtot	Index
Doctor Visit	30.6667	48.2222	0.6359	17.0	10.81	
Hospital Room	200.0000	475.3125	0.4208	6.0	2.52	
Health Insurance	1.0000	1.0000	1.0000	37.0	37.00	

Categories	Total index development						
	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtot	Weight	Subtot	Weights	Subtot
1. Medical Care	78.09	43.41	33.90	31.56	24.65	22.40	17.49
2. Cash Contributions	100.00	12.38	12.38	14.90	14.90	16.85	16.85
3. Personal Ins/Pension	100.00	44.21	44.21	53.54	53.54	60.75	60.75
Total Weights		100.00		100.00		100.00	
Total Indexes:							
Lower			90.49				
Middle					93.09		
Upper							95.09

MISCELLANEOUS EXPENSE ANALYSIS—PUERTO RICO COMPOSITE

[Summer 1993 survey; Date prepared: 24–Feb–94]

Location	Total indexes			
	Weights	Lower income	Middle income	Upper income
San Juan, PR	84.09	90.49	93.09	95.09
Mayaguez, PR	15.91	87.15	90.66	93.37
Total weight	100.00			
Composite indexes		89.96	92.70	94.82

MISCELLANEOUS EXPENSE ANALYSIS

[Location: St. Croix, VI; Date prepared: 28–Feb–94; Summer 1993 Survey]

Category/item	Category index development					
	Price	Price DC area	Ratio	Weights	Subtot	Index
Medical Care						94.63
Nonprescription pain reliever	6.5780	5.2772	1.2465	5.0	6.23	
Tetracycline	5.3300	5.3406	0.9980	12.0	11.98	
Vision Check	45.0000	48.1667	0.9343	6.0	5.61	
Dental Service	67.5000	95.5333	0.7066	17.0	12.01	
Doctor Visit	50.0000	48.2222	1.0369	17.0	17.63	
Hospital Room	330.0000	475.3125	0.6943	6.0	4.17	
Health Insurance	1.0000	1.0000	1.0000	37.0	37.00	

Categories	Total index development						
	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
1. Medical Care	94.63	43.41	41.08	31.56	29.87	22.40	21.20
2. Cash Contributions	100.000	12.38	12.38	14.90	14.90	16.85	16.85
3. Personal Ins/Pension	100.00	44.21	44.21	53.54	53.54	60.75	60.75
Total Weights		100.00		100.00		100.00	
Total Indexes:							
Lower						97.67	
Middle						98.31	
Upper						98.80	

MISCELLANEOUS EXPENSE ANALYSIS

[Location: St Thomas, VI; Date prepared: 28–Feb–94 Summer 1993 Survey]

Category/Item	Category index development					
	Price	Price DC area	Ratio	Weights	Subtot	Index
Medical Care						115.96
Nonprescription pain reliever	8.2233	5.2772	1.5583	5.0	7.79	
Tetracycline	10.9167	5.3406	2.0441	12.0	24.53	
Vision Check	46.6667	48.1667	0.9689	6.0	5.81	
Dental Service	86.3333	95.5333	0.9037	17.0	15.36	
Doctor Visit	56.6667	48.2222	1.1751	17.0	19.98	
Hospital Room	435.0000	475.3125	0.9152	6.0	5.49	
Health Insurance	1.0000	1.0000	1.0000	37.0	37.00	

Categories	Total index development						
	Category indexes	Lower income		Middle income		Upper income	
		Weights	Subtot	Weights	Subtot	Weights	Subtot
1. Medical Care	115.96	43.41	50.34	31.56	36.60	22.40	25.98
2. Cash Contributions	100.00	12.38	12.38	14.90	14.90	16.85	16.85
3. Personal Ins/Pension	100.00	44.21	44.21	53.54	53.54	60.75	60.75
Total Weights		100.00		100.00		100.00	
Total Indexes:							
Lower			106.93				
Middle					105.04		
Upper							103.58

MISCELLANEOUS EXPENSE ANALYSIS—VIRGIN ISLANDS COMPOSITE

[Summer 1993 Survey; Date prepared: 24–Feb–94]

Location	Total indexes			
	Weights	Lower income	Middle income	Upper income
St. Croix, VI	45.73	97.67	98.31	98.80
St. Thomas, VI	54.27	106.93	105.04	103.58
Total weight	100.00			
Composite indexes		102.70	101.96	101.39

APPENDIX 13.—FEDERAL EMPLOYMENT WEIGHTS WITHIN A SINGLE ALLOWANCE AREA; MULTIPLE SURVEY AREAS

[Summer 1993 Survey; Date prepared: 24–Feb–94]

Location	1990	1992	1993	Average	Weights
Hawaii County:					
Hilo, HI	231	243	250	241	82.25
Kailua Kona, HI	58	47	52	52	17.75
Total				293	100.00
Puerto Rico:					
San Juan, PR	2932	5074	5135	4380	84.09
Mayaguez, PR	1257	625	606	829	15.91
Total				5209	100.00
Virgin Islands:					
St. Croix, VI	209	148	142	166	45.73
St. Thomas, VI	221	180	190	197	54.27
Total				363	100.00

FEDERAL EMPLOYMENT WEIGHTS WITHIN A SINGLE ALLOWANCE AREA; MULTIPLE INCOME LEVELS

[Summer 1993 Survey; Date prepared: 24–Feb–94]

Location	Income level	1990	1992	1993	Average	Weights
Honolulu, HI	Low	5307	4789	4346	4814	35.59
	Middle	4496	4567	4540	4534	33.52
	Upper	3946	4248	4344	4179	30.89
Total					13527	100.00
Hawaii County, HI	Low	102	129	122	118	36.09
	Middle	114	133	145	131	40.06
	Upper	73	77	85	78	23.85
Total					327	100.00
Kauai County, HI	Low	51	53	71	58	25.66
	Middle	97	94	94	95	42.04
	Upper	70	71	78	73	32.30
Total					226	100.00
Maui County, HI	Low	26	29	37	31	23.13
	Middle	52	61	56	56	41.80
	Upper	46	44	51	47	35.07
Total					134	100.00
Guam	Low	949	1010	1061	1007	49.39
	Middle	593	650	696	646	31.68
	Upper	334	387	437	386	18.93
Total					2039	100.00
Puerto Rico	Low	1763	2535	2330	2209	42.32
	Middle	1592	2133	2287	2004	38.39
	Upper	834	1047	1140	1007	19.29
Total					5220	100.00
Virgin Islands	Low	214	125	128	156	42.86
	Middle	153	139	133	142	39.01
	Upper	63	64	71	66	18.13
Total					364	100.00

APPENDIX 14.—COMPONENT EXPENDITURE AMOUNTS

[Date prepared: 24–Mar 93]

		Indexes					Amounts				
	Incomes	CG&S	Own	Rent	Trn	Misc	CG&S	Own	Rent	Trn	Misc
Reference Wts/Amts	18,000	39.59	24.35	24.35	20.76	15.30	7,126	4,383	4,383	3,737	2,754
	28,400	39.15	23.48	23.48	20.33	17.04	11,119	6,668	6,668	5,774	4,839
	45,200	38.74	22.66	22.66	19.94	18.66	17,510	10,242	10,242	9,013	8,434
Location:											
Honolulu, HI [1]	Lower	117.27	157.72	134.06	134.01	104.35	8,357	6,913	5,876	5,008	2,874
	Middle	116.17	200.60	121.49	133.75	103.17	12,917	13,376	8,101	7,723	4,992
	Upper	115.13	141.61	99.34	133.33	102.25	20,159	14,504	10,174	12,017	8,624
Hawaii County, HI	Lower	108.66	111.98	96.64	132.85	108.76	7,743	4,908	4,236	4,965	2,995
	Middle	107.58	118.65	94.54	132.62	106.37	11,962	7,912	6,304	7,657	5,147
	Upper	106.56	85.19	74.22	132.26	104.52	18,659	8,725	7,602	1,1921	8,815
Kauai County, HI	Lower	117.82	138.11	151.16	130.90	107.50	8,396	6,053	6,625	4,892	2,961
	Middle	116.36	140.69	131.99	130.68	105.45	12,938	9,381	8,801	7,545	5,103
	Upper	114.99	105.99	117.36	130.32	103.87	20,135	10,855	12,020	11,746	8,760
Maui County, HI	Lower	121.02	141.94	109.43	132.43	111.86	8,624	6,221	4,796	4,949	3,081
	Middle	119.70	158.11	103.82	132.20	108.62	13,309	10,543	6,923	7,633	5,256
	Upper	118.46	117.20	88.44	131.84	106.12	20,742	12,004	9,058	11,883	8,950
Guam	Lower	116.61	145.11	135.24	135.76	101.38	8,310	6,360	5,928	5,073	2,792
	Middle	116.49	147.14	133.58	136.01	101.00	12,953	9,811	8,907	7,853	4,887
	Upper	116.36	120.19	136.21	136.41	100.71	20,375	12,310	13,951	12,295	8,494
Puerto Rico	Lower	98.69	58.18	109.62	133.61	89.96	7,033	2,550	4,805	4,993	2,477
	Middle	98.63	63.56	121.00	133.46	92.70	10,967	4,238	8,068	7,706	4,486
	Upper	98.54	63.65	131.27	133.23	94.82	17,254	6,519	13,445	12,008	7,997
Virgin Islands	Lower	107.99	138.34	128.47	134.37	102.70	7,695	6,063	5,631	5,021	2,828
	Middle	107.70	158.64	132.50	134.24	101.96	11,975	10,578	8,835	7,751	4,934

APPENDIX 14.—COMPONENT EXPENDITURE AMOUNTS—Continued

[Date prepared: 24–Mar 93]

	Indexes						Amounts				
	Incomes	CG&S	Own	Rent	Trn	Misc	CG&S	Own	Rent	Trn	Misc
Upper	107.41	115.20	111.82	134.02	101.39	18,807	11,799	11,453	12,079	8,551	

[1] City and county.

COMPONENT EXPENDITURE AMOUNTS (INCORPORATING MILITARY PRICES)

[Date prepared: 24, Mar. 93]

		Indexes					Amounts				
	Incomes	CG&S	Own	Rent	TRN	Misc.	CG&S	Own	Rent	TRN	Misc.
Reference Wts/Amts	18,000	39.59	24.35	24.35	20.76	15.30	7,126	4,383	4,383	3,737	2,754
	28,400	39.15	23.48	23.48	20.33	17.04	11,119	6,668	6,668	5,774	4,839
	45,200	38.74	22.66	22.66	19.94	18.66	17,510	10,242	10,242	9,013	8,434
Location:											
Honolulu, HI (City and County) (Mil)	Lower	110.27	157.72	134.06	134.01	104.35	7,858	6,913	5,876	5,008	2,874
	Middle	109.37	200.60	121.49	133.75	103.17	12,161	13,376	8,101	7,723	4,992
	Upper	108.54	141.61	99.34	133.33	102.25	19,005	14,504	10,174	12,017	8,624
Guam (Mil)	Lower	110.87	145.11	135.24	135.76	101.38	7,901	6,360	5,928	5,073	2,792
	Middle	112.87	147.14	133.58	136.01	101.00	12,550	9,811	8,907	7,853	4,887
	Upper	114.78	120.19	136.21	136.41	100.71	20,098	12,310	13,951	12,295	8,494
Puerto Rico (Mil)	Lower	96.18	58.18	109.62	133.61	89.96	6,854	2,550	4,805	4,993	2,477
	Middle	96.49	63.56	121.00	133.46	92.70	10,729	4,238	8,068	7,706	4,486
	Upper	96.76	63.65	131.27	133.23	94.82	16,943	6,519	13,445	12,008	7,997

TOTAL COMPARATIVE COST INDEXES

[Date Prepared: 24–Mar–94]

Location and Inc	Income wghts	Own	Rent	Total	WDC	Index
Lower	18000	37.10	62.90	.....	.....	.....
Middle	28400	46.91	53.09	.....	.....	.....
Upper	45200	62.86	37.14	.....	.....	.....
Honolulu, HI (City and County):						
Lower	35.59	23152	22115	22500	18000	.....
Middle	33.52	39008	33733	36208	28400	.....
Upper	30.89	55304	50974	53696	45200	.....
	100.00	.....	.....	36731	29888	122.90
Hawaii County, HI:						
Lower	36.09	20611	19939	20188	18000	.....
Middle	40.06	32678	31070	31824	28400	.....
Upper	23.85	48120	46997	47703	45200	.....
	100.00	.....	.....	31412	28653	109.63
Kauai County, HI:						
Lower	25.66	22302	22874	22662	18000	.....
Middle	42.04	34967	34387	34659	28400	.....
Upper	32.20	51496	52661	51929	45200	.....
	99.90	.....	.....	37107	31113	119.27
Maui County, HI:						
Lower	23.13	22875	21450	21979	18000	.....
Middle	41.80	36741	33121	34819	28400	.....
Upper	35.07	53579	50633	52485	45200	.....
	100.00	.....	.....	38045	31886	119.32
Guam:						
Lower	49.39	22535	22103	22263	18000	.....
Middle	31.68	35504	34600	35024	28400	.....
Upper	18.93	53474	55115	54083	45200	.....

TOTAL COMPARATIVE COST INDEXES—Continued

[Date Prepared: 24–Mar–94]

Location and Inc	Income wghts	Own	Rent	Total	WDC	Index
	100.00	.....	.....	32329	26444	122.25
Puerto Rico:						
Lower	42.32	17053	19308	18471	18000	.....
Middle	38.39	27397	31227	29430	28400	.....
Upper	19.29	43778	50704	46350	45200	.....
	100.00	.....	.....	28056	27239	103.00
Virgin Islands:						
Lower	42.86	21607	21175	21335	18000	.....
Middle	39.01	35238	33495	34313	28400	.....
Upper	18.13	51236	50890	51107	45200	.....
	100.00	.....	.....	31795	26988	117.81

TOTAL COMPARATIVE COST INDEXES (INCORPORATING MILITARY PRICES)

[Date Prepared: 24–Mar–94]

Location and Inc	Income wghts	Own	Rent	Total	WDC	Index
Lower	18000	37.10	62.90	.....	.....	.....
Middle	28400	46.91	53.09	.....	.....	.....
Upper	45200	62.86	37.14	.....	.....	.....
Honolulu, HI (City and County) (MIL):						
Lower	35.59	22653	21616	22001	18000	.....
Middle	33.52	38252	32977	35452	284000	.....
Upper	30.89	54150	49820	52542	452000	.....
	100	.....	.....	35944	29888	120.26
Guam (MIL):						
Lower	49.39	22126	21694	21854	18000	.....
Middle	31.68	35101	34197	34621	28400	.....
Upper	18.93	54838	53806	45200	.....	
	197					
	100.00	.....	31947	26444	120.81	
Puerto Rico (MIL):						
Lower	42.32	16874	19129	18292	18000	.....
Middle	38.39	27159	30989	29192	28400	.....
Upper	19.29	43467	50393	46039	45200	
	100.00	.....	.....	27829	27239	102.17

[FR Doc. 94–12463 Filed 5–25–94; 8:45 am]

BILLING CODE 6325–01–M

federal register

Thursday
May 26, 1994

Part III

Department of Education

34 CFR Parts 76 and 298

State-Administered Programs and Federal, State, and Local Partnership for Educational Improvement; Proposed Rule

DEPARTMENT OF EDUCATION

34 CFR Parts 76 and 298

State-Administered Programs and Federal, State, and Local Partnership for Educational Improvement

AGENCY: Education.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The Secretary has decided to issue the final regulations amending part 76 of the Education Department General Administrative Regulations (EDGAR) this summer and to defer for one year their application. Once issued, the final regulations amending part 76 would require a State to submit its State plan and other related documents under a given program by a date certain or face deferral of the date on which the State may begin to obligate funds under the program. The Secretary also defers until the final regulations become effective the decision not to grant pre-award costs before the date a State may begin to obligate funds. The Secretary takes these actions to assist States in the transition to full implementation of the Cash Management Improvement Act of 1990.

FOR FURTHER INFORMATION CONTACT: Peter Wathen-Dunn, U.S. Department of Education, 400 Maryland Avenue SW., room 4091, Washington, DC 20202–2243. Telephone: (202) 401–3690. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: On December 16, 1993 the Secretary published a notice of proposed rulemaking (NPRM) (58 FR 65856) that proposed to amend 34 CFR 76.703 to delay the date a State may begin to obligate funds under a State administered program if certain circumstances existed involving late submission of a State plan. The Secretary also stated his intention not to authorize pre-award costs to any State that was late in submitting its State plan. The proposed amendment and the decision about pre-award costs were made necessary by the passage of the Cash Management Improvement Act of 1990 (CMIA). The effect of the CMIA and the proposed rule are described in the NPRM.

The Secretary received 60 comments in response to the NPRM from State educational agencies, State fiscal offices, a trust territory, the Treasury Department, and three national organizations. Most States asked the Department to defer the proposed rule so that it would not apply to funds made available for obligation this calendar year. The commenters also asked that the Secretary not apply the decision not to grant pre-award costs this year if a State is late in submitting its State plan. In addition to asking for the deferrals, the commenters raised many questions that must be answered before the rule can be issued and become effective. The Secretary has decided to issue the final rule this summer and defer its application to the submission of state plans made in the spring and summer of 1995. The Secretary also has decided to defer the decision not to grant pre-award costs. These decisions are intended to give States additional time to adjust their State plan development processes to the timelines envisioned for the submission of state plans in 1995. This deferral will also give the Department the time needed to fully answer all of the questions raised by the commenters and to make any changes to the proposed rule that may be appropriate in the light of the comments. However, for this transitional year, the Secretary encourages States to submit plans on a timely basis, as proposed in the NPRM.

The Secretary plans to publish a final rulemaking document this summer that will apply to State plan submissions made in the spring or summer of 1995. That final rulemaking document will amend 34 CFR 76.703 and implement the decision not to grant pre-award costs to a State that is late in submitting a State plan.

(Catalog of Federal Domestic Assistance Number does not apply)

Dated: May 19, 1994.

Richard Riley,

Secretary of Education.

[FR Doc. 94–12788 Filed 5–25–94; 8:45 am]

BILLING CODE 4000–01–P

federal register

Thursday
May 26, 1994

Part IV

Department of Education

Indian Vocational Education Training Program; Notice Inviting Applications for New Awards for Fiscal Year 1995

DEPARTMENT OF EDUCATION

[CFDA No: 84.101]

Indian Vocational Education Training Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1995

Notice to Applicants: This notice is a complete application package. Together with the statute authorizing the program and applicable regulations governing the program, including the Education Department General Administrative Regulations (EDGAR), the notice contains all of the information, application forms, and instructions needed to apply for a grant under this competition.

Purpose of Program: To provide financial assistance to Indian tribes and certain schools funded by the Department of the Interior to plan, conduct, and administer projects, or portions of projects, that are authorized by and consistent with the Carl D. Perkins Vocational and Applied Technology Education Act of 1990 (Act), as amended, 20 U.S.C. 2301 *et seq.*

Eligible Applicants: The following entities are eligible for an award under this program:

(a) A tribal organization of any Indian tribe that is eligible to contract with the Secretary of the Interior under the Indian Self-Determination and Education Assistance Act or under the Act of April 16, 1934.

(b) A Bureau-funded school offering a secondary program.

(c) Any tribal organization or Bureau-funded school described in paragraph (a) or (b) of this section may apply individually or jointly as part of a consortium with one or more eligible tribal organizations or schools.

When seeking to apply for funds as a consortium, individual eligible applicants must enter into an agreement signed by all members of the consortium and designating one member of the consortium as the applicant and grantee. The consortium's agreement must detail the activities each member of the consortium plans to perform, and must bind each member to every statement and assurance made in the consortium's application. The designated applicant must submit the consortium's agreement with its application.

Deadline for Transmittal of Applications: July 29, 1994.

Available Funds: $4,122,387 for the first 12 months of the 24-month project period. Funding for the second 12-month period of the 24-month project period is subject to the availability of funds and to a grantee meeting the requirements of 34 CFR 75.253.

Estimated Range of Awards: $45,000 to $595,000 for the first 12 months.

Estimated Average Size of Awards: $374,762.

Estimated Number of Awards: 11.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 24 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR Part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations).

(2) 34 CFR Part 75 (Direct Grant Programs).

(3) 34 CFR Part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

(5) 34 CFR Part 81 (General Education Provisions Act—Enforcement).

(6) 34 CFR Part 82 (New Restrictions on Lobbying).

(7) 34 CFR Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(8) 34 CFR Part 86 (Drug-Free Schools and Campuses).

(b) The regulations for this program in 34 CFR Parts 400 and 401.

Definitions

Applicants are encouraged to take particular note of the following definitions that are contained in 34 CFR 401.5:

"Act of April 16, 1934" means the Federal law commonly known as the "Johnson-O'Malley Act," that authorizes the Secretary of the Interior to make contracts for the education of Indians and other purposes.

"Bureau" means the Bureau of Indian Affairs, Department of the Interior.

"Bureau-Funded School" means—

(1) A Bureau-operated elementary or secondary day or boarding school or a Bureau-operated dormitory for students attending a school other than a Bureau school;

(2) An elementary or secondary school or a dormitory that receives financial assistance for its operation under a contract or agreement with the Bureau under sections 102, 104(1), or 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f, 450h(1), and 458d; or

(3) A school for which assistance is provided under the Tribally Controlled Schools Act of 1988.

"Indian Tribe" means any Indian tribe, band, Nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) that is federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"Tribal organization" means the recognized governing body of any Indian tribe or any legally established organization of Indians that is controlled, sanctioned, or chartered by that governing body or that is democratically elected by the adult members of the Indian community to be served by the organization and that includes the maximum participation of Indians in all phases of its activities. However, in any case where a contract is let or grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each of those Indian tribes must be a prerequisite to the letting or making of that contract or grant.

Invitational Priority

Under 34 CFR 75.105(c)(1) the Secretary is authorized to invite applications that meet certain priorities. In this competition, the Secretary seeks to encourage Indian program applicants to initiate and establish tech-prep projects that are similar to those operated by States under the Perkins Act. Therefore, the Secretary is particularly interested in applications that meet the following invitational priority, although an application that meets this invitational priority will not receive competitive or absolute preference over applications that do not meet this priority.

Projects that propose a tech-prep education program that combines a secondary and postsecondary program and that—

(a) Leads to an associate degree or two-year certificate;

(b) Provides technical preparation in at least one field of engineering technology, applied science, mechanical, industrial, or practical art or trade, or agriculture, health, or business;

(c) Builds student competence in mathematics, science, and communications (including through applied academics) through a sequential course of study; and

(d) Leads to placement in employment.

Furthermore, the Secretary encourages applicants addressing this invitational priority to propose projects that provide for the following:

(a) An articulation agreement to be carried out between instructional and service providers at the secondary or adult and postsecondary levels. ("Articulation agreement" means a commitment to a program designed to provide students with a non-duplicative sequence of progressive achievement leading to competencies in a tech-prep education program.)

(b) The implementation of an educational program that will be carried out under an articulation agreement between the members of a consortium that includes the two years of secondary schooling preceding graduation (including programs for adult learners) and either two years of higher education, or two years of apprenticeship training that follows secondary level instruction. The program should also provide a common core of required proficiency in applied mathematics, science, communications, and technologies designed to lead to an associate degree or a two-year certificate of proficiency in a specific career field.

(c) The development of tech-prep education curricula appropriate to the needs of the participants.

(d) Inservice training for teachers that—

(1) Is designed to train teachers to implement curricula for a tech-prep education program effectively;

(2) Provides for joint training for teachers from all participating instructional and service providers; and

(3) May provide training on weekends, evenings, or during the summer in the form of sessions, institutes, or workshops.

(e) Training activities for counselors designed to enable counselors to more effectively—

(1) Recruit students for tech-prep education programs;

(2) Ensure that students successfully complete tech-prep education programs; and

(3) Ensure that students are placed in appropriate employment.

(f) Equal access to all tech-prep education programs to students who are members of "special populations" as that term is defined in 34 CFR 400.4(b).

A project under this priority may also—

(a) Provide for the acquisition of tech-prep education program equipment; and

(b) Acquire, as a part of the planning activities, technical assistance from sources that have successfully designed, established, and operated tech-prep programs.

Selection Criteria

The Secretary uses the following selection criteria in 34 CFR 401.21 to evaluate applications for new grants under this competition.

The maximum score for each criterion is indicated in parentheses.

The program regulations in 34 CFR 401.20(b) provide that the Secretary may award up to 100 points for the selection criteria in 34 CFR 401.21, including a reserved 15 points that may be assigned by the Secretary among the published criteria in the notice for each program competition. For this competition, the Secretary distributes the 15 points reserved in 34 CFR 401.20(b), as follows:

Need (34 CFR 401.21(b)). Five points are added to this criterion for a possible total of 20 points.

Plan of operation (34 CFR 401.21(c)). Five points are added to this criterion for a possible total of 20 points.

Budget and cost effectiveness (34 CFR 401.21(e)). Five points are added to this criterion for a possible total of 10 points.

(a) *Program factors.* (20 points) The Secretary reviews each application to determine the extent to which it—

(1) Proposes measurable goals for student enrollment, completion, and placement (including placement in jobs or military specialties and in continuing education or training opportunities) that are realistic in terms of stated needs, resources, and job opportunities in each occupation for which training is to be provided;

(2) Proposes goals that take into consideration any related goals or standards developed for Job Opportunities and Basic Skills (JOBS) programs (42 U.S.C. 681 *et seq.*) and Job Training Partnership Act (JTPA) (29 U.S.C. 1501 *et seq.*) training programs operating in the area, and, where appropriate, any goals set by the State Board for vocational education for the occupation and geographic area;

(3) Describes, for each occupation for which training is to be provided, how successful program completion will be determined in terms of academic and vocational competencies demonstrated by enrollees prior to completion and any academic or work credentials acquired by enrollees upon completion;

(4) Demonstrates the active commitment in the project's planning and operation by advisory committees, tribal planning offices, the JOBS program office, the JTPA program director, and potential employers such as tribal enterprises, private enterprises (on or off the reservation), and other organizations;

(5) Is targeted to individuals with inadequate skills to assist those individuals in obtaining new employment; and

(6) Includes a thorough description of the approach to be used, including some or all of the following components:

(i) Methods of participant selection.

(ii) Assessment and feedback of participant progress.

(iii) Coordination of vocational instruction, academic instruction, and support services such as counseling, transportation, and child care.

(iv) Curriculum and, if appropriate, approaches for providing on-the-job training experience.

(b) *Need.* (20 points) The Secretary reviews each application to determine the extent to which the project addresses specific needs, including—

(1) The job market and related needs (such as educational level) of the target population;

(2) Characteristics of that population, including an estimate of those to be served by the project;

(3) How the project will meet the needs of the target population; and

(4) A description of any ongoing and planned activities relative to those needs, including, if appropriate, how the State plan developed under 34 CFR 403.30–403.34 is designed to meet those needs.

(c) *Plan of operation.* (20 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(1) The establishment of objectives that are clearly related to projects goals and activities and are measurable with respect to anticipated enrollments, completions, and placements;

(2) A management plan that describes the chain of command, how staff will be managed, how coordination among staff will be accomplished, and timelines for each activity; and

(3) The way the applicant intends to use its resources and personnel to achieve each objective.

(d) *Key personnel.* (10 points).

(1) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(i) The qualifications of the project director;

(ii) The qualifications of each of the other key personnel to be used on the project;

(iii) The time, including justification for the time that each one of the key personnel, including the project director, will commit to the project; and

(iv) Subject to the Indian preference provisions of the Indian Self-

Determination Act (25 U.S.C. 450 *et seq.*) that apply to grants and contracts to tribal organizations, how the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or disabling condition.

(2) To determine personnel qualifications, the Secretary considers—

(i) The experience and training of key personnel in project management and in the objectives of the project; and

(ii) Any other qualifications of key personnel that pertain to the quality of the project.

(e) *Budget and cost effectiveness.* (10 points) The Secretary reviews each application to determine the extent to which—

(1) The budget is adequate to support the project activities;

(2) Costs are reasonable in relation to the objectives of the project and the number of participants to be served; and

(3) The budget narrative justifies the expenditures.

(f) *Evaluation plan.* (10 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which—

(1) The plan identifies, at a minimum, types of data to be collected and reported with respect to the academic and vocational competencies demonstrated by participants and the number and kind of academic and work credentials acquired by participants who complete the training;

(2) The plan identifies, at a minimum, types of data to be collected and reported with respect to the achievement of project goals for the enrollment, completion, and placement of participants. The data must be broken down by sex and by occupation for which the training was provided;

(3) The methods of evaluation are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable; and

(4) The methods of evaluation provide periodic data that can be used by the project for ongoing program improvement.

(h) *Employment opportunities.* (10 points) The Secretary reviews each application to determine the quality of the plan for job placement of participants who complete training under this program, including—

(1) The expected employment opportunities (including any military specialties) and any additional educational or training opportunities that are related to the participants' training;

(2) Information and documentation concerning potential employers' commitment to hire participants who complete training; and

(3) An estimate of the percentage of trainees expected to be employed (including self-employed individuals) in the field for which they were trained following completion of training.

Special Consideration

Under 34 CFR 401.20(e), in addition to the 100 points to be awarded based on the selection criteria in 34 CFR 401.21, the Secretary awards:

(a) Up to five points to applications proposing exemplary approaches that involve, coordinate with, or encourage tribal economic development plans; and

(b) Five points to applications from tribally controlled community colleges that—

(1) Are accredited or are candidates for accreditation by a nationally recognized accreditation organization as an institution of postsecondary vocational education; or

(2) Operate vocational education programs that are accredited or are candidates for accreditation by a nationally recognized accreditation organization and issue certificates for completion of vocational education programs.

Instructions for Transmittal of Applications

(a) If an applicant wants to apply for a grant under this competition, the applicant must—

(1) Mail the original and six copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA #84.101), Washington, DC 20202–4725.

(2) Hand deliver the original and six copies of the application by 4:30 p.m. (Washington, DC time) on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA ι84.101), Room #3633, Regional Office Building #3, 7th and D Streets, SW., Washington, DC.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a date postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgement to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708–9494.

(3) The applicant *must* indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and suffix letter, if any—of the competition under which the application is being submitted.

Application Instructions and Forms: To apply for an award under this program competition, your application must be organized in the following order and include the following five parts. The parts and additional materials are as follows:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 4–88)) and instructions.

Part II: Budget Information.

Part III: Budget Narrative.

Part IV: Program Narrative.

Part V: Additional Assurances and Certifications:

a. Assurances—Non-Construction Programs (Standard Form 424B).

b. Certification regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013) and instructions.

c. Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED Form 80–0014, 9/90) and instructions.

(**Note:** ED Form 80–0014 is intended for the use of grantees and should not be transmitted to the Department.)

d. Disclosure of Lobbying Activities (Standard Form LLL-A) (if applicable) and Instructions, and Disclosure of Lobbying Activities Continuation Sheet (Standard Form LLL-A).

All forms and instructions are included as appendix A of this notice. Questions and answers pertaining to this program are included, as appendix B, to assist potential applicants.

All applicants must submit ONE original signed application, including ink signatures on all forms and assurances and six copies of the application. Please mark each application as original and copy. Indian

tribes may choose to submit two copies with the original.

No grant may be awarded unless a completed application form has been received.

FOR FURTHER INFORMATION CONTACT: Roberta M. Lewis, Special Programs Branch, Division of National Programs, Office of Vocational and Adult Education, U.S. Department of Education, 400 Maryland Avenue, SW. (room 4512, Mary E. Switzer Building), Washington, DC 20202–7242. Telephone (202) 205–5680. 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. 2313(b).

Dated: May 19, 1994.

Augusta Souza Kappner,

Assistant Secretary, Office of Vocational and Adult Education.

BILLING CODE 4000–01–P

Appendix A

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

2. DATE SUBMITTED	Applicant Identifier
3. DATE RECEIVED BY STATE	State Application Identifier
4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

1. TYPE OF SUBMISSION:
Application: ☐ Construction ☐ Non-Construction
Preapplication: ☐ Construction ☐ Non-Construction

5. APPLICANT INFORMATION

Legal Name:

Organizational Unit:

Address (give city, county, state, and zip code):

Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. EMPLOYER IDENTIFICATION NUMBER (EIN):
☐☐ — ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐
A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) _____

8. TYPE OF APPLICATION:
☐ New ☐ Continuation ☐ Revision
If Revision, enter appropriate letter(s) in box(es): ☐ ☐
A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify)

9. NAME OF FEDERAL AGENCY:
U. S. Department of Education

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: a . 2 • 1 0 1
TITLE: Indian Vocational Education Training Program

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):

13. PROPOSED PROJECT: Start Date	Ending Date	14. CONGRESSIONAL DISTRICTS OF: a. Applicant	b. Project

15. ESTIMATED FUNDING:		
a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?
a. YES THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:
DATE _____
b. NO ☐ PROGRAM IS NOT COVERED BY E.O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?
☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item: Entry:

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
   - "New" means a new assistance award.
   - "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
   - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

Item: Entry:

12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

PART II -- BUDGET INFORMATION
SECTION AA -- Budget Summary by Categories (Budget Period)

1. Personnel	
2. Fringe Benefits (Rate %)	
3. Travel	
4. Equipment	
5. Supplies	
6. Contractual	
7. Other	
8. Total Direct Cost (lines 1 through 7)	
9. Indirect Costs (Rate %)	
10. Training Costs/Stipends	
11. Total Federal Funds Requested (lines 8 through 10)	

SECTION BB - Budget Estimates (Federal Funds Only) for Balance of Project

BUDGET PERIOD

SECOND YEAR

BILLING CODE 4000-01-C

Instructions for Part II—Budget Information

Section AA—Budget Summary by Categories

1. *Personnel:* Show salaries to be paid to personnel.
2. *Fringe Benefits:* Indicate the rate and amount of fringe benefits.
3. *Travel:* Indicate the amount requested for both local and out of State travel of Project Staff. Include funds for at least one trip for two people to attend the Project Director's Workshop.
4. *Equipment:* Indicate the cost of non-expendable personal property that has a cost of $5,000 or more per unit.
5. *Supplies:* Include the cost of consumable supplies and materials to be used during the project period.
6. *Contractual:* Show the amount to be used for: (1) procurement contracts (except those which belong on other lines such as supplies and equipment); and (2) sub-contracts.
7. *Other:* Indicate all direct costs not clearly covered by lines 1 through 6 above, including consultants and capital expenditures.
8. *Total Direct Cost:* Show the total for Lines 1 through 7.
9. *Indirect Costs:* Indicate the rate and amount of indirect costs.

(**Note:** Except for grants to Federally recognized Indian tribes, the indirect cost rate cannot exceed 8% of the total direct charges.)

10. *Training/stipend Cost:* Indicate cost per student and number of hours of instruction (minimum wage is the basis for amount per hour—$4.25).
11. *Total Federal Funds Requested:* Show total for lines 8 through 10.

Section BB—Budget Estimates of Federal Funds Needed for Balance of the Project

In the block provided, enter the amount of Federal funds which will be needed to complete the project over the succeeding funding period; in this case, the second year.

Instructions for Part III—Budget Narrative

The budget narrative should explain, justify, and, if needed, clarify your budget summary. For each line item (personnel, fringe benefits, travel, etc.) in your budget, explain why it is there and how you computed the costs.

Please limit this section to no more than five pages. Be sure that each page of your application is numbered consecutively.

Instructions for Part IV—Program Narrative

The program narrative will comprise the largest portion of your application. This part is where you spell out the who, what, when, why, and how, of your proposed project.

Although you will not have a form to fill out for your narrative, there is a format. This format is based on the selection criteria. Because your application will be reviewed and rated by a review panel on the basis of the selection criteria, your narrative should follow the order and format of the criteria.

Before preparing your application, you should carefully read the legislation and regulations of the program, eligibility requirements, information on any priority set by the Secretary, and the selection criteria for this competition.

Your program narrative should be clear, concise, and to the point. Begin the narrative with a one page abstract or summary of your project. Then describe the project in detail, addressing each selection criterion in order.

The Secretary strongly suggests that you limit the program narrative to no more than 30 double-spaced, typed pages (on one side only), although the Secretary will consider your application if it is longer. Be sure to number consecutively ALL pages in your application.

You may include supporting documentation as appendices to the program narrative. Be sure that this material is concise and pertinent to this program completion.

You are advised that—

(a) The Department considers only information contained in the application in ranking applications for funding consideration. Letters of support sent separately from the formal application package are not considered in the review by the technical review panels. (34 CFR 75.217)

(b) The technical review panel evaluates each application solely on the basis of the established technical review criteria. Letters of support included as appendices to the application will strengthen the application only if they contain commitments that pertain to the established technical criteria, such as commitment of resources.

Estimated Public Reporting Burden

Under terms of the Paperwork Reduction Act of 1980, as amended, and the regulations implementing that Act, the Department of Education invites comment on the public reporting burden for this collection of information. Public reporting burden for this collection of information is estimated to average 90 hours 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. You may send comments regarding this burden estimate to the U.S. Department of Education, Information Management and Compliance Division, Washington, DC 20202–4651; and to the Office of Management and Budget, Paperwork Reduction Project, OMB 1830–0013, Washington, DC 20503. (Information collection approved under OMB Control Number 1830–0013. Expiration Date 2/28/95.)

BILLING CODE 4000-01-P

OMB Approval No. 0348-0040

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

Standard Form 424B (4-88)
Prescribed by OMB Circular A-102

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10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program andto purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

SF 424B (4-88) Back

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110 –

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 –

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about –

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will –

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3),

Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted--

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

_____

_____

_____

Check ☐ if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 --

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0013, 6/90 (Replaces ED 80-0008, 12/89; ED Form GCS-008, (REV. 12/88); ED 80-0010, 5/90; and ED 80-0011, 5/90, which are obsolete)

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion — Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV. 12/88), which is obsolete)

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change For Material Change Only: year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity:	5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:
☐ Prime ☐ Subawardee Tier _____, *if known:* Congressional District, *if known:*	Congressional District, *if known:*
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, *if applicable:* _____
8. Federal Action Number, *if known:*	9. Award Amount, *if known:* $
10. a. Name and Address of Lobbying Entity *(if individual, last name, first name, MI):*	b. Individuals Performing Services *(including address if different from No. 10a)* *(last name, first name, MI):*

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply):*	13. Type of Payment *(check all that apply):*
$ _____ ☐ actual ☐ planned	☐ a. retainer ☐ b. one-time fee ☐ c. commission ☐ d. contingent fee ☐ e. deferred ☐ f. other; specify: _____
12. Form of Payment *(check all that apply):* ☐ a. cash ☐ b. in-kind; specify: nature _____ value _____	

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____

Print Name: _____

Title: _____

Telephone No.: _____ Date: _____

Federal Use Only:

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Standard Form - LLL

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes 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. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ Page _____ of _____

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Standard Form - LLL-A

IMPORTANT NOTICE TO PROSPECTIVE PARTICIPANTS IN U.S. DEPARTMENT OF EDUCATION CONTRACT AND GRANT PROGRAMS

GRANTS

Applicants for grants from the U.S. Department of Education (ED) have to compete for limited funds.

Deadlines assure all applicants that they will be treated fairly and equally, without last minute haste.

For these reasons, ED must set strict deadlines for grant applications. Prospective applicants can avoid disappointment if they understand that--

Failure to meet a deadline will mean that an applicant will be rejected without any consideration whatever.

The rules, including the deadline, for applying for each grant are published, individually, in the Federal Register. A one-year subscription to the Register may be obtained by sending $340.00 to Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402-9371. (Send check or money order only, no cash or stamps.)

The instructions in the Federal Register must be followed exactly. Do not accept any other advice you may receive. No ED employee is authorized to extend any deadline published in the Register.

Questions regarding submission of applications may be addressed to:

U.S. Department of Education
Application Control Center
Washington, DC 20202-4725

CONTRACTS

Competitive procurement actions undertaken by the ED are governed by the Federal Procurement Regulation and implementing ED Procurement Regulation.

Generally, prospective competitive procurement actions are synopsized in the Commerce Business Daily (CBD). Prospective offerors are therein advised of the nature of the procurement and where to apply for copies of the Request for Proposal (RFP).

Offerors are advised to be guided solely by the contents of the CBD synopsis and the instructions contained in the RFP. Questions regarding the submission of offers should be addressed to the Contracts Specialist identified on the face page of the RFP.

Offers are judged in competition with others, and failure to conform with any substantive requirement of the RFP will result in rejection of the offer without any consideration whatsoever.

Do not accept any advice you receive that is contrary to instructions contained in either the CBD synopsis or the RFP. No ED employee is authorized to consider a proposal which is non-responsive to the RFP.

A subscription to the CBD is available for $208.00 per year via second class mailing or $261.00 per year via first class mailing. Information included in the Federal Acquisition Regulation is contained in Title 48, Code of Federal Regulations, Chapter). The foregoing publication may be obtained by sending your check or money order only, no cash or stamps, to:

Superintendent of Documents
U.S. Government Printing Office
Washington, DC 20402-9371

In an effort to be certain this important information is widely disseminated, this notice is being included in all ED mail to the public. You may, therefore, receive more than one notice. If you do, we apologize for any annoyance it may cause you.

ED FORM 5348 8/92 REPLACES ED FORM 5348 6/76 WHICH IS OBSOLETE

BILLING CODE 4000-01-C

Appendix B

Potential applicants frequently direct questions to officials of the Department regarding application notices and programmatic and administrative regulations governing various direct grant programs. To assist potential applicants, the Department has assembled the following most commonly asked questions followed by the Department's answers.

Q. Can we get an extension of the deadline?

A. No. A closing date may be changed only under extraordinary circumstances. Any change must be announced in the **Federal Register** and must apply to all applications. Waivers for individual applications cannot be granted regardless of the circumstances.

Q. How many copies of the application should I submit and must they be bound?

A. Our new policy calls for an original and six copies to be submitted. The binding of applications is optional.

Q. We just missed the deadline for the XXX competition. May we submit under another competition?

A. Yes, however, the likelihood of success is not good. A properly prepared application must meet the specifications of the competition to which it is submitted.

Q. I'm not sure which competition is most appropriate for my project. What should I do?

A. We are happy to discuss any such questions with you and provide clarification on the unique elements of the various competitions.

Q. Will you help us prepare our application?

A. We are happy to provide general program information. Clearly, it would not be appropriate for staff to participate in the actual writing of an application, but we can respond to specific questions about application requirements, evaluation criteria, and the priorities. Applicants should understand, however, that prior contact with the Department is not required, nor will it in any way influence the success of an application.

Q. When will I find out if I'm going to be funded?

A. You can expect to receive notification within 3 to 4 months of the application closing date, depending on the number of applications received and the number of Department competitions with similar closing dates.

Q. Once my application has been reviewed by the review panel, can you tell me the outcome?

A. No. Every year we are called by a number of applicants who have a legitimate reasons for needing to know the outcome of the panel review prior to official notification. Some applicants need to make job decisions, some need to notify a local school district, etc. Regardless of the reason, because final funding decisions have not been made at that point, we cannot share information about the results of panel review with anyone.

Q. Will my application be returned if I am not funded?

A. No. We no longer return unsuccessful applications.

Thus, applicants should retain at least one copy of the application.

Q. Can I obtain copies of reviewers' comments?

A. Upon written request, reviewers' comments will be mailed to unsuccessful applicants.

Q. Is travel allowed under these projects?

A. Travel associated with carrying out the project is allowed. Because we may request the project director of funded projects to attend an annual project directors' meeting, you may also wish to include a trip or two to Washington, DC in the travel budget. Travel to conferences is sometimes allowed when the purpose of the conference will be of benefit and relates to the project.

Q. If my application receives high scores from the reviewers, does that mean that I will receive funding?

A. Not necessarily. It is often the case that the number of applications scored highly by the reviewers exceeds the dollars available for funding projects under a particular competition. The order of selection, which is based on the scores of all the applications reviewed and other relevant factors, determines the applications that can be funded.

Q. What happens during negotiations?

A. During negotiations technical and budget issues may be raised. These are issues that have been identified during the panel and staff reviews that require clarification. Sometimes issues are stated as "conditions."

These are issues that have been identified as so critical that the award cannot be made unless those conditions are met. Questions may also be raised about the proposed budget. Generally, these issues are raised because an application contains inadequate justification or explanation of a particular budget item, or because the budget item seems unimportant to the successful completion of the project. If you are asked to make changes that you feel could seriously affect the project's success, you may provide reasons for not making the changes or provide alternative suggestions. Similarly, if proposed budget reductions will, in your opinion, seriously affect the project activities, you may explain why and provide additional justification for the proposed expenses. An award cannot be made until all issues under negotiation have been resolved.

Q. How do I provide an assurance?

A. Except for SF–424B, "Assurances—Non-Construction Programs," you may provide an assurance simply by stating in writing that you are meeting a prescribed requirement.

Q. Where can copies of the **Federal Register**, program regulations, and Federal statutes be obtained?

A. Copies of these materials can usually be found at your local library. If not, they can be obtained from the Government Printing Office by writing to Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Telephone: (202) 708–8228. When requesting copies of regulations or statutes, it is helpful to use the specific name or public law, number of a statute, or part number of a regulation. The material referenced in this notice should be referred to as follows:

(1) The Carl D. Perkins Vocational and Applied Technology Education Act (Pub. L. 101–302).

(2) Education Department General Administrative Regulations, 34 CFR parts 74, 75, 77, 79, 90, 81, 82, and 85.

(3) 34 CFR part 401 (Indian Vocational Education Program) as published in the **Federal Register** on August 14, 1992 (57 FR 36730).

[FR Doc. 94–12751 Filed 5–25–94; 8:45 am]

BILLING CODE 4000–01–P

federal register

Thursday
May 26, 1994

Part V

Department of Education

Intent To Award Grantback Funds to New Jersey Department of Labor; Notice

DEPARTMENT OF EDUCATION

Intent To Repay to the New Jersey Department of Labor, Division of Vocational Rehabilitation Services (DOL/DVRS), Funds Recovered as a Result of a Final Audit Determination

AGENCY: Education.

ACTION: Notice of intent to award grantback funds.

SUMMARY: Under Section 459 of the General Education Provisions Act (GEPA), 20 U.S.C 1234h (1990), the U.S. Secretary of Education (Secretary) intends to repay to the New Jersey Department of Labor, Division of Vocational Rehabilitation Services (State agency), under a grantback arrangement, an amount equal to 75 percent of the funds recovered by the Department of Education (Department) as a result of a final action taken by the Department on February 11, 1993, on an audit determination. This notice describes the State agency's plans for the use of the repaid funds and the terms and conditions under which the Secretary intends to make these funds available to the State agency. This notice invites comments on the proposed grantback.

DATES: All comments must be received on or before June 27, 1994.

ADDRESSES: Comments concerning the grantback should be addressed to Peg Covello, U.S. Department of Education, 400 Maryland Avenue SW., room 3222, Switzer Building, Washington, DC 20202–2735.

FOR FURTHER INFORMATION CONTACT: Peg Covello. Telephone: (202) 205–5539. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION

A. Background

The Department has recovered $627,778 from the New Jersey Department of Labor, Division of Vocational Rehabilitation Services, in response to a claim arising from an audit conducted by the Department's Office of Inspector General (OIG). The audit covered Federal fiscal years (FYs) 1989, 1990, and 1991.

The claim involved the State agency's administration of The State Vocational Rehabilitation Services Program under Title I of the Rehabilitation Act of 1973, as amended. The final audit determination of the Regional Commissioner, which was issued on August 19, 1992, found that during FYs 1989, 1990, and 1991 the State agency had violated the regulatory requirements in 34 CFR 361.44, including its assurance in section 8.9 of the approved State Plan, concerning the procedures for authorizing client services. The OIG found instances in which the agency charged to one Federal fiscal year the costs of client services that had been initiated or completed in the prior Federal fiscal year by deferring the issuance of the agency's authorization form. As a result of these violations, the State agency had charged expenditures to the wrong Federal fiscal years, thereby failing to preserve the integrity of Federal accountability requirements. The final determination sought the recovery of $2,176,802 from the State agency.

The State agency appealed the Regional Commissioner's determination to the Department's Office of Administrative Law Judges (OALJ) (Application of the State of New Jersey Department of Labor: Docket No. 92–103–R) on September 21, 1992. In a Joint Notice of Reduction of Claim and Motion to Dismiss, filed with the OALJ on February 11, 1993, both parties agreed that, based upon an analysis of all the evidence in the case, the amount of the disallowance should be reduced to $627,778. The notice also certified that the State agency had returned the $627,778 to the Department on January 22, 1993. On February 18, 1993, the OALJ dismissed the case.

New Jersey DOL/DVRS has submitted a request for a grantback of $470,833 (75 percent) of the $627,778 recovered by the Department of Education. In its request, DOL/DVRS provided documentation of the actions taken to correct the practices of the State agency that resulted in the final audit determination.

Following the audit, the State agency issued a new policy directive to field staff on the procedures for authorizing and approving client services. The purpose of the new directive was to prevent charging case service expenditures to the wrong Federal fiscal years. A subsequent site review of the State agency by the Department resulted in the agency strengthening further its policies governing the procedures for case service authorizations.

B. Authority for Awarding a Grantback

Section 459(a) of GEPA, 20 U.S.C. 1234h(a), provides that, whenever the Secretary has recovered funds following a final audit determination with respect to an applicable program, the Secretary may consider those funds to be additional funds available for that program and may arrange to repay to the State agency affected by that determination an amount not to exceed 75 percent of the recovered funds. The Secretary may enter into this so-called "grantback" arrangement if the Secretary determines that—

(a) The practices and procedures of the State agency that resulted in the final audit determination have been corrected and the State agency is, in all other respects, in compliance with requirements of the applicable program;

(b) The State agency has submitted to the Secretary a plan for the use of the funds to be awarded under the grantback arrangement that meets the requirements of the program and, to the extent possible, benefits the population that was affected by the failure to comply or by the misexpenditures that resulted in the audit exception; and

(c) The use of funds to be awarded under the grantback arrangement in accordance with the State agency's plan would serve to achieve the purposes of the program under which funds were originally granted.

C. Plan for Use of Funds Awarded Under a Grantback Arrangement

In its December 13, 1993, request for a grantback, the State agency submitted a plan, in accordance with section 459(a)(2) of GEPA, for the proposed use of the requested funds. In its plan, the State proposes to use the grantback of $470,833 plus the required State matching funds in the amount of $127,430 to supplement current program services to eligible individuals with disabilities under The State Vocational Rehabilitation Services Program. The grantback and State matching funds would be used to provide time-limited employment site job coaching and support services through traditional community rehabilitation programs to increase the number of competitive placements in integrated settings made by these traditional programs.

There are currently 32 traditional programs that are CARF (Council on Accreditation of Rehabilitation Facilities) accredited and approved to provide work adjustment training and extended employment to DOL/DVRS. These traditional programs, also known as sheltered workshops, most frequently serve individuals with the most severe disabilities. In the majority of the cases, these individuals are rehabilitated as extended employees of the programs. According to the agency, 402 individuals were placed in competitive work in integrated settings during or at the conclusion of work adjustment training in FY 1993. By initiating time-

limited employment site job coaching and support services through these programs, DOL/DVRS expects placements in competitive work in integrated settings to increase by at least 10 percent in both FY 1995 and FY 1996 compared to the number placed in FY 1993.

Initiatives facilitating placements of individuals with disabilities in competitive work in integrated work settings were identified as needs during public hearings concerning the reauthorization of the Rehabilitation Act and DOL/DVRS' State and Strategic Plans.

D. The Secretary's Determinations

The Secretary has reviewed the State agency's request for the repayment of funds, the State agency's plan (as outlined in section C of this notice), and other information submitted by the State agency. Based upon that review, the Secretary has determined that the conditions contained in section 459 of GEPA have been met. This determination is based upon the best information available to the Secretary at the present time. If this information is, at a later date, discovered to have been inaccurate or incomplete, the Secretary will not be precluded from taking appropriate administrative action at that time. On finding that the conditions of section 459 of GEPA have been met, the Secretary makes no determination concerning any pending audit recommendation or final audit determination.

E. Notice of the Secretary's Intent To Enter Into a Grantback Arrangement

Section 459(d) of GEPA requires that, at least 30 days prior to entering into an arrangement to award funds under a grantback, the Secretary publish in the **Federal Register** a notice of intent to do so, and the terms and conditions under which the payment will be made.

In accordance with section 459(d) of GEPA, notice is hereby given that the Secretary intends to make funds available to the New Jersey Department of Labor, Division of Vocational Rehabilitation Services, under a grantback arrangement, as authorized by section 459. The grantback award will be in the amount of $470,833. This amount is 75 percent—the maximum percentage authorized by section 459—of the amount of funds recovered by the Department. The Secretary's intent to award the maximum amount of grantback funds possible under section 459 is based upon the determination outlined in section D of this notice.

F. Terms and Conditions Under Which Payments Under a Grantback Arrangement Will Be Made

The State agency agrees to comply with the following terms and conditions under which payments under a grantback arrangement will be made:

(a) The funds awarded under the grantback and the required State matching funds must be expended in accordance with—

(1) All applicable statutory and regulatory requirements of the Title I, State Vocational Rehabilitation Services Program including those provisions relating to an order of selection if such an order is in effect during the grantback period;

(2) The plan and the request for the grantback that were submitted on December 13, 1993, and any other amendments to that plan that are approved in advance of the grantback award by the Secretary; and

(3) The budget that was submitted with the plan and any amendments to the budget that are approved in advance by the Secretary.

(b) Pursuant to section 459(c) of GEPA, all funds received under this grantback arrangement must be obligated not later than September 30, 1996.

(c) The State agency must, not later than January 1, 1995, January 1, 1996, and January 1, 1997, submit reports to the Secretary that—

(1) Indicate how the funds awarded under the grantback and the State matching funds have been expended in accordance with the proposed plan; and

(2) Describe the results and effectiveness of the project for which the funds were expended.

(d) The State matching funds expended under the grantback arrangement will be counted for maintenance of effort purposes under the Title I State Vocational Rehabilitation Services Program.

(e) Separate accounting records must be maintained documenting the expenditure of all funds under the grantback arrangement.

(f) Before funds will be repaid pursuant to this notice, the State agency must repay to the Department any debts that become overdue or enter into a repayment agreement for those debts.

(Catalog of Federal Domestic Assistance Number 84.126, Rehabilitation Services—Basic Support)

Dated: May 23, 1994.

Andrew J. Pepin,

Acting Assistant Secretary, for Special Education and Rehabilitative Services.

[FR Doc. 94–12905 Filed 5–25–94; 8:45 am]

BILLING CODE 4000–01–P

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Federal Register

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Thursday, May 26, 1994

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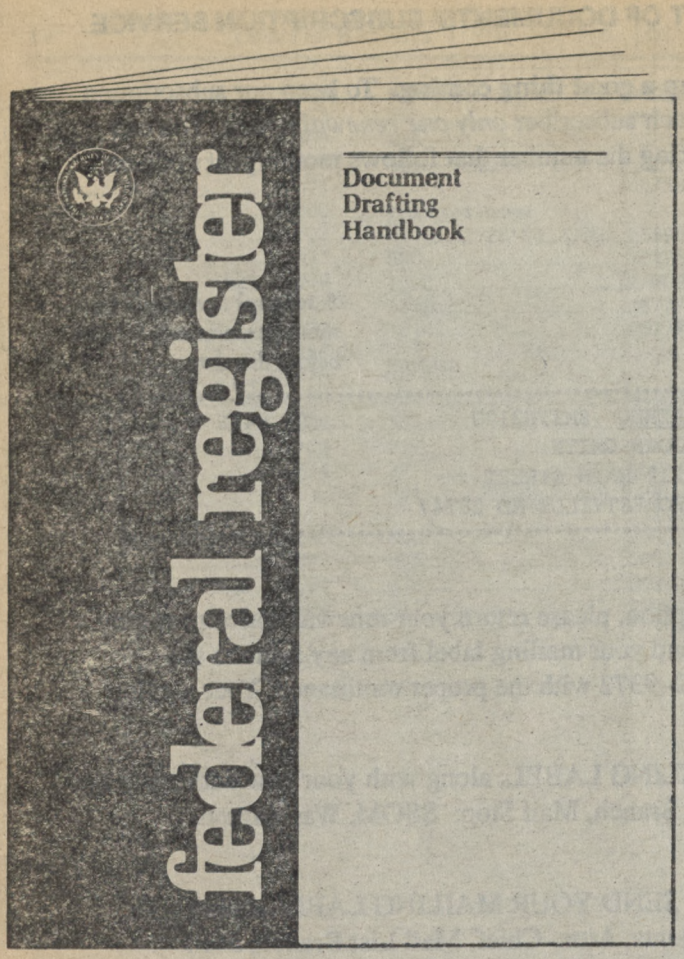

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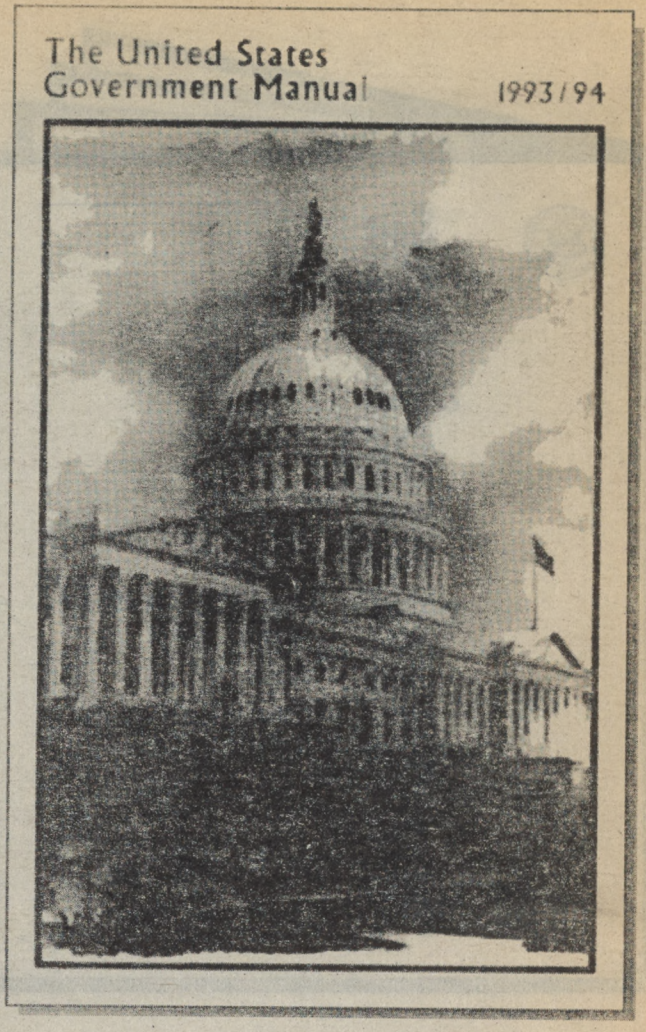

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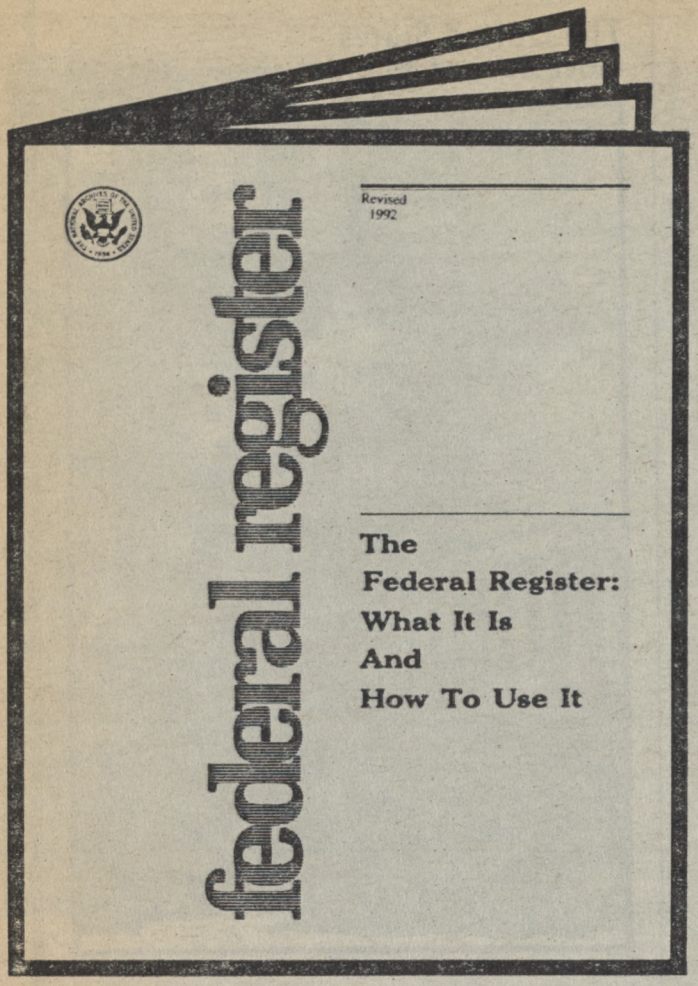

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